

ORDINANCE NO. 83-03-08-01

AN ORDINANCE OF THE CITY OF THORNE BAY, ALASKA

Providing for Real Property Acquisition,
Real Property Sales and Leasing and
Disposition of City-Owned Personal Property

Chapter 1 Real Property Acquisition

- Section .01 Acquisition and Ownership - Authority
.02 Real Property Defined
.03 Acquisition - Form
.04 Acquisition and Ownership - Rights and Power
.05 Acquisition - Dedication of Plat
.06 Industrial Sites
.07 Federal and State Aid
.08 Real Property as Security

Chapter 2 Real Property Sales by the City

- Section .01 Power to Dispose of Real Property
.02 Sale or Disposal - Form
.03 Sale or Disposal - Rights and Power
.04 Property Exchanges
.05 Public Sale - When Required
.06 Public Sale Procedures
.07 Minimum Acceptable Offer
.08 Conditions of Sale

Chapter 3 Lease of City-Owned Real Property

- Section .01 Property Available for Leasing
.02 Term of Lease
.03 Lease Procedures
.04 Fair Rental Value
.05 Adjustment of Rental
.06 Transfer of Lessee's Interest
.07 Improvements and Chattels
.08 Inspection of Leased Premises
.09 Easements and Right-of-Way
.10 Condemnation of Premises - Lease Termination

Chapter 4 Disposition of City-Owned Personal Property

- Section .01 Value Schedule for Disposal of Personal
Property
.02 Competitive Bidding Not Required for Sale
of Surplus or Obsolete Goods

Chapter 4 Continued

Section .03 Surplus Stock

.04 Declaration of Obsolescence

BE IT ENACTED THAT:

Chapter 1 Real Property Acquisition

Section .01 Acquisition and Ownership - Authority

The City may acquire, own and hold real property within or outside the City boundaries by any lawful means or conveyance.

Section .02 Real Property Defined

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

Section .03 Acquisition - Form

- (a) The City of Thorne Bay 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 method or mode of conveyance or grant. Real property shall be held in the name of "The City of Thorne Bay, Alaska". Any instrument requiring execution by the City shall be signed by the Mayor and attested by the City Clerk.
- (b) Only upon a specific resolution of the City Council, may the Mayor 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.
- (c) 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 with such material shall not affect the validity of any acquisition or purchase of real property by the City.
- (d) Unless otherwise provided by Council, the City shall purchase marketable title in the 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.

Section .04 Acquisition and Ownership - Rights and Power

The City shall have and may execute all rights and powers in the acquisition, ownership and holding of real property as if the City were a private person.

Section .05 Acquisition - Dedication of Plat

The City may not acquire any real property by means of a dedication by plat unless the dedication of the real property is accepted in writing and signed by the Mayor.

Section .06 Industrial Sites

The City may acquire, own and hold real property, either inside or outside the City boundaries, for sites available for new industries which will benefit the City.

Section .07 Federal and State Aid

The City may apply for, contract, and do all things necessary to cooperate with the United States Government and the State of Alaska for the acquisition, holding, improvement or development of real property within and outside the City boundaries.

Section .08 Real Property as Security

The City Council may pledge, mortgage, or otherwise secure City real property for the payment of City bonded or other indebtedness when required, as authorized by law.

Chapter 2 Real Property Sales by the City

Section .01 Power to Dispose of Real Property

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

Section .02 Sale or Disposal - Form

The City may sell or dispose of real property by

any lawful means. Any instrument requiring execution by the City shall be signed by the Mayor and attested by the City Clerk.

Section .03 Sale or Disposal - Rights and Power

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. 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 City Council it is no longer required for City purposes.

Section .04 Property Exchanges

The City 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 City Council, it is advantageous to the City to make the property exchange.

Section .05 Public Sale - When Required

Unless otherwise provided in this ordinance, real property no longer used or useful for a public use or purpose shall be sold to the highest responsible bidder at a public sale. A public sale shall not be required where the real property of the City is subject to any term or condition restricting or limiting the ability of the City to obtain the fair market value of the property.

Section .06 Public Sale Procedures

Real property of the City, except as provided otherwise in this ordinance, and except land acquired by tax foreclosure, shall be sold or otherwise permanently disposed of as follows:

- (a) An estimated value of the property by a qualified appraiser or the assessor shall be made.
- (b) Land valued as under twenty-five thousand dollars shall be disposed of as follows:
 - (1) The Mayor may, if in his 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 a qualified appraiser and the recommended terms and conditions of sale.

- (2) After receipt of the recommendations, the Council may, by resolution, direct the sale or lease of such lands under such terms and conditions as it requires.
 - (3) Notice of disposition and the manner in which the land is to be disposed of shall be published in a newspaper of general circulation within the City once each week for two successive weeks not less than thirty days prior to the date of disposal.
 - (4) Notice shall also be posted in at least three public places within the City for at least thirty days prior to the disposal.
 - (5) Notice shall also be given by other means considered reasonable by the Mayor and Council.
 - (6) The notice must contain a brief description of the land, its area and general location, proposed use, terms, computed annual minimum rental or minimum offer, limitations, if any, and time and place set for the auction or bid opening if applicable.
- (c) Sale and other permanent disposition of land valued at twenty-five thousand dollars or more shall be in a manner prescribed in subsection (b) of this section except that:
- (1) 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 is submitted to the voter. A notice stating the time of the election and the place of voting, describing the property to be sold, leased or disposed of, giving a brief statement of the terms and conditions of the sale and the consideration, shall be given by posting a copy of it in at least three public places in the City at least thirty days before the election.

- (d) The City Council shall initiate the disposal of any real property valued at less than twenty-five thousand dollars only after a resolution has been passed directing the disposal of such real property. When the property to be disposed of is valued at twenty-five thousand dollars or more, the real property may be disposed of only after an ordinance has been passed by the Council directing the disposal. This ordinance shall be passed only after the election has been held and the question has been approved by the voters of the City.

Section .07 Minimum Acceptable Offer

If there are no acceptable offers, the Mayor may negotiate for the sale or lease of the real property but the Council must, by resolution or ordinance as is appropriate, approve the terms and price of any such negotiated sale or lease before such sale or lease shall be binding upon the City.

Section .08 Conditions of Sale

The Council, in the ordinance or resolution authorizing the sale of the real property, shall set forth the terms and conditions of the public sale. 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 sale or is not made by a responsible bidder. The ordinance or resolution shall provide if the sale is for cash, or cash deposit and purchase agreement. The City Council shall approve all public sales of real property, and shall approve any purchase agreement prior to its execution by the City. The approval of any public sale by the Council authorizes the Mayor to take all steps and execute all instruments to complete and close the sale. The Mayor, or his designee, shall conduct the sale, and shall give to the buyer a receipt for all monies received by the City. A purchaser at a public sale who fails to make such other cash payments within the times required by the ordinance or resolution shall forfeit any cash deposit paid to the City.

Chapter 3 Lease of City-Owned Real Property

Section .01 Property Available for Leasing

All real property, including tide, submerged or shore lands, which the City owns, or in which the City has

right, title and interest, or to which the City may become entitled, may be leased as provided in this ordinance. The term "property" as used in this ordinance includes any and all interests in real property.

Section .02 Term of Lease

No lease shall be for a term of more than twenty years unless the Council shall determine from the purpose, use of the premises, and nature of the improvements which may be placed thereon that a longer term would benefit the City and would be consistent with City planning. A lease having a term of greater than five years shall first be approved by the City Council. A lease having a term of five years or less may be negotiated by the Mayor as the chief custodian of City property. Any renewal period or option to renew the lease period shall be included in the terms of the lease.

Section .03 Lease Procedure

The provisions of Section .06 of Chapter 2 on the method of disposition of City owned real property apply to all leases of City land authorized by this Chapter. The Council may lease property to a party if it determines the lease to be in the best interests of the public.

Section .04 Fair Rental Value

Property shall be leased for a fair rental value. Fair rental value 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.

Section .05 Adjustment of Rental

A lease having a term for more than two years shall provide for adjustment of rental charges at specified intervals during the term of the lease and the intervals shall be every two years. This section may or may not be incorporated in each lease by reference and is enforceable as if fully stated in the lease.

Section .06 Transfer of Lessee's Interest

A lessee may sublease or assign the lease only upon approval of the transfer by the City in writing.

Section .07 Improvements and Chattels

The lease shall provide the terms, conditions and limitations of the removal or reversion of any improvements or chattels upon the lease premises after termination of the lease. The retiring lessees may, with the consent of the Mayor, sell the improvements to the succeeding lessee. If the improvements or chattels are not removed within the time set forth in the lease, the improvements and chattels may, upon reasonable notice to the lessee, be sold at public sale to be provided by regulation of the Mayor. The proceeds of such sale shall be deposited into the City general fund.

Section .08 Inspection of Leased Premises

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

Section .09 Easements and Right-of-Way

The City of Thorne Bay 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.

Section .10 Condemnation of Premises - Lease Termination

Upon condemnation of the premises or any part thereof by the state, or federal government or agency thereof, including inverse condemnation, the lease shall terminate without any liability to the City. The City shall not be liable for damages or pay any compensation to the lessee as a result of the condemnation terminating the lease.

Chapter 4 Disposition of City-Owned Personal Property

Section .01 Value Schedule for Disposal of Personal Property

Personal property, other than surplus stock, valued at less than five hundred dollars may be disposed of upon such notice and terms considered reasonable by the Mayor, taking into consideration the value of the article, the reason for disposal, and the general preference of disposal by competitive bid. The Mayor shall report disposals to the Council.

Personal property valued at more than five hundred dollars, but less than twenty-five thousand dollars shall be disposed of in the manner provided for land under twenty-five thousand dollars as required in Chapter 2, Section .06 (b) of this ordinance.

Personal property valued at more than twenty-five thousand dollars shall be disposed of in the manner provided for land over twenty-five thousand dollars as required in Chapter 2, Section .06 (c) of this ordinance.

Section .02 Competitive Bidding not Required for 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.

Section .03 Surplus Stock

- (a) All using agencies shall submit to the Mayor at such times and in such form as he shall prescribe, reports showing stocks 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 using agencies and provide for proper fiscal transfer of such.
- (c) The Mayor, with the approval of the Council, shall have the authority to sell all supplies or equipment which have become unsuitable for public use, or to exchange the same for, or trade-in the same on any new supplies or equipment.
 - (1) Sales of surplus City supplies or equipment appraised at over one thousand dollars under this section shall be made to the highest responsible bidder.
 - (2) The Mayor shall conduct the sale and issue the certificates of sale to the purchaser of surplus City supplies or equipment.

Section .04 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 shall have declared them obsolete or surplus.

THIS IS A CODE ORDINANCE AND SHALL BECOME EFFECTIVE UPON ITS ADOPTION BY THE CITY COUNCIL.

Date of Introduction Feb 25, 1983

Date of First Reading 1

Date Public Hearing was Held March 8, 1983

ADOPTED by a duly constituted quorum of the City Council of Thorne Bay, Alaska, this 8th day of March, 1983.

Cliff M. Bratty
Councilmember

Mary Lou Swann
Councilmember

Cliff Schuber
Councilmember

Harold Worley B. Jr
Mayor

Sidney W. Cook
Councilmember

Councilmember

Councilmember

ATTEST:

Kathie Aspligate
City Clerk

ORDINANCE NO. 83-03-08-02

AN ORDINANCE OF THE CITY OF THORNE BAY, ALASKA
Providing for the Assumption of Platting Authority
Within the Boundaries of the City of Thorne Bay

Sections:

- .01 Platting jurisdiction and power.
- .02 Procedure.
- .03 Waiver in certain cases.
- .04 Information required.
- .05 Penalties.
- .06 Alteration of replat petition.
- .07 Notice of Hearing.
- .08 Hearing and determination.
- .09 Recording.
- .10 Title to vacated area.

Section .01 Platting jurisdiction and power

The City Council of Thorne Bay, Alaska shall act as the Platting Board and shall have jurisdiction over platting and shall adopt and publish rules and regulations to implement this power. Jurisdiction includes, but is not limited to, the control of:

- (a) Form, size and other aspects of subdivisions, dedications, and vacations of land;
- (b) Dimensions of lots or tracts;
- (c) Street width, arrangement, and right-of-way, including allowance for access to lots and installation of street paving, curbs, gutters, sidewalks, sewers, water lines, drainage, and other public utility facilities and improvements.

Authority for the assumption of this power is granted to the City in Alaska Statute 29.43.040.

Section .02 Procedure

The Platting Board shall within sixty days of receipt of a filing, approve or disapprove the plat or shall return it to the applicant for modification or correction. If the Board fails to act, the plat is considered to be approved and a certificate of approval shall be issued by the Board on demand. The applicant for plat approval

may consent to the extension of the period for action by the Board. The Board shall state on its record and in writing to the applicant its reason for disapproval of a plat.

The Platting Board shall submit an approved plat to the District Recorders Office in compliance with Alaska Statute 40.15.010 through 40.15.020.

Section .03 Waiver in Certain Cases

- (a) The Platting Board shall, in individual cases, waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that:
 - (1) Each tract or parcel of land will have adequate access to a public highway or street;
 - (2) Each parcel created is five acres in size or larger and that the land is divided into four or fewer parcels;
 - (3) The conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development;
 - (4) No dedication of a street, alley, thoroughfare or other public area is involved or required.
- (b) In other cases the Platting Board may waive the preparation, submission for approval, and recording of a plat, if the transaction involved does not fall within the general intent of Alaska Statute 29.33.150 through 29.33.240 and Alaska Statute 40.15 if it is not made for the purpose of, or in connection with, a present or projected development and no dedication of a street, alley, thoroughfare, park or other public area is involved or required.

Section .04 Information Required

A plat shall show initial point of survey, original or reestablished corners and their descriptions, and actual traverse showing area of closure and all distances, angles and calculations required to determine initial point, corners and distances of the plat, as well as other information which may be required by ordinance.

Section .05 Penalties

- (a) The owner or agent of the owner of land located within a subdivision who transfers, sells, or enters into a contract to sell land in a subdivision before a plat has been prepared, approved, and recorded, is guilty of a misdemeanor in accordance with Alaska Statute 29.33.190, and upon conviction is punishable by a fine of not more than five hundred dollars for each lot or parcel transferred, sold, or included in a contract to be sold. The Platting Board may enjoin a transfer, sale, or contract to sell, and may recover the penalty by appropriate legal action.
- (b) No person may record a plat or seek to have a plat recorded unless it bears the approval of the Platting Board. A person who knowingly violates this requirement is punishable upon conviction by a fine of not more than five hundred dollars.

Section .06 Alteration of Plat Petition

No recorded plat may be altered or replatted except upon petition of the owners of a majority of the land affected by the alteration or replat or by the Platting Board. No platted street may be vacated, except upon petition of the municipality or owners of the majority of the front feet of the land fronting the part of the street sought to be vacated. The petition shall be filed with the Platting Board. It shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

Section .07 Notice of Hearing

The Platting Board shall fix a time for a hearing on the petition which shall not be more than sixty days after the filing. The Board shall publish a notice stating when and by whom the petition was filed, its purpose, and the time and place of the hearing. The notice shall generally describe the alteration or replat sought. The notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the area or, if there is no such newspaper, the notice shall be posted within the same time at three public places within the city. The Board shall also mail a copy of the notice to each affected property owner not signing the petition.

Section .08 Hearing and Determination

At the hearing the Platting Board shall consider the alteration or replat and make its decision on the merits

of the proposal. No vacation of a city street may be made without consent of the City Council while sitting in a regular or special meeting.

Section .09 Recording

If the alteration or replat is approved, the revised plat must be recorded by the Platting Board and is thereafter the lawful plat.

Section .10 Title to Vacated Area

- (a) The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city. If the property vacated is a lot or tract, title vests in the rightful owner.
- (b) If the city acquired the street or other public area vacated for legal consideration or by express dedication to and acceptance by the city other than required subdivision platting, before the final act of vacation the fair market value of the street or public area shall be deposited with the city and held in escrow until such time as the final vacation is accomplished and at that time the funds shall be deposited into the general fund of the city.

THIS IS A CODE ORDINANCE AND SHALL BECOME EFFECTIVE UPON ITS ADOPTION BY THE CITY COUNCIL.

Date of Introduction Feb 25, 1983

Date of First Reading Feb 25 March 8, 1983 KA

Date Public Hearing was Held March 8, 1983

ADOPTED by a duly constituted quorum of the City Council of Thorne Bay, Alaska, this 8th day of March, 1983.

Cliff McCarly
Councilmember

R. L. Skelt
Councilmember

Mary Lou Swann
Councilmember

Harold Worley & Jr.
Mayor

Sidney W. Cook
Councilmember

Councilmember

Councilmember

ATTEST:

Nashie Applegate
City Clerk

CITY OF THORNE BAY, ALASKA

ORDINANCE NO. 83-03-26

AN ORDINANCE ESTABLISHING THE AUTHORITY TO OWN, OPERATE, MAINTAIN, AND CHARGE FOR WATER, SEWER, ELECTRICITY, AND SOLID WASTE UTILITIES AND SET TARIFFED RATES FOR SUCH SERVICE.

SECTION 1. CLASSIFICATION This ordinance is of a general and permanent nature, and the code chapters adopted hereby shall become part of the Code of the City of Thorne Bay, Alaska.

SECTION 2. SEVERABILITY If any provision of the ordinance or its applicability to any person or circumstance is held invalid, the remainder of this ordinance to other persons or circumstances shall not be affected thereby.

SECTION 3. EFFECTIVE DATE This ordinance shall become effective the first full monthly billing period after adoption.

SECTION 4. REPEALER None.

