

SUPPLEMENT

INSERTION GUIDE

McGRATH MUNICIPAL CODE

April 2018 including updates during FY2016 and FY2017 and FY2018 (Ord.18-01 only)

By Sarah McClellan, City Administrator and Joe Samaniego, RUBA.

SUPPLEMENT

INSERTION GUIDE

McGRATH MUNICIPAL CODE

April, 2002 including updates during 2004 and 2005

(Covering Ordinances through 01-10)

This supplement consists of reprinted pages replacing existing pages in the McGrath Municipal Code.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

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McGRATH MUNICIPAL CODE

1990

A Codification of the General Ordinances of the City of McGrath, Alaska

Codified, Indexed and Published by

Matthew Bender & Co., Inc. 701 East Water Street Charlottesville, VA 22902 866-501-5155

TN

LexisNexis™ Municipal Codes

PREFACE

The McGrath Municipal Code, originally published by Book Publishing Company in 1990, has been kept current by regular supplementation. During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Linda L. Snow, city administrator.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, Chapter, and section. Thus, Section 2.12.030 is Section .030, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions

between original sections to accommodate future provisions. Similarly, Chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers. This supplement brings the code up to date through Ordinance 01-10, passed June 19, 2001.

Matthew Bender & Co., Inc. 701 East Water Street Charlottesville, VA 22902 1-866-501-5155 (McGrath 4-02)

SUPPLEMENT
INSERTION GUIDE
McGRATH MUNICIPAL CODE

March, 2001
(Covering Ordinances through 01-5)

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PROCEDURE FOR DRAFTING ORDINANCES

New ordinances often amend, repeal' or add new sections to the code.

It is important when drafting these ordinances to mention, within the ordinance, the affected code section and ordinance. The underlying ordinance of the section being changed can be determined from the ordinance history in parentheses at the end of each section.

Effect of Title.

The title of an ordinance and any introductory language appearing before the ordaining clause has no legal effect. If the title states that it repeals (or amends or adds) certain provisions, but the language after the ordaining clause does not so state, the intended repeal, amendment or addition has not taken place.

Procedure When Amending Existing Code Section.

Amend the code section specifically. The underlying ordinance section may also be included.

Examples: §3.04.020 of the Municipal Code is amended to read as follows: §3 of Ord. 319 and §3.04.020 of the Municipal Code are amended to read as follows.

Procedure When Repealing Existing Code Section

Repeal the code section specifically, plus the underlying ordinance section if you wish. We consider both to be repealed whether you mention the underlying ordinance or not.

Examples: §3.04.020 of the Municipal Code is hereby repealed.

§3 of Ord. 319 and §3.04.020 of the Municipal Code are hereby repealed.

Procedure When Adding New Material to Code

If new provisions are to be added to the code, you should determine where such material would best fit within the existing section, chapter or title. If there is no existing section, chapter or title, you should assign a new title, chapter or section number. In any case, our expandable decimal numbering system is designed to allow for the incorporation of new material without disturbing the numbering system of existing material.

The following language is sufficient to locate the new ordinance in the code:

There is hereby added to the Municipal Code of §5.10.033, which is to read as follows:

Subsection D is hereby added to §5.10.040 of the Municipal Code as follows:

If you have any questions as to the proper placement of a new provision, please contact us.

Two copies of all ordinances passed should be forwarded to Book Publishing Company - 201 Westlake Avenue North - Seattle, Washington 98109.

Our editorial staff is always willing to provide assistance should there be any difficulty in amending the code.

McGRATH MUNICIPAL CODE

1990

A Codification of the General Ordinances of the City of McGrath, Alaska
Codified, Indexed and Published by

BIPIC

BOOK PUBLISHING COMPANY
201 Westlake Avenue North Seattle, Washington 98109

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BOOK PUBLISHING COMPANY

201 Westlake Avenue North
Seattle, Washington 98109
(206) 343-5700 1-800-537-7881
(McGrath 499)

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Chapter 1.01
CODE ADOPTION

Sections:

- 1.01.010 Adoption.
- 1.01.020 Title-Citation Reference.
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- 1.01.050 Reference applies to all amendments.
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- 1.01.070 Reference to specific ordinances.
- 1.01.080 Effect of code on past actions and obligations.
- 1.01.090 Effective date.
- 1.01.100 Constitutionality.

1.01.010 Adoption.

As authorized by Section 29.48.180 of the Alaska Statutes, there is hereby adopted the "McGrath Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 91-3 § 1, 1990)

1.01.020 Title--Citation--Reference. This code shall be known as the "McGrath Municipal Code," and it shall be sufficient to refer to said code as such in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "McGrath Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the McGrath Municipal Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 91-3 § 2,1990)

1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances and certain administrative ordinances of the city of McGrath, Alaska, codified pursuant to the provisions of AS 29.48.180. (Ord. 91-3 § 3, 1990)

1.01.040 Ordinances passed prior to code adoption.

The last ordinance included (CODIFIED ORDINANCES HAVE SINCE BEEN ADDED BY THE CITY OF MCGRATH) in the initial code is Ordinance 90-4, passed on October 17, 1989. The following ordinances, passed subsequent to Ordinance 90-4, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinances 90-5, 90-6, 90-7, 90-8 and 90-9. (Ord. 91-3 § 4, 1990)