SECTION 5. ADOPTION OF CHAPTER The following annexed chapters, Title 51 Public Services, are hereby adopted and incorporated into Thorne Bay City Code:

51.04	Water
51.08	Sewer
51.12	Electricity
51.16	Solid Waste

PASSED AND APPROVED this 31 day of March, 1983.

ATTEST:

Kathie Applegate
K. Applegate, City Clerk

Denis M. Kuntz
Denis M. Kuntz, Mayor

Date of Introduction: March 26, 1983

Date of First Reading: March 26, 1983

Date of Public Hearing: March 31, 1983

Title 51
PUBLIC SERVICES*

Chapters:

51.04	<u>Water</u>
51.08	<u>Sewers</u>
51.12	<u>Electricity</u>
51.16	<u>Solid Waste</u>

Chapter 51.04

WATER**

Sections:

51.04.010	Authority to establish and to operate a water utility service.
51.04.020	Water supply.
51.04.030	City property.
51.04.040	Special contracts.
51.04.050	Resale of water.
51.04.060	Service preference.
51.04.070	Application for service.
51.04.080	Credit establishment.
51.04.090	Deposits--Terms.
51.04.100	Deposits--Forfeiture.
51.04.110	Ownership and maintenance.
51.04.120	Service connection charge.
51.04.130	Size of service pipe--Changes.
51.04.140	Length of service pipe.
51.04.150	Joint service connections.
51.04.160	Number of service connections on premises.
51.04.170	Standby fire protection service--Connections.
51.04.180	Standby fire protection service--Charges.
51.04.190	Standby fire protection service--Violations of regulations.
51.04.200	Other fire protection services.
51.04.210	Damage prevention.

* For statutory provisions on municipal utilities see AS 29.48.040; for charter provisions on the same see Charter §8-1.

** For statutory provisions requiring state approval of plans for water supply systems see AS 46.03.720(b); for provisions on certification of water supply operators see AS 46.30.010 et seq.

Sections: (Continued)

51.04.220 Control valve and stop.
51.04.230 Meters--(Reserved)
51.04.240 Meters--(Reserved)
51.04.250 Meters--(Reserved)
51.04.260 Meters--(Reserved)
51.04.270 Meters--(Reserved)
51.04.280 Meters--(reserved)
51.04.290 Water rates--Publication.
51.04.300 Notices to customer.
51.04.310 Notices from customer.
51.04.320 Accounting records.
51.04.330 Flat rates.
51.04.340 Billing period.
51.04.350 Bills--Proration of certain.
51.04.360 Bills--Separate required--Exception.
51.04.370 Bills--Disputes.
51.04.380 Bills--Payment by due date.
51.04.390 Bills--Delinquency notices.
51.04.400 Bills--Turnoff notice for delinquencies.
51.04.410 Service turnoff for delinquent accounts--
Method.
51.04.420 Service turnoff for delinquent accounts--
Charges.
51.04.430 Installment payments for delinquent accounts.
51.04.440 Prior accounts maintained by the city.
51.04.450 Meter accuracy--(Reserved) on customer request.
51.04.460 Meter accuracy--(Reserved)
51.04.470 Meter accuracy--(Reserved)
51.04.480 Meter accuracy--(Reserved)
51.04.490 Discontinuance of service--Upon customer
request.
51.04.495 Temporary discontinuance of service--Upon
customer request.
51.04.500 Discontinuance of service--For nonpayment of
bills.
51.04.510 Discontinuance of service--For water waste.
51.04.520 Discontinuance of service--For detrimental
service.
51.04.530 Discontinuance of service--For fraud or abuse.
51.04.540 Discontinuance of service--For noncompliance
with regulations.
51.04.550 Unauthorized turning on of service.
51.04.560 Restoration of service.
51.04.570 Unusual water demands.
51.04.580 Access to premises for inspections.
51.04.590 Nonliability of city for damages--Customer
responsibilities.
51.04.600 Equipment remains city property--Access.
51.04.610 Customer responsibility for damage to city
equipment.
51.04.620 Fire hydrant restrictions.
51.04.630 Service connections charges.
51.04.640 Authority to enter into contracts--Terms.
51.04.650 Monthly water rates.

51.04.010 Authority to establish and to operate a water utility service. The city, through its council, is empowered to purchase, construct, establish, maintain, and operate necessary facilities for the purposes of providing water utility service in the city.

51.04.020 Water supply. A. The city will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a proper pressure and to avoid any shortage or interruption in delivery.

B. The city will serve water at the pressure available and will reduce the pressure where necessary to protect the piping and, within reasonable limits, as satisfactory to the customer. Where pumping is required to serve a customer at too high an elevation to be served by gravity, the city may, at its option, require the customer to provide a suitable pump as a condition of service. The installation shall be subject to approval by the water superintendent. The city will exercise reasonable diligence to supply safe and potable water at all times.

51.04.030 City property. All water mains, valves, fittings, hydrants, and other appurtenances, except customer service lines, shall be the property of the city.

51.04.040 Special contracts. When the applicant's requirements for water are unusual or large, or necessitate considerable special or reserve equipment or capacity, the city reserves the right to make special contracts, the provisions of which are different from and have exceptions to the regularly published water rates, and the provisions of this chapter. This special contract shall be in writing and signed by the applicant and the council.

51.04.050 Resale of water. Resale of water shall only be permitted under special contract, in writing, between the council and the person or party selling the water.

51.04.060 Service preference. In case of shortage of supply, the city reserves the right to give preference in the matter of furnishing service to customers and interests of the city from the standpoint of public convenience and necessity.

51.04.070 Application for service. Each applicant for water service shall sign an application form provided by the city giving date of application, location of premises, whether they have been served before, the date on which applicant desires to have service begin, purpose for which service is to be used, the address for mailing or delivery of bills, the applicant's address (owner, tenant, or agent), the class and size of service, and such other information as the city may reasonably require. In signing the application, the customer agrees to abide by the city code. The application is merely a written request for service and does not bind the city to serve. The city may refuse to install new services between October 15th and April 1st due to frozen ground or "spring thaw" conditions that would adversely affect city utilities and/or rights-of-way.

51.04.080 Credit establishment. A. At the time application for service is made, the applicant shall establish his credit with the city.

B. The credit of the applicant will be deemed established as follows:

1. If the applicant makes a fifteen dollar (\$15.00) cash deposit with the city to secure payment of bills for service.
2. If the applicant is an industrial firm or governmental unit and can otherwise convince the city that all bills will be paid when due.

51.04.090 Deposit--Terms. A. At the time the deposit is given to the city, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. The deposit will be returned to the customer when service to the customer is discontinued, provided all outstanding bills have been paid.

B. When service is discontinued, the deposit will be refunded less any amount due the city for service.

51.04.100 Deposits--Forfeiture. If an account becomes delinquent and it is necessary to turn off the service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to that customer at the same or different premises until all outstanding bills due the city have been paid and the cash deposit replaced.

51.04.110 Ownership and maintenance. The city shall own, install, and maintain all services and installations; and maintenance shall only be performed by authorized employees or agents of the city. The customer shall own, install, and maintain the customer service line.

51.04.120 Service connections charge. A. At the time the applicant files for service where no service previously existed, or if he is filing for a change in service size or location, he shall submit with his application the service connection charge.

B. This charge is to cover the actual cost to the city to install the service.

51.04.130 Size of service pipe--Changes. A. The city will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable. The minimum size of service pipe shall be three-quarters of an inch. The city may refuse to install a service line which is undersized or oversized.

B. Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the city for making the change.

51.04.140 Length of service pipe. A. Where the main is in a public right-of-way, the service will be placed at the right-of-way line nearest the property to be served, provided the length of service does not exceed the width of the right-of-way.

B. Where the main is on an easement or publicly owned property other than designated rights-of-way, the service shall be installed to the boundary of the easement or public property by the city, provided the length of service does not exceed thirty feet.

51.04.150 Joint service connections. A. The city may, at its option, serve two or more premises with one service connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity not less than the combined capacity of individual service lines.

B. Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted except under special considerations approved by the council.

51.04.160 Number of service connections on premises. The owner of a single parcel of property may apply for and receive as many services as he and his tenants require, provided his application or applications meet the requirements stated in this chapter.

51.04.170 Standby fire protection service--Connections. Standby fire protection service connections of two-inch size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The city may require that a suitable detector check meter be installed in the standby fire protection service connections to which hose lines or hydrants are connected.

51.04.180 Standby fire protection service--Charges. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system. The customers shall pay the full cost of the standby fire protection service connection, any requested detector check meters, and any required special water meter installed solely for the service to the standby connection.

51.04.190 Standby fire protection service--Violations of regulations. If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount will be computed by the city. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of the regular water rates.

51.04.200 Other fire protection services. A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service. All water used through that service, regardless of its use, will be charged at the regular rates.

51.04.210 Damage prevention. The customer shall use all possible care to prevent damage to any loaned facilities of the city. If facilities are damaged, the cost of making repairs shall be assessed to the customer. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.

51.04.220 Control valve and stop. Customers shall install a suitable control valve in the customer service line, the operation of which will control the entire water supply to the premises served.

51.04.230 Meters--(Reserved)

51.04.240 Meters--(Reserved)

51.04.250 Meters--(Reserved)

51.04.260 Meters--(Reserved)

51.04.270 Meters--(Reserved)

51.04.280 Meters--(Reserved)

51.04.290 Water rates--Publication. The water rates to be charged shall be published in separate schedules. These schedules, approved by the council, shall become a part of this chapter. These water rates may be revised by ordinance, following a public hearing.

51.04.300 Notices to customers. Notices from the city to the customer will normally be given in writing and either mailed or delivered to him at his last known address. Where conditions warrant and in emergencies the city may notify either by telephone or messenger.

51.04.310 Notices from customer. Notices from the customer to the city may be given by the customer or his authorized representative orally or in writing at the office of the city or to an agent of the city duly authorized to receive notices or complaints.

51.04.320 Accounting Records. The city will keep an accurate account on its books, and such account, so kept, shall be offered at all times, places, and courts as prima facie evidence of the use of water service by the customer.

51.04.330 Flat rates. Customers shall be charged on the basis of the flat rate charges as set forth in schedules adopted pursuant to Section 51.04.290.

51.04.340 Billing period. Bills shall be rendered monthly.

51.04.350 Bills--Proration of certain. Opening or

closing bills, or bills that for any other reason cover a period containing ten percent more days or ten percent less days than in the normal billing period, shall be prorated.

51.04.360 Bills--Separate required--Exception. All services supplying a customer's premises shall be billed separately, except that where the city has, for operating purposes, installed two or more services in place of one,

51.04.370 Bills--Disputes. When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill at the time that the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service, as provided under this chapter.

51.04.380 Bills--Payment by due date. Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by that date, the account shall be considered delinquent unless arrangements have been made with the council, in writing, that specify another due date. Bills not paid by the due date shall be subject to a 2% monthly service charge.

51.04.390 Bills--Delinquency notices. A reminder of account delinquency shall be sent to each delinquent account on or about ten days after the account becomes delinquent.

51.04.400 Bills--Turnoff notice for delinquencies. On or about fifteen days after an account becomes delinquent, a turnoff notice shall be sent to the customer. The notice shall state a date on which water will be turned off if the delinquent account is not paid in full prior thereto.

51.04.410 Service turnoff for delinquent accounts--Method. On the turnoff date, the agent of the city shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts have been paid. The agent of the city shall immediately thereafter turn off the service. A delivery to any person residing at the address served shall be considered a delivery to the customer. If there is no person present at the address served, then the notice may be left on the premises stating that the water service will be discontinued on the following morning. If delinquent bills are not paid by the following morning, the agent of the city shall return to the premises, shut off the water service, and leave a notice that the water service has been turned off until all delinquent accounts have been paid.

51.04.420 Service turnoff for delinquent accounts--Charges. In all instances where water has been turned off because of account delinquency, a five-dollar disconnect service charge shall be made for the restoration of service, in which case replacement of the cash deposit, as stated in this chapter, will be required.

51.04.430 Installment payments for delinquent accounts. In cases of extreme hardship, the city council shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount.

51.04.440 Prior accounts maintained by the city. Accounts maintained by the city prior to April 15, 1983 for water service shall be considered valid for continued customer billing purposes subject to a ten day public review process.

51.04.450 Meter accuracy--(Reserved)

51.04.460 Meter accuracy--(Reserved)

51.04.470 Meter accuracy--(Reserved)

51.04.480 Meter accuracy--(Reserved)

51.04.490 Discontinuance of service--Upon customer request. A. Each customer about to vacate any premises supplied with water service by the city shall give the city written notice of his intentions at least five days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all water supplied to such premises until the city receives notice of such removal.

B. At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desires to be discontinued, a bill will be rendered which is payable immediately.

51.04.495 Temporary discontinuance of service--Upon customer request. When a customer requests a temporary discontinuance of water service for any reason, all costs shall be paid by the customer.

51.04.500 Discontinuance of service--For nonpayment of bills. A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures set forth in this chapter.

51.04.510 Discontinuance of service--For water waste. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the city may discontinue service if such conditions are not corrected after due notice by the city.

51.04.520 Discontinuance of service--For detrimental service. The city may refuse to furnish water and may discontinue service to any premises where excessive demand by one customer will result in inadequate service to others.

51.04.530 Discontinuance of service--For fraud or abuse. The city will refuse or discontinue service to any premises where it is deemed necessary to protect the city from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the city that the condition or conditions exist.

51.04.540 Discontinuance of service--For noncompliance with regulations. The city may, upon five days' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of this chapter.

51.04.550 Unauthorized turning on of service. Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main. The charges for shutting off the water at the main shall be computed at actual cost to the city plus fifteen percent overhead, but not less than five dollars. These charges shall be billed to the offending customer and water shall not be furnished to the premises until such charges are paid and the city has reasonable assurances that the violation will not reoccur.

51.04.560 Restoration of service. A. Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past-due charges plus five dollars for restoration charge and posting a deposit as provided in Section 51.04.080.

B. Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse, or for noncompliance with any of the provisions of this chapter will only be made after the irregularity has been corrected and the city has been assured that the irregularity will not reoccur. The restoration charge shall be five dollars plus any other charges due or past due that the city may have incurred to correct the irregularity.

51.04.570 Unusual water demands. A. When an abnormally large quantity of water is desired for filling a swimming pool, log pond, or for other purposes, arrangements must be made with the utility prior to taking such water.

B. Permission to take water in unusual quantities will be given only if the city facilities and other consumers are not inconvenienced.

C. Payment for such water will be fixed by the council.

51.04.580 Access to premises for inspections. The duly appointed employees of the city, under the direction of the superintendent, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purpose of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The city does not, however, assume the duty of inspecting the customer's line, plumbing, and equipment, and shall not be responsible therefor.

51.04.590 Nonliability of city for damages--Customer responsibilities. A. The city shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing, or equipment, nor shall the city be liable for loss or damage due to interruption of service or temporary changes in pressure.

B. The customer shall be responsible for valves on his premises being turned off when the water service is turned on.

51.04.600 Equipment remains city property--Access. City equipment on the customer's premises remains the property of the city and may be repaired, replaced, or removed by the city employees or agents at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace, or remove city equipment and must in no way interfere with its operation. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.

51.04.610 Customer responsibility for damage to city equipment. The customer shall be liable for any damage to equipment owned by the city which is caused by an act of the customer, his tenants, agents, employees, contractors, licensees, or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damage by hot water or steam, and damaged meter boxes, curbstops, meter stops, and other service appurtenances.

51.04.620 Fire hydrant restrictions. No person or persons other than those designated and authorized by the city shall open any fire hydrant belonging to the city, attempt to draw water from it, or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and water is received through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.

51.04.630 Service connections charges. All new service connections shall be paid for on the basis of actual cost to the city.

51.04.640 Authority to enter into contracts--Terms. The city, through its duly authorized officers is empowered to enter into any and all contracts necessary in order to provide the city and its inhabitants with water service.

51.04.650 Monthly water rates. The following monthly flat water rates shall apply under this chapter:

Schedule A
MONTHLY WATER RATES

Residential	\$13.33/service hookup
Commercial	13.33/service hookup
Industrial	13.33/service hookup
Governmental	13.33/service hookup
Educational	13.33/service hookup

The monthly rate for any establishment not herein designated shall be determined by the city council. Until such rate may be established, the rate most applicable will apply.

The hookup fee for new applicants for existing service shall be \$12.50.

Chapter 51.08

SEWERS*

Sections:

- 51.08.010 Authority to establish and operate a sewer utility service.
- 51.08.015 Definitions.
- 51.08.020 Connection to city sewer required.
- 51.08.025 Sewage pumps.
- 51.08.030 Dwellings deemed nuisance--Closing to occupancy.
- 51.08.040 Dwellings deemed nuisance--Compliance required.
- 51.08.050 Application for service.
- 51.08.060 Interruption of service.
- 51.08.070 Private sewage disposal.
- 51.08.080 Credit establishment.
- 51.08.090 Harmful discharges prohibited.
- 51.08.100 Grease, oil and sand interceptors required when.
- 51.08.110 Certain discharges requiring review and approval--Preliminary treatment facilities.
- 51.08.120 Maintenance of preliminary treatment facilities.
- 51.08.130 Manholes in building sewers.
- 51.08.140 Permit required prior to sewer work.
- 51.08.150 Certain waters prohibited.
- 51.08.160 Prohibited substances.
- 51.08.170 Service lines.
- 51.08.180 Nonliability of city for certain malfunctions.
- 51.08.190 Protection from damage--Penalty for violation.
- 51.08.200 Right of entry for inspection.
- 51.08.210 Rates and changes--Adoption--Delinquencies--Collection.
- 51.08.220 Industrial cost recovery.
- 51.08.230 Penalty for violation.
- 51.08.240 Authority to enter into contracts.
- 51.08.250 Schedule of Rates and charges

* For statutory provisions requiring state permits for sewerage systems see AS 46.03.720(a); for provisions on certification of waste water system operators see AS 46.03.010 et seq.

51.08.010 Authority to establish and operate a sewer utility service. The city, through its council, is empowered to purchase, construct, establish, maintain, and operate necessary facilities for purposes of providing sewer utility service in the city.

51.08.015 Definitions. For the purpose of this chapter the following definitions shall apply:

A. "B.O.D." (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade expressed in parts per million by weight.

B. "Building sewer" means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste pipes inside the walls of the buildings and conveys it to the public sewer, beginning on the outside of the building wall and ending at the property line.

C. "Director" means the director of public works of the city or his authorized deputy, agent or representative. The director may also be the health officer, if the council so appoints.

D. "Inspector" means the person or persons in the city department of public works duly authorized by the city to inspect and approve the installation of building sewers and their connection to the public sewer system.

E. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

F. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

G. "Service lines" means the sewage pipe laid from the sewer main to the point of discharge of the sewage user's building.

H. "Sewage" means the water-carried wastes from residences, business buildings, institutions and industrial establishments.

I. "Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.

J. "Sewer mains" or "main" means the pipe laid parallel to the street, road or alley for the purposes of carrying away sewage discharged from the service lines.

K. "Suspended solids" means solids that either float on the surface or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

51.08.020 Connection to city sewer required. A. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the city or on city property and abutting any street, alley or right-of-way in which there is now located or may be in the future located a public sewer of the city is required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within fourteen days after date of official notice to do so; provided, that the public sewer is within one hundred feet of the property line unless connections cannot be made with a gravity flow system, then the property owner may install on-site sewage disposal approved by the State Department of Environmental Conservation.

B. It is unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city or on city property or in any area under the jurisdiction of the city any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

C. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.

51.08.025 Sewage pumps. A. The city will purchase and install for residential users only, a sewage pump where a gravity flow system is not reasonably possible from the sewer main to the residential dwelling. Only existing occupied residential dwellings on existing public sewer mains shall be eligible for the purchase and installation of a sewage pump by the city after application, and submission of such information as is required to the City Clerk.

B. The Mayor, subject to appeal and final determination by the council, shall determine who will qualify to have a sewage pump purchased and paid for by the city, which determination as to sewer mains to be constructed in the future, to be determined on the cut-off date as herein-after provided.

C. In a residential district which is not presently served by a public sewer main, the city will purchase and install a sewage pump when a public sewer line is constructed and installed; however, the city will only purchase and install a sewage pump in lieu of a gravity flow system for those existing occupied residential structures which the Mayor may determine cannot be served by a gravity flow system, such determination to be made as of the date of award of the construction contract for the sewer main, it is determined that a gravity flow system is not reasonably possible for other sewer users, additional sewage pumps may be purchased and installed by the city after application to and approval by the Mayor.

D. In all cases the city shall only purchase and install the sewage pumps or pay the cost of a sewage pump determined to be adequate by the city. Any substitution, replacement, operation, maintenance or other cost associated with the sewage pump shall be the responsibility of the residential user.

E. Nothing in this section shall preclude a residential, commercial or industrial user who cannot install a gravity flow system, from designing, purchasing, installing, operating and maintaining a sewer system upon their own property if the system receives approval from the Alaska Department of Environmental Conservation. Any property owner that installs their own sewer system shall be responsible for all costs of design, purchase, installation, operation, and maintenance, replacement or other costs associated with the system.

51.08.030 Dwellings deemed nuisance--Closing to occupancy. A. Any occupied dwellinghouse or structure, or any dwellinghouse or structure intended for human occupancy, within the jurisdiction of the city, the toilet facilities whereof are not connected with the city sewer system as required in Section 51.08.020 or are not in serviceable working order; or the toilet facilities whereof consist of a privy without adequate antiseptic treatment of human excrement; or the toilet facilities whereof are so designed as to permit human excrement or waste matter to fall onto the beach, water, ground or any pit below; or the toilet facilities whereof, or the disposal of human excrement therefrom are in anywise unsanitary, malodorous, or dangerous to

health or safety, is deemed and declared a common or public nuisance.

B. Any common or public nuisance, as defined in subsection A of this section, found within the jurisdiction of the city shall summarily be ordered closed to occupy by the Mayor or his deputy after the expiration of the notice period set forth in Section 51.08.020 or subsection B of Section 51.08.230 until the toilet facilities of the dwelling house or structure have been connected with the city sewer system if required by Section 51.08.020 or are in serviceable order, or both.

51.08.040 Dwellings deemed nuisance--Compliance required. It is unlawful for any person to maintain, lease or use for human occupancy any dwellinghouse or structure which is a common or public nuisance as defined in Section 51.08.030 or for any person maintaining, leasing or using for human occupancy any such dwellinghouse or structure which is a common or public nuisance to fail or refuse forthwith to close the dwelling or structure for human occupancy when ordered to do so by the Mayor of the city.

51.08.050 Application for service. The sewer utility will require each prospective customer to sign an application for sewer service and to pay a service connection charge. Application must be made in writing on a standard form at the office of the city building official.

51.08.060 Interruption of service. The city reserves the right to interrupt service for maintenance of the system. Interruption shall be kept to reasonable periods and the customers notified in advance if possible.

51.08.070 Private sewage disposal. A. When a public sanitary sewer is not available under the provisions of Section 51.08.020, the building sewer shall be connected on a private sewage disposal system which shall be examined by an inspector to insure compliance with all requirements of pertinent ordinances, rules, regulations, or statutes.

B. At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section 51.08.020, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable materials.

C. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city, and all such private sewage facilities, as provided in this section, shall be the responsibility of the user or owner of said private sewage disposal system, and the city is in nowise responsible for any maintenance or repair, or stoppage or breakage, nor for any damages resulting therefrom, in such private sewage disposal systems.

D. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by federal or state officials.

51.08.080 Credit establishment. A. At the time the application is made the applicant shall establish his credit with the city.

B. Credit of the applicant will be deemed established as follows:

1. If the applicant makes a fifteen dollar (\$15.00) deposit with the city to secure payment of bills for service.

2.2. If the applicant is an industrial or government customer and can convince the city that all bills will be paid when due

C. At the time the deposit is given to the city, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. The deposit will be returned to the customer when service to the customer is discontinued provided all outstanding bills have been paid.

51.08.090 Harmful discharges prohibited. No persons shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow of the sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.

51.08.100 Grease, oil and sand interceptors required when. Grease, oil and sand interceptors shall be provided when, in the opinion of an inspector, they are necessary for the proper handling of liquid wastes containing grease in

excessive amount or any flammable wastes, sand and other harmful ingredient except that such interceptors shall not be required for private living quarters or dwelling units. Where installed they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

51.08.110 Certain discharges requiring review and approval--Preliminary treatment facilities. A. The admission into the public sewers of any waters or wastes having the following:

1. A five-day biochemical oxygen demand greater than three hundred parts per million by weight; or
2. Containing more than three hundred fifty parts per million by weight of suspended solids; or
3. Containing any quantity of substances having the characteristics described in Section 51.08.160; or
4. Having an average flow greater than two percent of the average daily flow to the city shall be subject to the review and approval of the director of public works.

B. Where necessary, in the opinion of the Mayor, the owner shall provide at his expense such preliminary treatment as may be necessary to do the following:

1. Reduce the biochemical oxygen demand to three hundred parts per million and the suspended solids to three hundred fifty parts per million by weight; or
2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 51.08.160; or
3. Control the quantities and rates of discharge of such waters or wastes.

C. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city council and of the Alaska Department of Environmental Conservation, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

51.08.120 Maintenance of preliminary treatment facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continu-

ously in satisfactory and effective operation by the owner at his expense.

51.08.130 Manholes in building sewers. When required by the director of public works, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city council. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

51.08.140 Permit required prior to sewer work. No unauthorized person shall uncover, make any connections with, or opening into or use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the city council.

51.08.150 Certain waters prohibited. No person shall discharge, permit or cause to be discharged any storm drainage water, surface water, groundwater, roof runoff, sub-surface drainage or cooling water, to or in any sanitary sewer.

51.08.160 Prohibited substances. Except as otherwise provided in this chapter, no person, firm or corporation shall cause to be discharged or allowed to be discharged into its sewer line or system any of the following described waters or wastes:

A. Any liquid or vapor having a temperature higher than two hundred degrees Fahrenheit;

B. Any water or waste which may contain more than fifty parts per million, by weight, of fat, oil or grease;

C. Any gasoline, benzene, naptha, fuel oil or other flammable or explosive liquid, solid or gas;

D. Any garbage that has not been properly shredded;

E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage works;

F. Any waters or wastes having a pH lower than 4.0 or higher than 12.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

H. Any waters or wastes containing suspended solids of such character and quality that unusual attention or expense is required to handle such materials at the sewage treatment plant;

I. Any noxious or malodorous gas or substance capable of creating a public nuisance.

51.08.170 Service lines. The service lines of the sewer system that run from the user's building to the sewer main line shall be maintained and repaired by the user or owner, and the city is in nowise responsible for the construction, maintenance or repair; nor is the city in anywise responsible for freezing, stoppage or breakage in the service line or for any other claim or action arising from the existence, operation or condition of the sewer service line.

51.08.180 Nonliability of city for certain malfunctions. The city shall not be held responsible or liable for any claim or action due to or arising from any suspension of operation, breakage, unavoidable accident or injury of any kind occurring to, or caused by the sewer mains by an act of God, beyond the city's control, or caused by the elements, strikes, riots or a public enemy.

51.08.190 Protection from damage--Penalty for violation. It is unlawful for any unauthorized person to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewer works, and any such person shall be subject to immediate arrest and, upon conviction, shall be punishable by fine not exceeding three hundred dollars or imprisonment not in excess of thirty days, or by both such fine and imprisonment, in the discretion of the court.

September 6, 1985

INTERPRETATION OF THE ORDINANCE REGARDING SEWER AND WATER CONNECTIONS, as made by the City Attorney.

The definitions in section 51.08.015, can be applied to water as well as sewer. Specifically, section B., "BUILDING SEWER" applies to building lines, lines that begin at the outside of the building wall and end at the property line; and section G, "SERVICE LINES", lines which run from the water and sewer mains to the users buildings.

REGARDING THE SEWER:

Section 51.080.020, states that the owner is required to install suitable toilet facilities and to connect such facilities to the proper public sewer at his expense.

Section 51.080.020, states that service lines that shall be maintained and repaired by the owner and that the City is in nowise responsible for the construction, maintenance or repair of these lines.

REGARDING THE WATER:

Section 51.04.120, states that the service connection charge where no service previously existed is to cover the actual cost to the City to install the service.

Section 51.04.130 section B., states that a change in the size of the service line is paid for on the basis of the actual cost to the City for making the change.

Section 51.04.140 section B., states that if the main is on an easement or publicly owned property, the service shall be installed to the boundary of the easement or property by the City, provided the length of the service does not exceed 30 feet.

Concerning the question of providing utility connections to Lot 5, Block 4, it appears that the owner is entirely responsible for the cost of construction of the sewer service, and that the City is responsible for the construction of the first 30 feet of the Water service line, or construction to the public right-of-way, whichever is shorter, with the remainder of the water service line being the responsibility of the owner.

51.08.200 Right of entry for inspection. The department of public works inspector and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties, at reasonable hours, for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.

51.08.210 Rates and charges--Adoption--Delinquencies--Collection. A. The rates and charges shown on the adopted schedule of rates and charges are established for public sewer facilities furnished by the municipally owned sewer systems; provided, that such schedule of rates and charges, at the discretion of the council, shall be subject to revisions from time to time by ordinance of the council adopting and establishing such revised and/or changed schedule of rates and charges; and the revised and/or changed schedule of rates and charges shall, on the effective date therein expressed, become of full force and effect and subject to all the provisions of this chapter.

B. In the event the charges for sewerage service are not paid within ten days after rendition of the bill for such service, such charges shall be deemed and declared to be delinquent. Bills not paid by the date due shall be subject to a 2% monthly service charge.

C. A reminder of account delinquency shall be sent to each delinquent account on or about ten days after the account becomes delinquent.

D. On or about fifteen days after an account becomes delinquent, a turnoff notice shall be sent to the customer. The notice shall state a date on which water will be turned off if the delinquent account is not paid in full prior thereto.

E. On the turnoff date, the agent of the city shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts have been paid. The agent of the city shall immediately thereafter turn off the service. A delivery to any person residing at the address served by the meter shall be considered a delivery to the customer. If there is no person present at the address served, then the notice may be left on the premises stating that water service will be discontinued on the following morning. If delinquent bills are not paid by the following morning, the agent of the city shall return to the premises, shut off the water service, and leave a notice that the water service has been turned off until all delinquent accounts have been paid.

F. In all instances where water has been turned off because of account delinquency, a five-dollar disconnect service charge shall be imposed; a reconnect service charge of five dollars shall be made for the restoration of service, in which case replacement of the cash deposit as stated in this chapter, will be required.

G. The city will refuse or discontinue service to any premises where it is deemed necessary to protect the city from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the city that the condition or conditions exist.

H. Utility accounts maintained by the city prior to April 15, 1983 shall be considered valid for continued customer billing purposes subject to a ten day public review process.

I. The rates and charges provided for in this section shall be collected from the owners, occupants, and users of the premises within the jurisdiction of the city and shall go into effect at such time as the services and/or other matters creating the charges are provided by the city.

51.08.220 Industrial cost recovery. Any industrial users of a sewer facility constructed with Environmental Protection Agency grant funds awarded after March 1, 1973, shall repay that portion of the grant amount allocatable to the treatment of its wastes. The method of repayment and procedures for handling the repayment shall be in accordance with Sections 35.905-6, 35.905-7, 35.905-8, 35.905-12, 35.928 and 35.935-13 of the Environmental Protection Agency Rules and Regulations for Water Pollution Control Construction Grants for waste treatment works as published in Volume 39, Number 29 of the Federal Register dated February 11, 1974.

51.08.230 Penalty for violation. A. Any person found to be violating any provisions of this chapter, except Section 51.08.190, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. It is unlawful for any person to continue any violations, except Section 51.08.190, beyond the time limit of fourteen days. The fourteen-day limitation shall not apply when the violation constitutes a clear and present danger to the public health; such clear and present danger is unlawful from its inception, and subject to summary abatement, or to the applicable provisions of Sections 51.08.030 and 51.08.040. Each day in which any violation continues shall be deemed a separate offense.

C. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

51.08.240 Authority to enter into contracts--Terms. The city, through its duly authorized officers, is empowered to enter into any and all contracts necessary in order to provide the city and its inhabitants with sewer service.

51.08.250 Schedule of rates and charges.

Schedule A

MONTHLY SEWER SERVICE RATES

Residential	\$15.33/service hookup
Commercial	15.33/service hookup
Governmental	15.33/service hookup
Industrial	15.33/service hookup

The hookup fee for new applicants for existing services shall be \$12.50 (twelve dollars and fifty cents).

Chapter 51.12ELECTRICITYSections:

- 51.12.010 Authority to establish and maintain power plant.
- 51.12.020 Authority to enter into contracts--Terms.
- 51.12.030 Administration.
- 51.12.040 Promulgation of rules and regulations.
- 51.12.050 Meter deposits.
- 51.12.060 Service entrance and connections--Terms of service.
- 51.12.070 Joint service connections.
- 51.12.080 Resale of service prohibited.
- 51.12.090 Customer's installations.
- 51.12.100 Wiring code requirements.
- 51.12.110 Agreements not signed by council and mayor not binding--Personal employee gain prohibited.
- 51.12.120 (reserved)
- 51.12.130 Interruptions of service.
- 51.12.140 Discontinuance of service.
- 51.12.150 Frauds on city or utility prohibited.
- 51.12.160 Demand--Defined--Determination--Terms.
- 51.12.170 Service charges--Service defined.
- 51.12.180 Rates--Based on consecutive service.
- 51.12.190 Fuel adjustment charge.
- 51.12.195 Meter rates--Definitions.
- 51.12.200 Meter rates--All service.

51.12.010 Authority to establish and maintain power plant.
The city through its council is empowered to purchase, construct, establish and maintain a plant or plants for the generation, distribution and use of electricity for the purposes of light, heat, and power in the city.

51.12.020 Authority to enter into contracts--Terms. A.
A. The city through its duly authorized officers is empowered to enter into any and all contracts necessary in order to provide the city and its inhabitants with an adequate and suitable power plant for the generation and distribution of electricity, and is fully empowered to enter into any and all such contracts in such form as shall not be contrary to or in violation of the laws of Alaska applicable to municipal corporations.

B. Any such agreements or contracts entered into by the city pursuant to this section shall provide that the public utility contracted for shall not be operated or maintained by funds raised by taxation, but from revenue collected for service rendered by such plant--25--plants or utilities, from the customers' use thereof.

ice rendered by such plant, plants or utilities, from the customers or users thereof.

C. In any contract which the city may enter into for the acquisition, purchase, maintenance and operation of a city light plant or public utility, the city through its council is authorized to agree by said contract with the party furnishing the plant, equipment and public utility, that the rates and tariffs thereof for the users and customers of the light plant or public utility, until the purchase price contracted to be paid for the light plant or public utility, may be fixed and established either by contract or by the party furnishing the light plant and public utility, which shall then apply and be in full force and effect until the purchase price has been paid, unless modified, altered or changed by the mutual consent of the city and the party furnishing such light plant and public utility.

51.12.030 Administration. A. The city council is charged with administering the business in connection with the acquisition, establishment, operation and maintenance of the light plant or public utility.

B. The city through its council is given full and complete authority, whether specifically mentioned in this chapter or not, to effectually and completely accomplish the purpose and intention of subsection A of this section.

C. Current utility accounts maintained by the city shall be considered valid for continuation of customer billings subject to a ten day period for public review.

51.12.040 Promulgation of rules and regulations. The city council by resolution, in its discretion, excepting as otherwise provided in this section, may make and provide such rules and regulations as may be deemed necessary, suitable or advisable in order to clarify any of the provisions of this chapter, and/or to make adjustments in any particular case or situation, and/or to suspend the provisions of this chapter in any particular case or situation, and/or to safeguard or provide for the capacity, welfare, or other interests of the utility; provided, that no penal section of this chapter shall be modified, affected or changed by resolution, nor shall any general rates or charges specified in this chapter be modified or changed by resolution.

51.12.050 Deposits. All residential and commercial customers must make a deposit with the city in the amount of ninety dollars. The deposit must be made before the service will be connected. All other customers shall make credit arrangements satisfactory to the city to insure prompt payment of

monthly bills. When service is discontinued, deposits will be refunded less any amount due the city for service. The deposit will be maintained as a working reserve account.

51.12.060 Service and connections--Terms of service. A. The city shall deliver electric service at the exterior of the premises to be served, and shall provide meter and meter sockets only. The customer shall provide adequate conductors at the weather cap to provide for electrical connections to the city service connections lines, rigid conduit or entrance cable to connect weather cap to the meter socket, and rigid conduit and/or entrance cable to connect entrance switch or panel from the meter socket.

B. All meters will be sealed by the city, and no such seal shall be tampered with or broken except by a representative of the city appointed for that purpose. The user shall exercise every care to prevent meters, service wires, appliances or fixtures of the city upon the premises from being injured or destroyed, and shall refrain from interfering with same; and, in case any defect therein is discovered, shall notify the city thereof.

C. The user shall provide a suitable service entrance to the premises at the point of easiest access to the distribution line from which service is to be taken. Such entrance shall be continuous, and in rigid conduit and free from the possibility of tampering or interference. All wiring on the user's premises shall be done at the user's expense.

D. The user shall furnish a convenient and accessible place for the city in which to install and read the metering devices which may be required for the proper rendition of service, such place to be suitable to the preservation of the integrity which would adversely affect such devices. The user shall not permit access to such devices by other than representatives of the city appointed for that purpose.

E. The customer shall obtain and grant all necessary permission to enable the city to install the service and carry out its contract.

F. The city shall have the right to enter upon the premises of the customer at all responsible times for the purpose of inspecting, repairing or removing any and/or all of the equipment, appliances, and wiring of the city.

51.12.070 Joint service connections. Joint service connections in the form of a single meter to measure the electrical consumption of two or more separate units will be permitted only for dwellings designed for habitation and then only at the discretion of the city council. The installation of separate meters may subsequently be required. The reading of a meter on a joint service connection shall be calculated by dividing the meter reading by number of units served and the rate imposed by Sections 51.12.200 applied as if each unit were metered separately. Temporary connections by individual camper trailers or similar units shall be limited to no more than one consecutive 45 day period within a calendar year.

51.12.080 Resale of service prohibited. The customer shall not resell the electric energy furnished under these tariffs for use on the premises occupied by the customer ordering such service.

51.12.090 Customer's installations. A. The city reserves the right to refuse to connect with or render service to any applicant or any customer where such connections and/or rendition will adversely affect the service rendered to its other customers or where the applicant or customer has not complied with the state or municipal regulations pertaining to the service to be rendered by the city.

B. The city may require the installation of necessary filters to prevent or suppress such interference cause by any one or more of but not limited to the following: fluorescent lighting, motors, power-driven hand tools, battery chargers, appliances, electric signs, and/or any other type of electrical equipment which tends to cause radio interference.

C. Suitable protective devices on the customers' premises may be required whenever the city deems such installation necessary to protect its property or that of its customers.

D. Nothing in this section shall be construed as placing upon the city any responsibility for permitting the continuation or maintenance of any of the customer's wiring, current consuming devices, plumbing, or other equipment and the city shall not be held liable for any loss or damage resulting from any defects in the customer's installations and shall not be held liable for damage to persons or property arising from the use of the service on the premises of the customers. There shall be no adjustments on meter readings, due to defective ground, and/or defective wiring beyond the meter.

51.12.100 Wiring code requirements. A. New service to newly constructed buildings will be approved only if those buildings are wired to National Electrical Code Standards.

B. Service to existing homes sold to new owners after July 1, 1983 will be denied if the building is not wired to National Electrical Code Standards, within 90 days after purchase.

51.12.110 Agreements not signed by council and mayor not binding--Personal employee gain prohibited. A. No promise, agreement or representation of any official, employee or agent of the city not contained in this chapter shall be binding on the city unless same is approved by the council in writing and signed by the mayor.

B. It is unlawful for any official, employee or agent of the city to ask, demand, receive or accept any personal compensation or consideration for any service rendered to consumers of electrical energy, or other persons, in connection with supplying or furnishing electric energy by the city.

51.12.120 (Reserved)

51.12.130 Interruptions in service. A. The city shall exercise reasonable diligence and care to furnish and deliver a continuous and satisfactory supply of electric energy to the customer, but will not be liable for interrupted service or shortage of supply due to accident or condition beyond the city's control. In the event of such interruption or shortage, the city shall not be liable for any loss or damage occasioned thereby nor shall such interruption or shortage constitute a breach of its contract.

B. The city, whenever it finds it necessary for the making of repairs or improvements to its system, shall have the right to suspend temporarily the delivery of service, but in all such cases, reasonable notice shall, when practicable, be given to the customer and the repairs or improvements shall be prosecuted with reasonable diligence and, in so far as feasible, at such times as will cause the least inconvenience to the customer.

51.12.140 Discontinuance of service. A. The city reserves the right to cut off the supply of electric current and discontinue service in the event the customer fails to comply with the provisions of this chapter or any rule or regulation made thereunder.

B. The right to discontinue service for default may be exercised whenever and as often as default occurs and neither delay nor omission on the part of the city to enforce this rule shall be deemed waiver of its right to enforce this rule at any time so long as the default continues.

C. Each bill rendered shall contain the final date onw which payment is due. If the bill is not paid by that date, the account shall be considered delinquent unless arrangements have been made with the council, in writing, that specify another due date. Bills not paid by the date due shall be subject to a 2% monthly service charge.

D. A reminder of account delinquency shall be sent, at the discretion of the city clerk, to each delinquent account on or about ten days after the account becomes delinquent.

E. On or about fifteen days after an account becomes delinquent, a turnoff notice shall state a date on which service will be discontinued if the delinquent account is not paid in full prior thereto.

F. On the turnoff date, the agent of the city shall deliver a written notice to the customer stating that the service is being discontinued within twenty-four hours until all delinquent amounts have been paid. In the event that the customer is not home, the notice will be fastened to the door of the premises.

G. On the day following the delivery of the written notice of turnoff, the agent of the city shall return and disconnect service unless all delinquent accounts have been paid.

H. In all instances where electricity has been turned off because of account delinquency, a twenty-five dollar reconnect service charge shall be imposed.

I. In cases of extreme hardship, the city council shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount.

51.12.150 Frauds on city or utility prohibited. It is unlawful for any person, firm or corporation, by any manner or means whatever, to divert, acquire, take, or use, any electricity or electric energy of or from the utility or any of its facilities, with the intent to steal or embezzle the same, or to avoid payment therefor, or in any manner to defraud the city or the utility.

51.12.160 Demand--Defined--Determination--Terms. A.

"Demand" means the greatest average rate at which energy is used within any period of fifteen consecutive minutes.

B. Determination. The demand of any power installation will ordinarily be determined by assessment in proportion to the connected load. It may be determined, at the city's option, by test. The customer may, at his own expense, install a demand meter for the measurement of the billing demand. The meter for such purpose shall be approved by the city and shall be tested for accuracy at the city's option. Where a demand meter is used, the demand for billing purposes will never be less than that determined as outlined under Subsection E.

C. Heating. Noninductive heating and cooking appliances will be included in the determination of the demand.

D. High-frequency equipment. The demand of all such equipment shall be assessed in the same manner as are motors under power schedules and the full demand so determined shall be included in the total demand under the applicable schedule.

E. Motors. Each horsepower of manufacturer's rating shall be considered as seven hundred fifty watts.

F.1. The billing demand under all power schedules will be the following percentages of the nameplate ratings of all of the motors in the installation:

- a. One hundred percent of the total rating of one motor;
- b. Ninety percent of total rating of two motors;
- c. Eighty percent of total rating of three motors;
- d. Seventy-five percent of total rating of four or more motors.

2. Except that horsepower demand is never less than the following:

- a. One hundred percent of rating of the largest motor;
- b. Ninety percent rating of the two largest motors;
- c. Eighty-five percent rating of the three largest motors.

3. Nameplates on machines are to be manufacturer's nameplates and, if otherwise, the capacity of the equipment is to be determined by test when delivering its maximum output. Expense of any such test shall be paid for by the consumer.

4. In the event the customer has a demand in excess of the demand so determined, then the measured maximum demand shall determine the demand for billing purposes.

5. Should any motor deliver more than one hundred ten percent of its rating, the city shall base its demand charges upon actual input as determined by test.

F. Miscellaneous Equipment. When the use of miscellaneous equipment is permitted under the power schedule, the assessed demand of such shall be determined by taking the full-rated capacity of all miscellaneous equipment.

51.12.170 Service charges--Service defined. A. "Service" means the labor and material necessary to connect a customer's premises to the city's distribution system.

B. With the exception of the necessary metering equipment, which will be furnished by the city, the customer will pay for all materials and labor required. These charges are to be computed on the basis of the city's actual cost of labor and material.

C. When a customer requests a change in an existing service, the work will be performed by the city and all costs incidental thereto shall be paid by the customer.

D. The foregoing covers overhead services only. Under ground services must be paid for by the customer and the work performed under the supervision of the city. All underground services must be properly maintained by the customer.

51.12.180 Rates--Based on consecutive service. A. All rates in all tariffs, unless otherwise stated therein, are based on a minimum of twelve months of consecutive service delivered to one location of one customer for a period or term of not less than one year, unless otherwise specifically stated in the rate schedules.

B. All rates are for service only and do not cover charges which will be made for installing, reconnecting, or moving from one location to another any services and/or equipment not the property of the city. All additional charges shall be reasonable and shall be determined by the city clerk and/or his duly authorized agent.

C. All rate schedules under this chapter are based on service to one customer at one point and will not apply for purposes of resale or redistribution in territory where the city has, or is willing to provide, distribution facilities.

51.12.190 Fuel adjustment charge. A. A surcharge shall be applied to each electric billing for all kilowatt hours rendered under applicable rate schedules to reflect increases or decreases in the cost of fuel to be used to generate electric energy during the month prior to the billing period. The base rate used to determine the surcharge is \$0.312 per kilowatt hour effective with billings rendered on or after April 15, 1983.

B. The charge shall be calculated as follows:

$$\text{Fuel adjustment rate} = \frac{(A - (B \times C))}{C}$$

Where: A = Fuel expense during prior month
 B = Base fuel rate
 C = Applicable sales during prior month

Note: The base fuel rate reflects the cost of diesel fuel at one dollar and thirty cents per gallon delivered to the generator plant.

51.12.195 Meter rates--Definitions. A. "Primary voltage level" means service of electrical energy at a voltage of 2.3kV (kilovolts).

B. "Secondary distribution level" means service of electrical energy at a voltage below 2.4kV (kilovolts).

C. The definitions provided in this section shall apply to the rates for residential service, small commercial, large commercial, and industrial.

51.12.200 Meter rates--All service.

Schedule A

Residential	\$0.312/kwh
Commercial	0.312/kwh
Industrial	0.312/kwh
Governmental	0.312/kwh

Residential and municipal government billings shall reflect appropriate State of Alaska subsidies.

The hookup fee shall be one hundred twenty dollars for each meter service paid prior to hookup to electrical service.

Chapter 51.16

SOLID WASTE

Sections:

- 51.16.010 Authority to establish and operate a solid waste utility.
- 51.16.020 Authority to enter into contracts--Terms.
- 51.16.030 Participation in solid waste service required.
- 51.16.040 Application for service.
- 51.16.050 Credit establishment.
- 51.16.060 Definitions--One garbage pickup.
- 51.16.070 Schedule of service.
- 51.16.080 Interruptions in service.
- 51.16.090 Customer requirements.
- 51.16.100 Access to landfills.
- 51.16.110 Notices to customers.
- 51.16.120 Notices from customers.
- 51.16.130 Billing period.
- 51.16.140 Bills--Deposits.
- 51.16.150 Bills--Payment by due date.
- 51.16.160 Bills--Delinquency notices.
- 51.16.170 Bills--Turnoff notice for delinquencies.
- 51.16.180 Service turnoff for delinquent accounts.
- 51.16.190 Deposits--Forfeiture.
- 51.16.200 Discontinuance of service--Upon customer request.
- 51.16.210 Discontinuance of service for fraud or abuse.
- 51.16.220 Discontinuance of service for noncompliance with regulations.
- 51.16.230 Monthly rates--Per pickup.

51.16.010 Authority to establish and operate a solid waste utility service. The city through its council is empowered to purchase, construct, establish, maintain, and operate necessary facilities for the purposes of providing solid waste service in the city.

51.16.020 Authority to enter into contracts--Terms. The city through its duly authorized officers is empowered to enter into any and all contracts necessary in order to provide the city and its inhabitants with solid waste service and is fully empowered to enter into any and all such contracts in such form as shall not be contrary to or in violation of the laws of Alaska applicable to municipal corporations.

51.16.030 Participation in solid waste service required. All residential customers who participate in water, sewer or electrical service must participate in solid waste utility service unless otherwise approved by the city council.

51.16.040 Application for service. Each applicant for water service shall sign an application form provided by the city giving date of application, location of premises, whether they have been served before, the date on which applicant desires to have service begin, purpose for which service is to be used, the address for mailing or delivery of bills, the applicant's address (owner, tenant, or agent), the class and size of service, and such other information as the city may reasonably require. In signing the application, the customer agrees to abide by the city code. The application is merely a written request for service and does not bind the city to serve.

51.16.050 Credit establishment. A. At the time application for service is made, the applicant shall establish his credit with the city.

B. The credit of the applicant will be deemed established as follows:

1. If the applicant makes a cash deposit with the city to secure payment of bills for service; the deposit shall be a sum equal to the estimated bill for one billing period, but not less than ten dollars;

2. If the applicant is a government or industrial customer and can otherwise convince the city that all bills will be paid when due.

~~51.16.~~ At the time the deposit is given to the city, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. The deposit will be returned to the customer when service to the customer is discontinued, provided all outstanding bills have been paid.

51.16.060 Definition--One garbage pickup. One solid waste pickup is defined as no more than two thirty-three gallon-sized containers and a reasonable number of cardboard boxes at one customer stop.

51.16.070 Schedule of service. Solid waste shall be picked up twice weekly on Mondays and Thursdays.

51.16.080 Interruptions in service. The city reserves

the right to interrupt service for reasonable periods of time in the event of mechanical breakdown or illness.

51.16.090 Customer requirements. Putrescent garbage will be placed in covered receptacles within ten feet of a public street or in designated places. Receptacles shall not be larger than thirty-three gallons. Cardboard boxes may be placed alongside the container.

51.16.100 Access to landfills. A. The landfill for putrescent waste shall be open only to authorized Louisiana Pacific and city employees.

B. The landfill for nonputrescent waste shall be open seven days per week for dumping. Users shall dump only in designated areas.

51.16.110 Notices to customers. Notices from the city to the customer will normally be given in writing and either mailed or delivered to him at his last known address. Where conditions warrant and in emergencies the city may notify either by telephone or messenger.

51.16.120 Notices from customer. Notices from the customer to the city may be given by the customer or his authorized representative orally or in writing at the office of the city or to an agent of the city duly authorized to receive notices or complaints.

51.16.130 Billing period. Bills shall be rendered monthly.

51.16.140 Bills--Disputes. When a customer disputes the correctness of a bill he shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service, as provided under this chapter.

51.16.150 Bills--Payment by due date. Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by that date, the account shall be considered delinquent unless arrangements have been made with the council, in writing, that specify another due date. Bills not paid by the date due shall bear a 2% monthly service charge.

51.16.160 Bills--Delinquency notices. A reminder of account delinquency shall be sent, at the discretion of the city clerk, to each delinquent account on or about ten days after the account becomes delinquent.

51.16.170 Bills--Turnoff notice for delinquencies. On or about fifteen days after an account becomes delinquent, a turnoff notice shall be sent to the customer. The notice shall state a date on which service will be discontinued if the delinquent account is not paid in full prior thereto.

51.16.180 Service turnoff for delinquent accounts--Method. On the turnoff date, the agent of the city shall deliver a written notice to the customer stating that service is being discontinued until all delinquent amounts have been paid. The agent of the city shall immediately discontinue service. A delivery to any person residing at the address served shall be considered a delivery to the customer. If there is no person present at the address served, then the notice may be left on the premises stating that service will be discontinued on the following morning.

51.16.190 Deposits--Forfeiture. If an account becomes delinquent and it is necessary to discontinue service, the deposit shall be applied to the unpaid balance due. Solid waste service shall not be restored to that customer until all outstanding bills due the city have been paid and the cash deposit replaced.

51.16.200 Discontinuance of service--Upon customer request. Each customer about to vacate any premises supplied with service by the city shall give the city written notice of his intentions at least five days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all service supplied to the premises until proper notice is served.

51.16.210 Discontinuance of service--For fraud or abuse. The city will refuse or discontinue service to any premises where it is deemed necessary to protect the city from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the city that the conditions or conditions exist.

51.16.220 Discontinuance of service--For noncompliance with regulations. The city may, upon five days' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of this chapter.

51.61.230 Monthly rates--Per pickup.

	<u>Schedule A</u>	
All customers		\$7.25 per pickup

ORDINANCE NO. 83-03-26

AN ORDINANCE OF THE CITY OF THORNE BAY, ALASKA

Providing for a sales tax of two percent

Sections:

1. Levy of Tax - Rate
2. Use of Proceeds
3. Duty to Collect and Make Return
4. Return Forms
5. Penalty and Interest
6. Sales Tax Inspector
7. Effective Date
8. Definition
9. Applies to Entertainment
10. Sales Receipt
11. Violations and Penalties
12. Rules and Regulations

Section 1 Levy of Tax - Rate

- A. A consumer's sales tax is levied on all retail sales, on all amounts paid as rent, and on all services performed, within the City, in the regular course of business, on and after April 1, 1983, except as hereinafter exempted, to be collected and used for the purposes hereinafter stated.
- B. Said tax is levied in the amount of two percent (2%) of the sales price of all retail sales made, of all rents paid and of the amount paid for services performed within the City, in accordance with the following schedule:

<u>AMOUNT PAID</u>			<u>AMOUNT OF TAX</u>
Under		0.25	None
0.25	to	0.74	\$0.01
0.75	to	1.24	0.02
1.25	to	1.74	0.03
1.75	to	2.24	0.04
2.25	to	2.74	0.05
2.75	to	3.24	0.06
3.25	to	3.74	0.07
3.75	to	4.24	0.08
4.25	to	4.74	0.09
ad infinitum			

When sales are made, rentals of property paid, or services are performed or furnished for other than cash, the tax shall be based on the reasonable value of the items sold, furnished, performed or delivered. The term "rent" as used herein, includes rent of both real and personal property and the term "services" includes furnishing of labor and materials for accomplishing a specified result when the resulting object or product is not for resale by the purchaser in the ordinary course of business.

- C. The sales price of all items purchased or delivered at the same time shall be added together and the tax levied on the aggregate amount thereof.
- D. The following are exempt from said tax:
 - 1. Salaries and wages paid to an employee;
 - 2. Sales made and services performed which are not in the regular course of business;
 - 3. Sales of insurance and bond guaranty and fidelity;
 - 4. Fees for medical, dental and hospital services;
 - 5. Renumeration received for services and materials, including caskets, used or furnished for funerals;
 - 6. Wharfage charges and charges for freight handling and cargo handling on docks, or freight terminals;
 - 7. All sales of commodities made to a manufacturer, broker, wholesaler or dealer and which commodities are not consumed or destroyed by such purchaser, but which are resold in the same or an altered form or which are used to package, crate or deliver the products to such purchaser;
 - 8. All sales to a bona fide retailer when the same are purchased by him for resale in the ordinary course of business. In this connection, a retailer is one who regularly stocks merchandise for resale, displays the same to the public and holds himself out as regularly engaged in the business or selling such products either during a regular season or throughout the year direct to the consumer;
 - 9. The gross receipts derived from the sale of tangible personal property or services by churches, except where such organizations are engaged in business for profit or savings, or competing with other persons engaged in the same or similar business ;

10. Gross receipts or proceeds derived from sales of services which the municipality is prohibited from taxing by the state, or the United States; or gross receipts or proceeds from the transportation, loading, unloading, or storing cargo from vessels or aircraft in interstate commerce, or on goods in transit or awaiting and being processed for shipment;
11. Sales tax shall not be collected on the sale of commodities which are shipped to other communities, states or foreign countries on a carrier that is licensed by the state or federal government or a foreign country;
12. Gross receipts derived from carrier sales, made directly to consumer or user, of newspaper or periodicals;
13. Gross receipts derived from the sales to the United States, the State of Alaska or any political subdivision thereof;
14. Dues or fees to clubs, labor unions, or fraternal organizations;
15. Gross receipts derived from sales of real property, excepting the gross receipts earned as commissions by real estate agents shall be taxable.

Section 2 Use of Proceeds

The proceeds of the tax shall be used for general municipal purposes.

Section 3 Duty to Collect and Make Return

- A. The tax levied under Section 1 is assessed and levied upon the persons paying for the commodities sold and rents and services furnished, but it is the duty of the retailer, landlord or person furnishing the same to collect the tax from the purchaser, tenant or person paying for the same, and make a return thereof to the Clerk as hereinafter stated.
- B. The sellers and persons furnishing such goods, rents and services shall add the tax imposed under this chapter to the sales price or charge therefor, and when added, such tax shall constitute a part of the price or charge therefor and a debt from the purchaser, tenant or person receiving the same to the seller, landlord or person furnishing the same until the tax is

paid, and shall be recoverable at law in the same manner as other debts. The seller, landlord, or person furnishing the commodities, services or rentals shall add and collect the tax strictly in accordance with Section 1 of this chapter.

Section 4 Return Forms

The Clerk shall provide appropriate forms for the use of taxpayers in making returns of the taxes payable under this chapter. Every person, firm or corporation making such sales, renting property or supplying such services as are taxable hereunder shall furnish the Clerk with a return containing such information as is necessary to complete all spaces on the form, including the total sales, rents and charges for services during each quarter for which the return is made, the amount exempt hereunder, and the tax due and payable for such months. Such return shall be made on or before the last day of the month next succeeding the end of each calendar quarter year for the sales made, rentals and services furnished during the preceeding calendar quarter year. When such sales, rentals and services are furnished on credit for the purpose of making a return and paying the tax, such sales shall be considered made, and rentals furnished or the services furnished during the month in which payment is received for such sales or services unless the taxpayer elects to make his returns on an accrual basis. The taxes payable for sales in each quarter year shall be paid on or before the close of the calendar month following the close of such calendar quarter year and shall be delinquent unless then paid.

Section 5 Penalty and Interest

In the event a return is not made or the tax is not paid for any calendar quarter year within the following calendar month, a penalty of five percent (5%) of such tax as is unpaid shall be added to such tax for the first month of delinquency or any fraction thereof, and an additional five (5%) shall be added for each additional month of delinquency or fraction thereof, until the total penalty of fifteen percent (15%) has accrued. Interest at the rate of six percent (6%) per year from the date of delinquency until paid shall accrue in the same manner. Such penalty and interest shall be collected in the same manner as the tax.

Section 6 Sales Tax Inspector

The City Council shall from time to time designate not more than one person at any one time to make

investigations and inspections of the books and records of the persons, firms and corporations who are liable for taxes under this chapter. Such person shall be Sales Tax Inspector of the City of Thorne Bay. The Sales Tax Inspector is authorized and empowered to to make inspections from time to time of all of the books and records pertaining to purchases, sales, services, and rents made, furnished, paid or performed by parties who are liable for the tax levied under this chapter. The Sales Tax Inspector is granted the right to inspect all such books and records including the records of purchases made by retailers from wholesalers or other retailers, the ledger accounts of customers of the taxpayers, the sales slips made by taxpayers, and all other books and records of the taxpayers which would in any way tend to prove or reveal information concerning the tax liability of the taxpayer under this chapter. It shall be the duty of every person engaged in retail business or in furnishing services to the public in the City to allow the Sales Tax Inspector to examine such books and records during regular business hours at such times as the Sales Tax Inspector shall require. If the Sales Tax Inspector shall find discrepancies in favor of the City between the sales reported to the City Clerk and the sales which appear to have been made by any taxpayer, it shall be the duty of the City Clerk to demand that the taxpayer forthwith make an amended return showing the correct amount of tax payable for each month for which such discrepancy appears and to pay the taxes due to the City. Unless a taxpayer upon whom such demand is made shall make such returns and pay the taxes due the City within five days from the date of the demand by the City Clerk, the Clerk shall report the facts in full to the Council. The Clerk shall keep confidential all facts which have been learned as a result of such investigations until such time as the same are reported to the common council. In the event of a dispute between the taxpayer and the City Clerk as to the amount of tax due, the taxpayer may within five (5) days of the demand made upon him for the filing of amended returns and the payment of such taxes, demand a hearing before the City Council on his tax liability. In such event the City Council shall notify the taxpayer of the time and place at which such hearing shall be held. The City Council shall, after receiving a report from the City Clerk of delinquent taxes and after affording an opportunity for such hearing in case the taxpayers demand the same, take such action at law as is necessary to collect any taxes which the City Council shall find to be delinquent, including penalties and interest.

Section 7 Effective Date

This chapter shall be effective from and after one minute past twelve A.M. on the first day of April, 1983.

Section 8 Definition

The work "person" when used herein, includes the terms "corporation", "firm" and "partnership".

Section 9 Applies to Entertainment

The tax levied on services includes admissions to any entertainment, such as movies, dances and other events.

Section 10 Sales Receipt

Every sales slip, invoice and statement made and delivered to a purchaser as a result of a sale, rental or property or furnishing of services taxable under this chapter, shall list thereon the price of the articles sold, rents or service charges and separately list the tax payable thereunder.

Section 11 Violations and Penalties

Any person obligated to collect sales taxes hereunder who fails, neglects or refuses to collect the taxes imposed by this chapter, or who fails to make a return and remit such taxes to the City when due, or who forgives, remits or rebates to the purchaser or tenant, either directly or indirectly, any part of the tax levied hereunder or who absorbs the tax as a part of the sales price of any article, service or rental, shall be in violation of this chapter, guilty of a misdemeanor.

Section 12 Rules and Regulations

The Council may adopt rules and regulations providing for the administration and interpretation of this chapter together with forms and reporting the taxes payable hereunder.

Section 13 Effect on Previously Enacted Tax Ordinances

Upon the passage of this chapter by the City Council,

all previously enacted sales tax ordinances shall be void and no longer in force.

THIS IS A CODE ORDINANCE AND SHALL BECOME EFFECTIVE AT AND THEREAFTER ONE MINUTE AFTER MIDNIGHT ON THE FIRST DAY OF APRIL, 1983.

Date of Introduction March 8, 1983

Date of First Reading March 8, 1983

Date Public Hearing was Held March 26, 1983

ADOPTED by a duly constituted quorum of the City Council of Thorne Bay, Alaska, this 26th day of March, 1983.

Mayor

Cliff M. Barty
Councilmember

Councilmember

Dick Cook
Councilmember

Mary Lou Swann KA
Councilmember

Janice Pusser
Councilmember

Harold L. Worley
Councilmember

ATTEST:

Lois Applegate
City Clerk

ORDINANCE NO. 83-03-31-01

AN ORDINANCE OF THE CITY OF THORNE BAY, ALASKA

Providing for the Organization and Regulation
of the Fire Department of the City

Sections:

- .01 Fire Department Established.
- .02 Volunteer Fire Department.
- .03 Fire Chief.
- .04 Rules & Regulations.
- .05 Training & Records.
- .06 Equipment.

* * * *

Section .01 Fire Department Established

There shall be a fire department in and for the city to be known as the "Thorne Bay Volunteer Fire Department." It shall consist of a Fire Chief and Assistance Chief (or Chiefs), and as many other officers and firefighters as may be deemed necessary for the effective operation of the department.

Section .02 Volunteer Fire Department

- a. Organization. Members of the Fire Department may organize into a voluntary association with the election of their own officers and by-laws.
- b. Limitation on Powers of the Volunteer Department. The functions of the officers of the Volunteer Department shall not interfere with those of the regular department officers who are charged with responsibility for all fire service activities of the department. The voluntary association shall in no way limit the power of the Fire Chief. All property used by the Fire Department is and remains the property of the City and all expenses of the Fire Department shall be paid by check upon proper voucher by the regular City authorities.
- c. Funding by City. From time to time in such amounts as the Council may deem advisable, payments may

be made to the Volunteer Department for the purpose of giving that association funds with which to reimburse members for clothing damaged while attending fires and for such other purposes in keeping with its functions.

Section .03 Fire Chief

a. Appointment. The Fire Chief shall be appointed by the Council and shall be responsible to that body. His appointment shall be for an indefinite period of time and with tenure of office depending upon his good conduct and efficiency. He shall be technically qualified through training and experience and shall have the ability to command men. He shall be removed only for just cause and after a public hearing before the Council.

b. Powers & Duties.

1. The Fire Chief shall determine the number and kind of companies of which the Department is to be composed and shall determine the response of such companies to alarms.

2. He shall appoint all other officers and firefighters (both paid and volunteer). Such appointments shall be insofar as possible; following fair and impartial competitive examination. All officers shall be accountable to the Fire Chief or his representative.

3. He shall annually submit a tentative budget for his department upon request of the Council.

4. He shall assist the property authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.

Section .04 Rules & Regulations.

The Fire Chief shall maintain and enforce an up-to-date comprehensive set of rules and regulations governing the discipline, training and operation of the Fire Department. Such rules, regulations and any deletions, changes or additions shall be effective when approved and filed with the Council. The Fire Chief shall carry out strictly the enforcement of these rules and regulations and is authorized to suspend or remove from service any officer or firefighter as provided in the rules and regulations.

Section .05 Training & Records.

a. Drills and Training. The Fire Chief or his representative shall, at least two times per month, provide for suitable drills covering the operation and

handling of all equipment essential for efficient department operation. In addition, he shall provide, at least four times per year, quarterly sessions of instruction to include such subjects as first aid, water supplies, and other subjects related to fire suppression.

- b. Records. The Fire Chief shall see that compete records are kept of all apparatus, equipment, personnel, training, inspections, fires and other department activities.
- c. Reports. Current records and comparative data for previous years and recommendations for improving the effectiveness of the Department shall be included in an annual report. Such other reports as may be required concerning the department in general, giving suggestions and recommendations for major improvements, and listing other data so as to maintain a complete record of the activities of the department shall also be prepared.

Section .06 Equipment.

a. City Owned Equipment.

1. The Fire Chief shall be responsible to the Council for recommending such apparatus or other fire fighting equipment as may be required to maintain fire department efficiency, and for providing suitable arrangements and equipment for reporting fires or emergencies, and for notifying all members of the Department to assure prompt response to such incidents.

2. The Fire Chief or his authorized representative shall have power to assign equipment for response to calls for outside aid where agreements are in force and in other cases only when the absence of such equipment will not jeopardize protection of this City.

3. No person shall use any fire appratus or equipment for any private purpose, not shall any person willfully and without proper authority take away or counceal any article used in any way by the Department.

4. No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the Department unless accomanied by, or having the special permission of, an officer or authorized member of the Department.

b. Private Vehicles of Volunteers.

1. Insignia. Each member of the Department driving

a private car shall be issued a suitable insignia to be attached to the car designating him as a member of the Department.

2. Blue Light. All personal cars of Department members may be equipped with a flashing blue light and shall have right-of-way over all other traffic when responding to an alarm, but shall observe all City traffic ordinances.

THIS IS A CODE ORDINANCE AND SHALL BECOME EFFECTIVE UPON ITS ADOPTION BY THE CITY COUNCIL.

Date of Introduction March 31, 1983

Date of First Reading March 31, 1983

Date Public Hearing was Held April 12, 1983

ADOPTED by a duly constituted quorum of the City Council of Thorne Bay, Alaska, this 12 day of April, 1983.

Cliff McCarley
Councilmember

Sidney W. Cook
Councilmember

Janice Russell
Councilmember

Denis M. Kuntz
Mayor

Mary Lou Swanson
Councilmember

R. E. Schelker
Councilmember

Councilmember

ATTEST:

Nathaniel Applegate
City Clerk

ORDINANCE No. 83-04-12

AN ORDINANCE OF THE CITY OF THORNE BAY, ALASKA
Providing for free and unobstructed access
to water hydrants intended for fire fighting
purposes.

Sections:

- .01 Description and location of water hydrants
- .02 Intended use of water hydrants
- .03 Accessibility
- .04 Fence openings and gates
- .05 Violations and penalties
- .06 Definitions

Section .01 Description and location of water hydrants

Located throughout the City of Thorne Bay are water hydrants. More specifically, these hydrants can be identified as being housed within small wooden buildings which measure about two (2) feet wide by three (3) feet long by three feet high and these structures have been painted red to facilitate identification. In one end of the structure is a door for access to the inside of the building and such door is held closed by a non-locking device.

Inside of these small structures is a stand-pipe with a hand operated valve to control the flow of water. In most instances, a hose is attached to the valve and the hose is stored inside the structure for safe-keeping. The purpose of the hose is to carry water to the location of and to extinguish unwanted fires.

Section .02 Intended use of water hydrants

The water hydrants described in Section .01 are to be used for extinguishing fires and such other uses as may be approved by the City Administration.

The aforementioned water hydrants shall not be used for any other purpose than those approved by this or other ordinances.

Section .03 Accessibility

No person, property owner, building occupant or building visitor shall deposit or allow others to deposit any materials, vehicles or plant life (living or dead) within eight (8) feet of any water hydrant which, if deposited, would obstruct access to the water hydrant by firemen or private persons working to extinguish an unwanted fire.

No person, property owner, building occupant or building visitor shall, within eight (8) feet of the aforementioned water hydrants, tie or leash or contain in a fenced enclosure, any animal that may attack or threaten any fireman or private person that is in the process of extinguishing an unwanted fire or using the water hydrant for any other approved purpose.

No person, property owner, building occupant or building visitor shall park or allow any other person to park a vehicle in such a way so as to block access to the water hydrant.

Section .04 Fence openings and gates

Property owners may build or allow building occupants to build fences which enclose the aforementioned water hydrants; but, any fence that exists or may be built in the future must include an opening or gate which allows free access to the water hydrant that may be enclosed by the fence.

The distance from the gate or opening in the fence to the water hydrant is not perscribed in feet but the opening or gate should be placed so as to afford free access to the water hydrant for firemen and other authorized persons.

Section .05 Violations and penalties

Any person found to be in violation of this ordinance shall be guilty of a Misdemeanor and subject to a fine of not more than Three Hundred Dollars (\$300.).

Section .06 Definitions

Water hydrant means "fire hydrant" or "fire plug" in this ordinance

THIS IS A CODE ORDINANCE AND SHALL BECOME EFFECTIVE UPON
IT'S ADOPTION BY THE CITY COUNCIL.

Date of Introduction April 12, 1983

Date of First Reading April 12, 1983

Date Public Hearing was Held April 18, 1983

ADOPTED by a duly constituted quorum of the City Council of
Thorne Bay, Alaska, this 18th day of April, 1983.

Denis M. Kuntz
Mayor

Bob Shell
Councilmember

Mary Lou Swann
Councilmember

Janie Rine
Councilmember

Bliff M. C. Carty
Councilmember

Councilmember

Councilmember

ATTEST:

Nathie Applegate
City Clerk

ORDINANCE NO. 83-04-22

AN ORDINANCE OF THE CITY OF THORNE BAY, ALASKA

Providing for the selection and disposition of certain land being selected under the authority of Alaska Statute 29.18 and that have been classified as commercial property by the City and/or the Alaska Department of Natural Resources and certain other residential land.

Sections:

- .01 Selection of land classified as commercial by the City and/or the State and certain residential land.
- .02 Recognition of the differing values of commercial land and certain residential land.
- .03 Establishment of a procedure for the sale of land to nonprofit corporations.
- .04 Appraisal of commercial and residential land selected under the authority of this ordinance.
- .05 Establish a sale price for land and property.
- .06 Preferential sale of land to commercial occupants.
- .07 Preferential sale of land to certain residential occupants.
- .08 Lease of land between the time the City accepts ownership and the time the land is sold to a private individual or a business firm.
- .09 Severability.
- .10 Self repealing.
- .11 Definitions.

Section .01 SELECTION OF LAND CLASSIFIED AS COMMERCIAL BY THE CITY AND/OR THE STATE AND CERTAIN RESIDENTIAL LAND. Based on the authority of Alaska Statute 29.18, the City of Thorne Bay shall select available lands in the limits of the City of Thorne Bay which are considered as being used for commercial purposes and that land that is occupied by persons that are not eligible to buy that same land under Chapter 47, Session Laws of Alaska 1982. The commercially

classified property that will be selected by the City will be that property that is occupied by a person or firm that has signed a waiver/refusal of the offer from the State to sell the property to the commercial occupant. The residential property to be selected will be that land that is occupied as a residence by a person or persons that are not qualified to buy that particular piece of land from the State under Chapter 47, Session Laws of Alaska 1982. All lands selected under the authority of this ordinance will be deducted from the total land selection appropriation under Alaska Statute 29.18.

Section .02 RECOGNITION OF THE DIFFERING VALUES OF COMMERCIAL LAND AND CERTAIN RESIDENTIAL LAND. The City Council shall have authority to establish a sales price for each piece of commercial and residential land. The sales price established shall be in accordance with the current use of the land. There shall be four categories of land classification for the land being selected under the authority of this ordinance. Those categories shall be retail/wholesale commercial, residential rental commercial, nonprofit corporation, and residential.

Section .03 ESTABLISHMENT OF A PROCEDURE FOR THE SALE OF LAND TO NONPROFIT CORPORATIONS. The City Council shall establish the price of any land to be sold to any nonprofit corporation. If the price that is established is below the price that has been established for a similar piece of property, regardless of the buyer, the sales contract shall contain a clause stating that the City shall have the right of first refusal of purchase of that same piece of property if and when that particular nonprofit corporation ceases to function and decides to sell the property. The nonprofit corporation shall use the property only for the expressed purpose at the time of the purchase. The contract clause shall also include the stipulation that the City may purchase the property back from the nonprofit corporation at the same price that was paid when the City sold the property to the nonprofit corporation in the original sale.

Section .04

APPRAISAL OF COMMERCIAL AND RESIDENTIAL LAND
SELECTED UNDER THE AUTHORITY OF THIS ORDINANCE.
When a determination has been made as to which
pieces of property are to be selected under the
authority of this ordinance, the City shall sell
or dispose of the property and/or land based on
the State's appraised values. In the event there
is no appraisal of the parcel of land and/or the
property by the State, the City shall contract
with an appraiser from private industry. The
appraiser that is selected by the City must be
familiar with the values of property on Prince of
Wales Island.

Section .05

ESTABLISH A SALE PRICE FOR LAND AND PROPERTY. These
prices effect only those lands selected under Chapter
48, SLA 1982 and will be based on the State's ap-
praised value. The City shall sell the land as follows:

1. Retail/Wholesale Commercial shall be sold at
40% of the appraised value.
2. Residential Commercial shall be sold at 25%
of the appraised value.
3. The price of property/lands sold to nonprofit
corporations shall be established by the City
Council by individual action.
4. Residential property/land shall be sold at the
cost of surveying, platting and administrative
costs.

Section .06

PREFERENTIAL SALE OF LAND TO COMMERCIAL OCCUPANTS.
The occupant of a parcel of land that has been
classified as commercial and who has waived his/her
option to purchase the land that they occupy from
the State shall have the first option to buy that
land from the City. The occupants of commercially
classified land shall have purchased, or be in the
process of purchasing, the buildings and/or improve-
ments on the land to be eligible to purchase said
piece of land from the City.

Section .07 PREFERENTIAL SALE OF LAND TO CERTAIN RESIDENTIAL OCCUPANTS. The occupant of a parcel of land that has been classified as residential and who does not qualify to purchase said land under Chapter 47, Session Laws of Alaska 1982, shall have the first option to buy that parcel of land from the City. This option shall be available to those residential property occupants that have purchased or are in the process of purchasing, the buildings and/or improvements on the land to be eligible to purchase said land from the City.

Section .08 LEASE OF LAND BETWEEN THE TIME THE CITY ACCEPTS OWNERSHIP AND THE TIME THE LAND IS SOLD TO A PRIVATE INDIVIDUAL OR A BUSINESS FIRM. The City Council shall establish the cost of a monthly lease for each parcel of land that is selected under Alaska Statute 29.18 and this ordinance. The occupant of each parcel of land shall pay this lease cost starting on the day the City accepts ownership of the selected land and the time the land occupant and the City closes the land purchase agreement/contract. All occupants of commercial, residential and nonprofit classified land shall be required to pay the lease costs described above.

Section .09 SEVERABILITY. If any provision of this ordinance, or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section .10 SELF REPEALING. This ordinance shall be repealed and no longer in effect after December 31, 1984.

Section .11 DEFINITIONS. Following are listed words and the meanings of those words as intended in this ordinance.

"City" means the City of Thorne Bay, Alaska

"State" means the State of Alaska

"Alaska Statute 29.18" means a general grant of land to a newly incorporated municipality

"Selection" means available land that a newly incorporated city may choose within the boundaries of that city

"Nonprofit corporation" means (as an example) a club that was organized for the benefit of the community

"Chapter 47, Session Laws of Alaska 1982" means what is commonly known as House Bill 811

THIS IS A CODE ORDINANCE AND SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL BY A DULY CONSTITUTED QUORUM OF THE THORNE BAY, ALASKA CITY COUNCIL.

Date of Introduction July 14, 1983

Date of First Reading July 14, 1983

Date Public Hearing was Held July 20, 1983

ADOPTED by a duly constituted quorum of the City Council of Thorne Bay, Alaska, this 20 day of July, 1983.

Dennis M. Kuntz
Mayor

ATTEST:

Larrie Applegate
City Clerk

ORDINANCE NO. 83-05-18-01

AN ORDINANCE OF THE CITY OF THORNE BAY, ALASKA

Providing for the Assumption of Platting Authority
within the boundaries of the City of Thorne Bay

Sections:

- .01 Platting jurisdiction and power.
- .02 Procedure.
- .03 Waiver in certain cases.
- .04 Information required.
- .05 Penalties.
- .06 Alteration of replat petition.
- .07 Notice of hearing.
- .08 Hearing and determination.
- .09 Recording.
- .10 Title to vacated area.
- .11 Repealer.

Section .01 PLATTING JURISDICTION AND POWER. The Planning Commission of Thorne Bay, Alaska shall act as the Platting Board and shall have jurisdiction over platting and shall adopt and publish rules and regulations to implement this power. Jurisdiction includes, but is not limited to, the control of:

- (a) Form, size and other aspects of subdivisions, dedications, and vacations of land;
- (b) Dimensions of lots or tracts;
- (c) Street width, arrangement, and right-of-way, including allowance for access to lots and installation of street paving, curbs, gutters, sidewalks, sewers, water lines, drainage, and other public utility facilities and improvements.

Authority for the assumption of this power is granted to the City in Alaska Statute 29.43.040.

Section .02 PROCEDURE. The Platting Board shall within sixty (60) days of receipt of a filing, approve or disapprove the plat or shall return it to the applicant for modification or correction. If the Board fails to act, the plat is considered to be approved and a certificate shall be issued by the Board on demand. The applicant for plat approval may consent to the extension of the period for action by the Board. The Board shall state on its record and in writing to the applicant its reason for disapproval of a plat.

The Platting Board shall submit an approved plat to the District Recorders Office in compliance with Alaska Statute 40.15.010 through 40.15.020.

Section .03 WAIVER IN CERTAIN CASES. A. The Platting Board shall, in individual cases, waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that:

1. Each tract or parcel of land will have adequate access to a public highway or street;
2. Each parcel created is five acres in size or larger and that the land is divided into four or fewer parcels;
3. The conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development;
4. No dedication of a street, alley, thoroughfare or other public area is involved or required.

B. In other cases the Platting Board may waive the preparation, submission for approval, and recording of a plat, if the transaction involved does not fall within the general intent of Alaska Statute 29.33.150 through 29.33.240 and Alaska Statute 40.15. if it is not made for the purpose of, or in connection with, a present or projected development and no dedication of a street, alley, thoroughfare, park or other public area is involved or required.

Section .04 INFORMATION REQUIRED. A plat shall show initial

point of survey, original or reestablished corners and their descriptions, and actual traverse showing area of closure and all distances, angles and calculations required to determine initial point, corners and distances of the plat, as well as other information which may be required by ordinance.

- A. The owner or agent of the owner of land located within a subdivision who transfers, sells, or enters into a contract to sell land in a subdivision before a plat has been prepared, approved, and recorded, is guilty of a misdemeanor in accordance with Alaska Statute 29.33.190, and upon conviction is punishable by a fine of not more than five hundred dollars for each lot or parcel transferred, sold, or included in a contract to be sold. The Platting Board may enjoin a transfer, sale, or contract to sell, and may recover the penalty by appropriate legal action.
- B. No person may record a plat or seek to have a plat recorded unless it bears the approval of the Platting Board. A person who knowingly violates this requirement is punishable upon conviction by a fine of not more than five hundred dollars.

Section .06 ALTERATION OF PLAT PETITION. No recorded plat may be altered or replatted except upon petition of the owners of a majority of the land affected by the alteration or replat or by the Platting Board. No platted street may be vacated, except upon petition of the municipality or owners of the majority of the front feet of the land fronting the part of the street sought to be vacated. The petition shall be filed with the Platting Board. It shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

Section .07 NOTICE OF HEARING. The Platting Board shall fix a time for a hearing on the petition which shall not be more than sixty (60) days after the filing. The Board shall publish a notice stating when and by whom the petition was filed, its purpose, and the time and place of the hearing. The notice shall generally describe the alteration or replat sought. The notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the area or, if there is no such newspaper, the notice shall be posted within the same time at three public places within the City. The Board shall also mail a copy of the notice to each affected property owner not signing the petition.

Section .08 HEARING AND DETERMINATION. At the hearing, the Platting Board shall consider the alteration or replat and make its decision on the merits of the proposal. No vacation of a City street may be made without consent of the City Council while sitting in a regular or special meeting.

Section .09 RECORDING. If the alteration or replat is approved, the revised plat must be recorded by the Platting Board and is thereafter the lawful plat.

Section .10 TITLE TO VACATED AREA. A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the City if it lies within the City. If the property vacated is a lot or tract, title vests in the rightful owner.

B. If the City acquired the street or other public area vacated for legal consideration or by express dedication to and acceptance by the City other than required subdivision platting, before the final act of vacation, the fair market value of the street or public area shall be deposited with the City and held in escrow until such time as the final vacation is accomplished and at that time the funds shall be deposited into the general fund of the City.

Section .11 REPEALING CLAUSE. This ordinance, when approved and in force, repeals City of Thorne Bay Ordinance Number

THIS IS A CODE ORDINANCE AND SHALL BECOME EFFECTIVE IMMEDIATELY
UPON APPROVAL BY A DULY CONSTITUTED QUORUM OF THE THORNE BAY
CITY COUNCIL.

Date of Introduction May 10, 1983

Date of First Reading May 10, 1983

Date Public Hearing was Held May 18, 1983

ADOPTED by a duly constituted quorum of the City Council of
Thorne Bay, Alaska, this 18th day of May, 1983.

Dennis M. Kunk
Mayor

Sid Cook
Councilmember

Cliff McCarly
Councilmember

Mary Lou Swanson
Councilmember

R. Sh. Shelt
Councilmember

Janice Russell
Councilmember

Harold A. Worley
Councilmember

ATTEST:

Kathie Applegate
City Clerk

ORDINANCE NO. 83-05-18-02

AN ORDINANCE OF THE CITY OF THORNE BAY, ALASKA

Providing for the authority and procedures of a Board of Adjustment

Sections:

- .01 Board of Adjustment.
- .02 Adjustment procedure.
- .03 Appeals.

Section .01 BOARD OF ADJUSTMENT. A. The Thorne Bay City Council is the Board of Adjustment for the area within the city boundaries of Thorne Bay, Alaska. Meetings of the Board are held at the call of the Mayor. The presiding officer or Mayor may administer oaths and compel attendance of witnesses. Meetings and hearings of the Board shall be open to the public and the Board shall keep minutes of its proceedings as a public record.

B. The Board of Adjustment shall hear and decide:

1. Appeals regarding alleged errors in enforcement of zoning ordinances and building codes;
2. Appeals from the decisions of the Planning Commission on requests for conditional uses;
3. Appeals from the decisions of the Planning Commission on requests for variances from the terms of the zoning ordinance which are not contrary to the public interest, when a literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in the same district.

- C. A variance shall not be granted because of special conditions caused by actions of the person seeking relief or for reasons of pecuniary hardship or inconvenience. A variance shall not be granted which will permit a land use in a district in which that use is prohibited.

Section .02 ADJUSTMENT PROCEDURE. An interested party, including but not limited to a City official, may file with the Board of Adjustment an appeal specifying his objections. Copies are filed with the administrative officer involved and with the City Clerk within the time required by the zoning ordinance. The officer shall provide the Board with all pertinent records, including his written decision. An appeal to the Board stays enforcement proceedings unless the Board or a court issues an enforcement order based on a certificate of imminent peril to life or property made by the enforcement officer.

Section .03 APPEALS. Appeals from decisions of the Board of Adjustment shall be governed by Alaska Statute 29.33.130.

THIS IS A CODE ORDINANCE AND SHALL BECOME EFFECTIVE IMMEDIATELY
UPON APPROVAL BY A DULY CONSTITUTED QUORUM OF THE THORNE BAY
CITY COUNCIL.

Date of Introduction May 10, 1983
Date of First Reading May 10, 1983
Date Public Hearing was Held May 18, 1983

ADOPTED by a duly constituted quorum of the City Council of
Thorne Bay, Alaska, this 18th day of May, 1983.

Bill McBarty
Councilmember

Sid Cook
Councilmember

Mary Ann Swain
Councilmember

Denis M. Kuntz
Mayor

Janice Russell
Councilmember

R. Sh. Scholtz
Councilmember

Harold S. Worley
Councilmember

ATTEST:

Ruthie Applegate
City Clerk

ORDINANCE NO. 82-05-18-03

AN ORDINANCE OF THE CITY OF THORNE BAY, ALASKA

Providing for the assumption and exercise of Planning Powers as is authorized in Alaska Statute 29.43.040.

Sections:

- .010 Planning commission established - Purpose.
- .020 Commission membership.
- .030 Commission officials.
- .040 Vacancies.
- .050 Meetings.
- .060 Order of business.
- .070 Office and staff.
- .080 Formal acts by resolution.
- .090 Funds.
- .100 Planning functions.
- .110 Additional functions of the planning commission.

Section .010 PLANNING COMMISSION ESTABLISHED - PURPOSE. There is hereby established the Planning Commission for the City of Thorne Bay to constitute a department of the City and to perform the citywide functions of planning, platting and zoning for the city.

Section .020 COMMISSION MEMBERSHIP. A. The Planning Commission shall consist of five residents.
B. Members shall be appointed by the Mayor for a term of three years subject to confirmation by the City Council. Members first appointed shall draw lots for one-, two-, and three- year terms. Appointments to fill vacancies are for the unexpired term. The compensation and expenses of the Planning Commission and its staff are paid as directed by the City Council.

Section .03 COMMISSION OFFICIALS. The Commission shall elect a chairperson to conduct the affairs of the Commission, a vice chairperson to serve as chairperson in his/her absence, a clerk to cause the preparation of the journal of the Commission's proceedings, and an assistant clerk to serve as clerk in his/her absence.

Section .040 VACANCIES. A. A vacancy shall be declared, and filled as above provided, under the following conditions:

1. If a person nominated and confirmed to membership fails to qualify and take his office within thirty days;
2. If a member departs from the City with the intent to remain away for a period of ninety (90) or more days or moves his residence from the area he was appointed to represent for a period of ninety (90) or more days;
3. If a member's resignation is submitted and accepted by the Council;
4. If a member is physically unable to attend Commission meetings for a period of more than ninety (90) days;
5. If a member misses three or more consecutive regular meetings, unless excused by the Commission.

B. The Clerk shall keep attendance records and notify the Chairperson when vacancies occur.

Section .050 MEETINGS. A. Regular meetings shall be held on the first Thursday of each month. Special meetings may be called by the Commission Chairperson or shall be called by him/her at the request of two members. B. The Clerk shall cause to be kept minutes and a journal of all meetings which shall be a public record. Minutes and records shall be filed with the municipal Clerk. C. Meetings shall be conducted under Robert's Rules of Order, and such modified or amended rules as may be adopted by the Commission. D. Printed notices that announce special meetings of the Commission shall be posted in at least three prominent places within the City no less than five (5) days before the meetings are to be held. E. All news media with general local circulation shall be notified of regular and special meetings of the Commission with every effort being made

to contact the local media prior to established deadlines for news coverage. F. An agenda of all meetings shall be posted at the City Hall, in a place that is available for reading by the general public, at least twenty-four (24) hours before all regular and special meetings. G. The Commission may hold workshop meetings at the discretion of the Chairperson and all meetings of the Commission shall be public meetings unless the Commission shall agree to adjourn for an executive session to discuss personnel or other matters which may cause undue stress or embarrassment to any employee of the Commission or any appointed Commission member. Any executive session must be held between the time a regular or special meeting of the Commission starts and ends.

Section .060 ORDER OF BUSINESS. A. The order of business at regular meetings shall be:

1. Approval of minutes of previous meetings, as amended or corrected;
2. Reading and disposition of all correspondence;
3. Unfinished business;
4. New business;
5. Miscellaneous business.

B. The order of business at special meetings shall be perscribed by the Chairperson.

Section .070 OFFICE AND STAFF. A. The Commission shall be provided office space by the City Council which is adequate for its needs and adequate to file its journals resolutions, records, reference materials, correspondence and maps, plats and charts, all of which shall constitute public records of the City of Thorne Bay. B. The Commission shall be furnished secretarial assistance at each meeting to assist in preparing its journals and resolutions, and as required to prepare its correspondence under the direction of the Commission Chairperson and Clerk.

Section .080 FORMAL ACTS BY RESOLUTION. A. All formal actions of the Commission shall be by resolution bearing:

1. The heading - "CITY OF THORNE BAY, ALASKA PLANNING COMMISSION";
 2. The space for the serial number to be assigned shall be headed by - "RESOLUTION, SERIAL NO. _____";
 3. A short and concise title descriptive of its subject and purposes;
 4. Short premises, or whereas clauses, descriptive of the reasons for the resolution, if necessary;
 5. The resolving clause "BE IT RESOLVED; and,
 6. Provision for signatures after the test, "ADOPTED _____ (date), and designated lines for the signatures of the Commission Chairperson, all of the Commission members and the Commission Clerk.
- B. All resolutions adopted by the Commission, whether at the instance of and presented by third parties, or on the motion of and instance of the Commission, shall conform to that set forth in subsection (A) above.

Section .090 FUNDS. All funds the Commission receives as fees and charges or otherwise shall be deposited in the general fund of the City of Thorne Bay as receipts of the activities of the Commission. All costs of the Commission shall be paid by the City and shall be an operating cost of the City and shall be included in each annual budget ordinance.

Section .100 PLANNING FUNCTIONS. The planning functions of the Planning Commission are as follows:

- A. To prepare, from time to time, plans for the systematic development of the City as a place of residence and business;
- B. To investigate and report upon the location and design of any public building, dock, beach, ski ground, statue, memorial, park, parkway, boulevard, street or alley, playground, public street, alley or grade thereof before final action is taken by the City or any department, office, or agency;

- C. To investigate and prepare, under such directions and conditions as the City Council may, from time to time, request, the Commission's recommendations on capital improvements program, and to review the same periodically and revise it, from time to time, but not less frequently than annually. The annual capital improvements program shall constitute permanent records of the Commission which shall be a public record;
- D. To investigate and recommend to the City Council for adoption by ordinance, with such amendments as the Commission believes necessary and proper because of local conditions, such published codes of technical regulations as relate to the functions of planning, platting and zoning;
- E. To investigate and prepare, from time to time, and to initiate on its own motion in the absence of directions from the City Council, reports on the availability of public lands by selection, transfer at less than appraised value, and otherwise, for City purposes. In this regard, special attention shall be given to acquisition of lands for public recreation;
- F. To investigate and prepare reports on the location and establishment of:
 - 1. Outdoor public recreation,
 - 2. Location of dangerous outdoor recreation such as rifle and pistol ranges,
 - 3. Public campgrounds and recreational vehicle parks.

Section .110 ADDITIONAL FUNCTIONS OF THE PLANNING COMMISSION.
The Planning Commission shall also:

- A. Prepare and recommend to the City Council,
 - 1. A zoning ordinance to implement plans prepared in accordance with Alaska Statute 8.04.100;
 - 2. A subdivision ordinance;
 - 3. The official map of the City of Thorne Bay;

4. Modifications to the documents specified in 1 through 3 of this section.
- B. The Commission shall publish notice of and hold at least one public hearing before submitting its recommendations under (A) of this section to the City Council.
 - C. The Commission shall:
 1. Act as the platting board;
 2. Act upon requests for variances;
 3. Act upon requests for conditional uses.
 - D. Subject to Alaska Statute 29.33.245, no platting request, variance or conditional use may be granted except upon an affirmative vote of the majority of the Commission.
 - E. A quorum of the Planning Commission shall be at least three of the five members and no official action may be taken unless a quorum is present in legally convened meeting of the Commission.

THIS IS A CODE ORDINANCE AND SHALL BECOME EFFECTIVE IMMEDIATELY
UPON APPROVAL BY A DULY CONSTITUTED QUORUM OF THE THORNE BAY
CITY COUNCIL.

Date of Introduction May 10, 1983
Date of First Reading May 10, 1983
Date Public Hearing was Held May 18, 1983

ADOPTED by a duly constituted quorum of the City Council of
Thorne Bay, Alaska, this 18th day of May, 1983.

Dennis M. Kuntz
Mayor

Cliff M. Barty
Councilmember

Daniel Russell
Councilmember

Sid Cook
Councilmember

R. Sh. Sheld
Councilmember

Mary Lou Swann
Councilmember

Ronald T. Worley
Councilmember

ATTEST:

Kathie Asplund
City Clerk

ORDINANCE NO. 83-05-08-04

AN ORDINANCE OF THE CITY OF THORNE BAY, ALASKA

Providing for the assumption of the authority of building and land use administration through planning and zoning within the City.

Sections:

- .01 Building and land use regulations.
- .02 Comprehensive plan and purposes.
- .03 Zoning districts.
- .04 Regulations uniform.

Section .01 BUILDING AND LAND USE REGULATIONS. For the purpose of promoting the public health, safety and morals, the City Council shall, upon having received the recommendations of the Planning Commission, regulate the heights, number of stories, and size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the set-back of buildings from property lines, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and may enact a building code regulating minimum construction, heating, lighting, and other requirements and specifications within districts of the City of Thorne Bay, defining offenses and prescribing punishment for their violation.

Section .02 COMPREHENSIVE PLAN AND PURPOSES. The City Council shall prepare or cause to be prepared, with the advice and assistance of the Planning Commission, and revise from time to time with a written record of revisions made not less frequently than annually, for the City of Thorne Bay, a comprehensive plan designed to:

- A. Lessen congestion in the streets;
- B. Secure safety from fire, panic and other dangers;
- C. Promote health and the general welfare;
- D. Provide adequate light and air;
- E. Prevent the overcrowding of land;
- F. Avoid undue concentrations of population;
- G. Facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements.

Section .03 ZONING DISTRICTS. The City Council, upon the recommendations of the Planning Commission, shall divide the City into such districts as will best accomplish the purposes of the comprehensive plan and accommodate the building and the land use regulations authorized by law.

Section .04 REGULATIONS UNIFORM. The regulations authorized by this ordinance shall be uniform and shall be established in the form of a City ordinance and such ordinances shall be adopted in the perscribed manner as other code ordinances.

THIS IS A CODE ORDINANCE AND SHALL BECOME EFFECTIVE IMMEDIATELY
UPON APPROVAL BY A DULY CONSTITUTED QUORUM OF THE THORNE BAY
CITY COUNCIL.

Date of Introduction May 10, 1983
Date of First Reading May 10, 1983
Date Public Hearing was Held May 18, 1983

ADOPTED by a duly constituted quorum of the City Council of
Thorne Bay, Alaska, this 18th day of May, 1983.

Denis M. Kuah
Mayor

Sid Cook
Councilmember

Cliff M. Bailey
Councilmember

Mary Lou Swann
Councilmember

R. S. Shields
Councilmember

Janice Russell
Councilmember

Harold L. Worley
Councilmember

ATTEST:

Kathie Applegate
City Clerk

ORDINANCE NO. 83-06-14-1

AN ORDINANCE OF THE CITY OF THORNE BAY, ALASKA

Providing for the establishment of a Public Safety Department and the authority to be exercised by that Department.

Section:

- .01 Creation
- .02 Appointment of Chief/Village Public Safety Officer
- .03 Powers, Duties, and Responsibilities of the Department
- .04 Department Chief/Public Safety Officer
- .05 Rules and Regulations
- .06 Conduct of Members
- .07 Custody of Public and Stolen Property
- .08 Department Members - Regular and Special

Section .01 CREATION. There shall be a Public Safety Department for the City of Thorne Bay, Alaska. The Village Public Safety Officer shall be the Chief of the Department.

Section .02 APPOINTMENT OF CHIEF/VILLAGE PUBLIC SAFETY OFFICER. The Chief is appointed by the City Council and serves at its pleasure. The Chief is administratively responsible to the Mayor or to the Vice Mayor in the absence of the Chief Executive. The Vice Mayor shall be designated by a resolution of the City Council.

Section .03 POWERS, DUTIES, AND RESPONSIBILITIES OF THE DEPARTMENT. The Department shall have broad powers in the areas of law enforcement, fire protection, emergency medical response and search and rescue.

A. LAW ENFORCEMENT. It is the duty of the Department to apprehend, arrest, and bring to justice all violators of City ordinances; to keep the peace; to serve all warrants, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating Federal or State law as may be provided by law, and turn these violators over to the proper authorities; and in all respects to perform all duties pertaining to the office of policemen.

B. FIRE PREVENTION. It is the duty of the Department to supervise all activities of the Thorne Bay Volunteer Fire Department; extinguish fires; rescue persons endangered by fire; promote fire prevention; enforce all ordinances pertaining to fires, fire prevention and safety of persons threatened by fire; and in all respects to perform all duties pertaining to the office of firemen. The Department shall register with the State Fire Marshal's office as a formally constituted fire department.

C. EMERGENCY MEDICAL RESPONSE. The authority and duties contained in this ordinance are only to be assumed by individuals who have successfully completed Emergency Medical Training I. It is the duty of the Department Emergency Medical Technicians to undertake immediate response in traumatic accident situations; when qualified, stabilize the condition of the victim in preparation for transport; transport the victim to the nearest primary health care facility; and resuscitate and administer first aid to persons injured in case of an emergency. Departmental response to an emergency medical situation will be under the general direction of the local primary health care provider, health aid, etc. In the absence or inavailability of any recognized primary health care provider, the Village Public Safety Officer/Chief or his designee will exercise that authority. The Chief and the primary Health Aid will cooperate in devising protocol for dealing with emergency medical situations.

Section .04 DEPARTMENT CHIEF. The Chief/Village Public Safety Officer is the commanding officer of the Department. His or her duties shall include, but are not necessarily limited to, the following:

1. Determine the organization of the Department and provide for its staffing.
2. Establish and enforce rules and regulations for the conduct of Department members.

3. Direct the police, fire protection and emergency rescue work of the City of Thorne Bay, Alaska.
4. Train and drill the members of the Department including fire drills or emergency response drills if necessary.
5. Be responsible for the maintenance and care of all property used or in the custody of the Department.
6. Maintain and staff the City jail or other holding facilities and be responsible for the prisoners.
7. Prepare and maintain records of all arrests, fines; search and rescue operations and responses to emergencies, and other information about the work and status of the Department and make monthly written reports to the City Council.
8. Provide arrangements and equipment for reporting emergency situations and for notifying all members of the Department to assure prompt response to such incidents.
9. Supervise fire and public safety hazard inspections.
10. Recommend to the City Council needed fire protection, emergency medical and search and rescue equipment.
11. Prepare and submit, upon request, a tentative Department budget for the Department to the City Council.
12. Communicate directly with and coordinate, where possible, Department activities with those of other regulatory and enforcement agencies about matters related to Department business.
13. Perform such other duties as may be required by the City Council.

Section .05 RULES AND REGULATIONS. A. The Chief/Village Public Safety Officer is responsible for prescribing the rules and regulations for the conduct of members of the Department. The City Council shall approve any rules and regulations before they become effective. Once effective, the rules and regulations are binding on all Department employees, officers and volunteers.

B. The rules and regulations adopted for the Department may include, in addition to those concerning the conduct

of the members, uniforms and equipment to be worn or carried, protocol or procedures, hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the Department.

Section .06 CONDUCT OF MEMBERS. It shall be the duty of every member of the Department to conduct himself or herself in a professional manner and to refrain from conduct which brings discredit to any member or the Department. Each member of the Department shall obey the directions of the Chief or a designee of the Chief. No member of the Department shall use unnecessary force in carrying out his/her law enforcement duties.

Section .07 CUSTODY OF PUBLIC AND STOLEN PROPERTY. A. The Chief shall have custody of all Department property and equipment which comes into possession of the Department. The Chief shall be responsible for an inventory list of all such property, equipment and supplies and the proper maintenance of same.

B. Under direction of the City Council, the Chief shall establish rules and regulations for the storage of Department property.

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

D. The above section includes all lost, stolen, abandoned or otherwise unclaimed property which comes into the possession of the Department, except vehicles which are otherwise provided for by State law.

Section .08 DEPARTMENT MEMBERS - REGULAR AND SPECIAL. A. The number of regular and special Department members shall be appointed by the City Council unless this power to appoint, suspend or remove is delegated to the Chief.

B. Regular members of the Department are salaried City employees and are subject to all benefits which may apply thereto.

C. Special members of the Department may include special purpose or special response teams such as:

- a. Volunteer Fire Department.
- b. Search and Rescue Teams.
- c. Emergency Medical Response Teams.

D. Such special members shall, however, serve only on an "incident only" basis and when called upon to respond to a situation. They shall function only under the direction of the Chief or his/her designee. They shall be compensated for services so rendered as provided for by the City Council. From time to time, as the City Council deems advisable, payments may be made to reimburse members for clothing damage incurred while fighting fires or serving in other Department capacities. For purposes of this section, temporary jail guards are considered special members of the Department.

THIS IS A CODE ORDINANCE AND SHALL BECOME EFFECTIVE UPON ITS ADOPTION BY THE CITY COUNCIL.

Date of Introduction June 14, 1983

Date of First Reading June 14, 1983

Date Public Hearing was Held June 24, 1983

ADOPTED by a duly constituted quorum of the City Council of Thorne Bay, Alaska, this 24 day of June, 1983.



Mayor, City of Thorne Bay, Alaska

ATTEST:


City Clerk

ORDINANCE NO. 83-06-24

AN ORDINANCE OF THE CITY OF THORNE BAY, ALASKA

Providing for authorized and restricted Parking areas and conditions.

Sections:

- .01 Parking not to obstruct traffic.
- .02 Parking in alleys.
- .03 Parking for certain purposes prohibited.
- .04 Stopping, standing or parking prohibited in certain places.
- .05 (Reserved)
- .06 (Reserved)
- .07 (Reserved)
- .08 (Reserved)
- .09 (Reserved)
- .10 (Reserved)
- .11 (Reserved)
- .12 (Reserved)
- .13 Off-street parking place - Owner or lessee permitted to remove unauthorized vehicles.
- .14 Authority to make parking restrictions and exceptions.
- .15 Additional restrictions in time-limited parking spaces.
- .16 Penalty for violations.

Section .01 PARKING NOT TO OBSTRUCT TRAFFIC. No person shall park any vehicle upon a street or highway, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of such roadway for the free movement of vehicular traffic.

Section .02 PARKING IN ALLEYS. No person shall park a vehicle within an alley in the central business traffic district or any business district except for the expeditious loading or unloading of freight or materials and then the vehicle shall be parked in such manner or under such conditions as to leave available not less than ten feet

of width of the alley for the free movement of vehicular traffic.
Exceptions: Compliance with this section is waived whenever it may
by impossible to fully comply with its provisions by reason of
limitations in the width of the alley.

Section .03 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall
park a vehicle upon a roadway for the purpose of:

1. Commercial advertising.
2. Displaying such vehicle for sale.
3. Greasing or repairing such vehicle, not necessitated by an
emergency.
4. Washing such vehicle when the person so engaged is in the
business of washing vehicles.

Section .04 STOPPING, STANDING OR PARKING PROHIBITED IN CERTAIN PLACES.
No person shall stop, stand or park a vehicle, except when necessary
to avoid conflict with other traffic or in compliance with law or the
directions of a police officer or traffic control device, in any of
the following places and no signs are required:

1. Within ten feet of an intersection.
2. Within eight feet of a fire hydrant.
3. Within five feet of a crosswalk, except at an intersection
where it shall be ten feet.

Section .05 (Reserved)

Section .06 (Reserved)

Section .07 (Reserved)

Section .08 (Reserved)

Section .09 (Reserved)

Section .10 (Reserved)

Section .11 (Reserved)

Section .12 (Reserved)

Section .13 OFF-STREET PARKING PLACE - OWNER OR LESSEE PERMITTED TO REMOVE UNAUTHORIZED VEHICLES. A. Removal of Unauthorized Vehicles. The rightful owner, lessee or other person authorized to control or use an off-street private parking space may remove an unauthorized vehicle from an off-street private parking space by requesting a towing company authorized by the State of Alaska to conduct towing operations in the City of Thorne Bay. The City shall not be liable for any towing, storage or other charges or for the acts of any person taken under the authority of this ordinance.

B. Definition. For the purpose of this section, "private parking spaces" include both publicly and privately owned off-street parking spaces which are reserved for the use of a specific individual or group of individuals or are otherwise restricted when such reservations or restrictions are posted.

Section .14 AUTHORITY TO MAKE PARKING RESTRICTIONS AND EXCEPTIONS. The Mayor or his designee is authorized to determine when and where parking, standing, or stopping restrictions or exceptions enumerated in this section are required, or will contribute to the safe and orderly flow of traffic, or will contribute to the efficient use of public streets or public places or property; and to implement such restrictions or exceptions by causing signs to be erected:

1. To authorize parking on the left-hand side of certain one-way streets where such parking would otherwise be prohibited.
2. To prohibit parking or standing on the left-hand side of any one-way street. No person shall park or stand a vehicle in violation of such signs.
3. To prohibit parking upon any street or highway when the width of the roadway does not exceed twenty-four feet, or upon one side of a street or highway as indicated by such signs when the width of the roadway does not exceed thirty-six feet. No person shall park a vehicle in violation of such signs.
4. To prohibit parking upon either or both sides of any street or highway adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation. No person shall park a vehicle in violation of such signs.
5. Limiting the length of time a vehicle may occupy a parking space. No person shall park a vehicle in violation of such signs, provided, that such limitation shall not apply on Sundays and Holidays.

6. To prohibit parking, standing, or stopping of vehicles during certain hours of the day or night. No person may park, stand, or stop a vehicle in violation of such signs.
7. To prohibit the parking of any of certain large vehicles such as trailers, travel homes, etc., on designated streets within the central business district between the hours of 6 A.M. and 8 P.M. No person may park any such vehicle in violation of such signs.
8. To prohibit parking, standing or stopping where such would create an especially hazardous condition or would cause unusual delay in traffic. No person may stop, stand, or park a vehicle in violation of such signs.

Section .15 ADDITIONAL RESTRICTIONS IN TIME-LIMITED PARKING SPACES. A. No person may remove, obliterate, obscure, cover, or move any chalk mark or other mark or indication placed by a police officer or parking enforcement officer upon a tire or any part of a vehicle which is parked in a public parking zone or space; provided such marks or objects may be moved or removed in the process of moving the vehicle from the parking space or after the vehicle has been moved from the space.

B. A vehicle which has not been moved from a parking space shall be deemed to have remained parked or standing in such space until moved. For the purpose of this ordinance, a vehicle must vacate the space occupied and be driven completely through a street intersection before it shall be deemed to have been moved from the space.

C. Each period or part of a period of time a vehicle remains parked or standing beyond that time permitted under this ordinance or as posted shall constitute a separate violation, except that each separate day upon which such a continuing violation exists shall be a separate violation if the period of permitted parking is twenty-four hours or greater. Only one citation may be issued during each period which constitutes a separate violation.

Section .16 PENALTY FOR VIOLATIONS. A. Any person, firm, co-partnership or corporation violating provisions of this ordinance shall be fined not more than fifty dollars for each separate violation.

B. Any person, firm, copartnership or corporation violating a parking restriction authorized under this ordinance or any other provision of this ordinance which authorizes or establishes a parking limitation of twenty-four hours or less shall be fined for each separate violation not less than five dollars or such greater amount which is equal to the bail established by the court in an applicable bail schedule.

C. Any person, firm, copartnership or corporation violating Section .015 (A) shall be fined not less than twenty-five dollars.

THIS IS A CODE ORDINANCE AND SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL BY A DULY CONSTITUTED QUORUM OF THE THORNE BAY, ALASKA CITY COUNCIL.

Date of Introduction July 14, 1983

Date of First Reading July 14, 1983

Date Public Hearing was Held July 20, 1983

ADOPTED by a duly constituted quorum of the City Council of Thorne Bay, Alaska, this 20 day of July, 1983.

Dennis M. Kunz
Mayor

ATTEST:

Kathie Applegate
City Clerk

ORDINANCE NO.

83-07-14

AN ORDINANCE OF THE CITY OF THORNE BAY, ALASKA

Providing for the authority of and to establish the duties for such person or persons that may be appointed to control the flow of traffic, parking, placement of signs and traffic control markings and such other devices deemed necessary by the City Council and/or the Chief of Police for the safety and convenience of persons using the thoroughfares within the boundaries of the City.

Sections:

- .01 Applicability.
- .02 Duties of the Police Department - Authority of Police and Fire Department officials.
- .03 Record of traffic violations.
- .04 Traffic accident reports.
- .05 Confidentiality of written accident reports.
- .06 Traffic accident studies.
- .07 Annual Report - Police Department.
- .08 Experimental regulations.
- .09 Authority to increase or decrease speed limits.
- .10 Regulation of speed by traffic control signals.
- .11 Special Stops - Arterial streets or highways.
- .12 Intersections where stops are required.
- .13 Authority to install traffic control devices.
- .14 Crosswalks and safety zones.
- .15 Traffic lanes.
- .16 Authority to create one-way streets and alleys.
- .17 Street closed to traffic.
- .18 Authority to place markers.
- .19 Authority to place restricted turn signs.
- .20 Authority to restrict pedestrians and operations of certain vehicles.
- .21 Signs or markings indicating angle parking.
- .22 Specifications for traffic control devices.
- .23 Specifications for stop signs.
- .24 (Reserved)

- .25 (Reserved)
- .26 (Reserved)
- .27 (Reserved)
- .28 (Reserved)

Section .01 APPLICABILITY. The provisions of this ordinance shall apply to all streets, roads and alleys within the corporate boundaries of the City of Thorne Bay, Alaska.

Section .02 DUTIES OF THE POLICE DEPARTMENT - AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. A. It shall be the duty of the Chief of Police and such officers as are assigned by the Mayor or Chief of Police to enforce all traffic regulations and all of the State of Alaska Motor Vehicle Laws applicable to street and highway traffic of the City, to make arrests for traffic violations, to investigate accidents and to carry out those duties especially imposed upon the Department of Public Safety by this ordinance.

B. Officers of the Police Department and such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided, that, in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

C. Officers of the Fire Department, when at the scene of a fire or when operating fire-fighting apparatus on public streets, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

Section .03 RECORD OF TRAFFIC VIOLATIONS. A. The Police Department shall keep a record of all moving violations of the traffic code of the City or the State of Alaska Motor Vehicle Laws of which any person has been charged. Such records shall be so maintained as to show all such types of moving violations and the total of each. The records shall accumulate during at least a five-year period, and from that time on the records shall be maintained for at least the most recent five-year period.

B. All forms for records of the herein mentioned violations and notices of the violations shall be serially numbered. For each month and year, a written record shall be kept available to the public, showing the disposal of all such forms.

Section .04 TRAFFIC ACCIDENT REPORTS. The Police Department shall receive and properly record all traffic accident reports made under any provision of this code or State statute or regulation.

Section .05 CONFIDENTIALITY OF WRITTEN ACCIDENT REPORTS. All written reports made of traffic accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the Police Department and the Alaska Department of Public Safety, except that the Police Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No written report of a traffic accident shall be used as evidence at any civil trial, and no written report made by the defendant in a criminal prosecution shall be used as evidence in a criminal trial, arising out of the reported accident, except that the Police Department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court a certificate showing that the specified accident report has or has not been made to the Police Department solely to prove the compliance or failure to comply with the requirement that the report be made to the Department.

Section .06 TRAFFIC ACCIDENT STUDIES. Whenever the accidents in any particular location become numerous, the Police Department shall conduct studies of such accidents and determine remedial measures.

Section .07 ANNUAL REPORT - POLICE DEPARTMENT. The Police Department shall annually prepare a traffic report which will be filed with the Mayor. Such report shall contain information on traffic matters in the City as follows:

- A. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.
- B. The number of traffic accidents investigated and other pertinent data on the safety activities of the police.
- C. The plans and recommendations of the Department for future traffic safety activities.

Section .08 EXPERIMENTAL REGULATIONS. A. The Mayor or his/her designee is empowered to make emergency and experimental regulations; such regulations are not to remain in effect for more than ninety days.

B. The Mayor or Chief of Police may test traffic control devices under actual conditions of traffic.

Section .09 AUTHORITY TO INCREASE OR DECREASE SPEED LIMITS. Whenever the Mayor or the Chief of Police determines upon the basis of an engineering and traffic investigation that a speed greater or less than the speed limits set forth in this ordinance would facilitate the orderly movement of vehicular traffic, he may determine and declare a speed limit which is found to be most appropriate to facilitate an orderly movement of traffic and is reasonable and safe, which declared speed limit shall be effective when appropriate signs giving notice thereof are erected upon the street, road or highway.

Section .10 REGULATION OF SPEED BY TRAFFIC CONTROL SIGNALS. The Mayor or the Chief of Police is authorized to regulate the timing of traffic control signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance with the speeds otherwise applicable under this ordinance.

Section .11 SPECIAL STOPS - ARTERIAL STREETS OR HIGHWAYS. The Mayor or the Chief of Police may designate and describe arterial streets or highways and when so designated it shall be the duty of the Chief of Police, or his designee, to place and maintain a "stop" sign on each and every street or highway intersecting such arterial street or highway or intersecting that portion thereof described and designated as such unless traffic at any such intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two such arterial streets or highways or at the intersection of an arterial street and a heavy traffic street not so designated, "stop" signs shall be erected at the approaches of either of said streets as may be determined by the Chief of Police on the basis of a traffic study.

Section .12 INTERSECTIONS WHERE STOPS ARE REQUIRED. The Mayor or the Chief of Police is hereby authorized to determine and designate intersections where particular hazard exists upon

other than arterial streets or highways and to determine and designate intersections where particular hazard exists upon other than arterial streets or highways and to determine whether vehicles shall stop at one or more entrances to any such intersection, and shall erect a "stop" sign at every place where a stop is required.

Section .13 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES. The Chief of Police, or his designee, shall place and maintain traffic control signs, signals and devices when required under the traffic laws of the City to make effective the provisions of the laws, and may place and maintain such additional traffic control devices as the Mayor or his designee may deem necessary to regulate traffic under the traffic laws of the City or under State law, or to guide and warn traffic. The Mayor or his designee may determine those intersections at which it would facilitate the orderly movement of traffic and would be reasonable and safe to permit vehicles to turn right after stopping and shall place proper signs at such intersections. Vehicular traffic facing the red signal and sign permitting a right turn shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and after stopping, may proceed with caution to make a right turn but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

Section .14 CROSSWALKS AND SAFETY ZONES. The Mayor or his designee is authorized:

- A. To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadways, and at such other places as he may deem necessary.
- B. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

Section .15 TRAFFIC LANES. The Chief of Police or his designee may mark lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

Section .16 AUTHORITY TO CREATE ONE-WAY STREETS AND ALLEYS. A.
The Mayor or his designee may designate any one-way street or alley and when so designated the Chief of Police shall cause a sign to be placed and maintained giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

B. Upon those streets and parts of streets and in those alleys designated as one-way, vehicular traffic shall move only in the indicated direction when signs or other markings indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

C. The Mayor or his designee is hereby authorized to determine and designate streets, parts of streets, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The Chief of Police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

Section .17 STREET CLOSED TO TRAFFIC. A. The Mayor or his designee is authorized to close streets to vehicle or pedestrian traffic.

B. Whenever any street is closed to the use of traffic and the same so indicated by authorized signs or barriers, no vehicle shall proceed into the street or any portion thereof except as directed by the signs. Whenever a street is closed, notice shall immediately be given to the Fire Chief and the Chief of Police, if appropriate, by the person who closed the street.

Section .18 AUTHORITY TO PLACE MARKERS. The Chief of Police is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled so as indicated may conform to or be other than as prescribed by law.

Section .19 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. A. The Mayor or his designee is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right or left turn and shall place proper signs at such inter-

sections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs so they may be removed when such turns are permitted.

B. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Section .20 AUTHORITY TO RESTRICT PEDESTRIANS AND OPERATIONS OF CERTAIN VEHICLES. The Mayor or his designee is authorized to post signs where necessary:

1. To prohibit the operation of commercial vehicles on certain residential streets or highways where such operation would create exceptional hazardous conditions or cause undue public inconvenience.

Where signs are erected giving notice thereof, no person shall operate any commercial vehicle at any time upon any of the streets or highways or parts of streets or highways so designated, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street or highway at the intersection nearest the destination of the vehicle and proceeding thereon no further than the nearest intersection thereafter.

2. To prohibit pedestrians and nonmotorized vehicles on certain heavily traveled streets or highways. No person shall do any act in violation of such signs.

Section .21 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Mayor or his designee shall determine upon what streets or highways angle parking shall be permitted and shall mark or sign such streets. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive on the left side of the roadway or where angle parking would create a hazard to passing traffic.

Section .22 SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES. All traffic control signs, signals and devices shall, so far as is practical, conform to the "Manual of Uniform Traffic Control Devices for Streets and Highways." All signs and signals

required hereunder for a particular purpose shall, so far as is practical, be uniform as to type and location throughout the City. All traffic control devices so erected and not inconsistent with the provisions of State law or this ordinance shall be official traffic control devices.

Section .23 SPECIFICATIONS FOR STOP SIGNS. Every sign erected pursuant to this ordinance shall be of hexagonal design and in conformance to the National Safety Council Standards and shall bear the word "STOP" in letters not less than eight inches in height and such sign shall at nighttime be rendered lumimous ~~be~~ efficient reflecting elements on the face of the sign. Every stop sign shall be located as near as practical at the nearest line of the crosswalk on the near side of the intersection or, if none, at the nearest line of the roadway and shall be placed on the right side of such street.

Section .24 (Reserved)

Section .25 (Reserved)

Section .26 (Reserved)

Section .27 (Reserved)

Section .28 (Reserved)

THIS IS A CODE ORDINANCE AND SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL BY A DULY CONSTITUTED QUORUM OF THE THORNE BAY, ALASKA CITY COUNCIL.

Date of Introduction

July 14, 1983

Date of First Reading

July 14, 1983

Date Public Hearing was Held

July 20, 1983

ADOPTED by a duly constituted quorum of the City Council of Thorne Bay, Alaska, this 20 day of July, 1983.

Dennis M. Kuntz
Mayor

ATTEST:

Nathaniel Appleby
City Clerk

ORDINANCE NO. 83-07-20

AN ORDINANCE OF THE CITY OF THORNE BAY, ALASKA

Providing for City Council meetings, their location, date and times.

Sections:

- .01 Meetings to be public
- .02 Regular Council meetings
- .03 Special meetings
- .04 Notices
- .05 Executive sessions
- .06 Repealer

Section .01 MEETINGS TO BE PUBLIC. Meetings of all municipal bodies shall be public. The City Council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

Section .02 REGULAR COUNCIL MEETINGS. A. All regular meetings of the City Council shall be held on the second Thursday of each month at 7:30 P.M.

B. The usual place of City Council meetings shall be at the City Hall provided, however, that in the event of any condition which renders the meeting place unfit to conduct any regular meeting of the City Council the meeting place may be moved to the "Big Rec Hall".

Section .03 SPECIAL MEETINGS. A. Special meetings of the City Council are those meetings which are called by the Mayor or any two members of the City Council for a time different than that fixed for the regular City Council meetings. The location of all special City Council meetings shall be the same as that authorized

for regular meetings.

B. Advance notice of at least twenty-four hours preceding a special meeting shall be given each councilmember. The notice shall specify the time, place and subject matter of the meeting. No business shall be transacted at the meeting which is not mentioned in the notice. Such notice shall be served personally on each member of the Council or left at his usual place of business or residence by the City Clerk or his/her designee.

Section .04 NOTICES. For the purpose of giving notice of meetings, reasonable public notice is given in a statement containing the date, time and place of the meeting and posted not less than twenty-four hours before the time of the meeting. The notices to the public of special meetings shall contain the subjects to be considered during the special meetings.

Section .05 EXECUTIVE SESSIONS. The following subjects may be discussed in an executive session:

1. Matters, the immediate knowledge of, which would clearly have an adverse effect upon the finances of the City of Thorne Bay.
2. Subjects that tend to prejudice the reputation and character of any person, providing the person has not requested a public discussion.

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

1. Negotiations with labor organizations representing City employees.
2. Discussions of pending or threatened lawsuits in which the City has an interest.

C. If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a public meeting, and the question of holding an executive session to discuss matters that come within the exceptions contained in subsections (A) and (B) of this Section shall be determined by a vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless pertaining to the main question. No action may be taken at the executive session.

Section .06 REPEALER. This ordinance shall repeal that ordinance passed earlier by the Thorne Bay City Council and known as "Chapter 6 - Council Meetings".

THIS IS A CODE ORDINANCE AND SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL BY A DULY CONSTITUTED QUORUM OF THE THORNE BAY, ALASKA CITY COUNCIL.

Date of Introduction July 20, 1983

Date of First Reading July 20, 1983

Date Public Hearing was Held August 11, 1983

ADOPTED by a duly constituted quorum of the City Council of Thorne Bay, Alaska, this 11th day of August, 1983.

Dennis M. Kuntz
Mayor

ATTEST:

Kathie Appleto
City Clerk