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the "McGrath Municipal Code" or to any portion thereof, or to any ordinance of the city of McGrath, Alaska, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 91-3 § 5, 1990)

1.01.060 Title, Chapter and section headings

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 91-3 § 6,1990)

1.01.070 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 91-3 § 7, 1990)

1.01.80 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city of McGrath, Alaska shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations there under appertaining shall continue in full force and effect. (Ord. 91-3 § 8,1990)

1.01.090 Effective date.

This code shall become effective on the date the ordinance codified in this chapter adopting this code as the "McGrath Municipal Code" shall become effective. (Ord. 91-3 § 9, 1990)

1.01.100 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 91-3 § 10, 1990)

Chapter 1.04

GENERAL PROVISIONS

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1.04.010	Code cite and designation.
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1.04.030	Grammatical interpretation.
1.04.040	Code revisions.
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1.04.070	Public access to code.
1.04.080	Severability.
1.04.090	Violation-Statutory authority.

1.04.010 Code cite and designation.

The ordinances codified in the following chapters and sections shall be called the McGrath Municipal Code. (Prior code Ch. 1.1 § 1)

1.04.020 Definitions.

The following definitions apply to the following words or terms used in this code unless the plain meaning requires otherwise:

"*Administrator*" means the city administrator.

"*City*" means the city of McGrath, Alaska.

"*Clerk*" means the city clerk.

"*Code*" means the McGrath Municipal Code.

"*Council*" means the city council of McGrath.

"*Person*" means a corporation, company, partnership, firm, association, organization, business, trust, or society, as well as a natural person.

"*Publish*" means appearing at least once in a newspaper of general circulation distributed within the city, or if there is none, posting in three public places in the city for at least five days.

"*Resident*" (also see 2.04.020 that says 1-Year to serve)

"*State*" means the state of Alaska.

"*Treasurer*" means the city treasurer.

"*Voter*" means a United States citizen who is qualified to vote in state elections, has been a resident of the city for thirty days immediately preceding the election, is registered to vote in state elections, and is not disqualified under Article V of the state constitution. (Ord. 90-2 (part), 1989: prior code Ch. 1.1 § 2)

1.04.030 Grammatical interpretation.

The following grammatical rules apply to this code:

A. Any gender includes the other gender,

B. The singular number includes the plural and the plural includes the singular,

C. The present tense includes the past and future tenses, and vice versa, unless clearly inappropriate;

D. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language;

E. Common words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Prior code Ch. 1.1 § 11)

1.04.040 Code revisions.

A. All ordinances passed after the adoption of this code shall be numbered according to the numbering system of this code.

B. Repealed provisions of this code shall be excluded from the code. The provisions to be repealed must be specifically repealed by section or chapter number.

C. Amendments to this code shall be made by specific reference to the section number and chapter number so amended.

D. If a new chapter or section is to be added to this code, specific reference to the new section number and new chapter number shall be made. (Prior code Ch. 1.1 § 7)

1.04.050 Ordinance-Effective date.

Every ordinance takes effect upon adoption by the council unless otherwise stated in the ordinance. (Prior code Ch. 1.1 § 10)

1.04.060 Ordinance-Effect of repeal.

For any ordinance which has been repealed, a violation of that ordinance which occurred before its repeal is enforceable as if the ordinance had not been repealed, and any rights or remedies existing at the time of the ordinance's violation are preserved to anyone claiming them. (Prior code Ch. 1.1 § 3)

1.04.070 Public access to code.

This code shall be made available to the public. The cost of reproducing all or parts of this code may be charged to anyone requesting copies. A copy of this code shall be furnished to any court as needed or upon its request. (Prior code Ch. 1.1 § 8)

1.04.080 Severability.

Every ordinance or chapter of this code which does not contain a severability clause shall be read as though it contains the following severability clause: "If any part of this Code is invalidated, the remainder which is not invalidated is valid." (Prior code Ch. 1.1 § 4)

1.04.090 Violation-Statutory authority.

Violations of state law shall be violations of this code, except where the state has exclusive jurisdiction over the offense. (Prior code Ch. 1.1 § 6)

Chapter 1.08

CITY INFORMATION

Sections:

- 1.08.010 Form of government.
- 1.08.020 City limits.
- 1.08.030 City seal.
- 1.08.040 City map

1.08.010 Form of government.

A. The city shall continue as a municipal corporation and political subdivision of the state as a second class city.

B. The government of the city shall be that commonly known and designated as the council-mayor form of government. (Prior code Ch. 1.4 § 1)

1.08.020 City limits.

A. The boundaries of the city are as follows:

1. Beginning at the northeast corner of Section 1, Unsurveyed Township 33N, R33W Seward Meridian, Alaska; thence west to the northwest corner of Section 2 UT 33N, R34W; thence south to the SW Corner of Section 35 UT 33N, R34W; thence east to the southeast corner of Section 36 UT 33N, R33W; thence to the point of beginning containing forty-eight square miles or less;

B. The boundaries of the city as above described were the effective city limits as of June 3, 1975. (Prior code Ch. 1.4 § 2)

1.08.030 City seal.

A. The seal of the city shall be as depicted below:

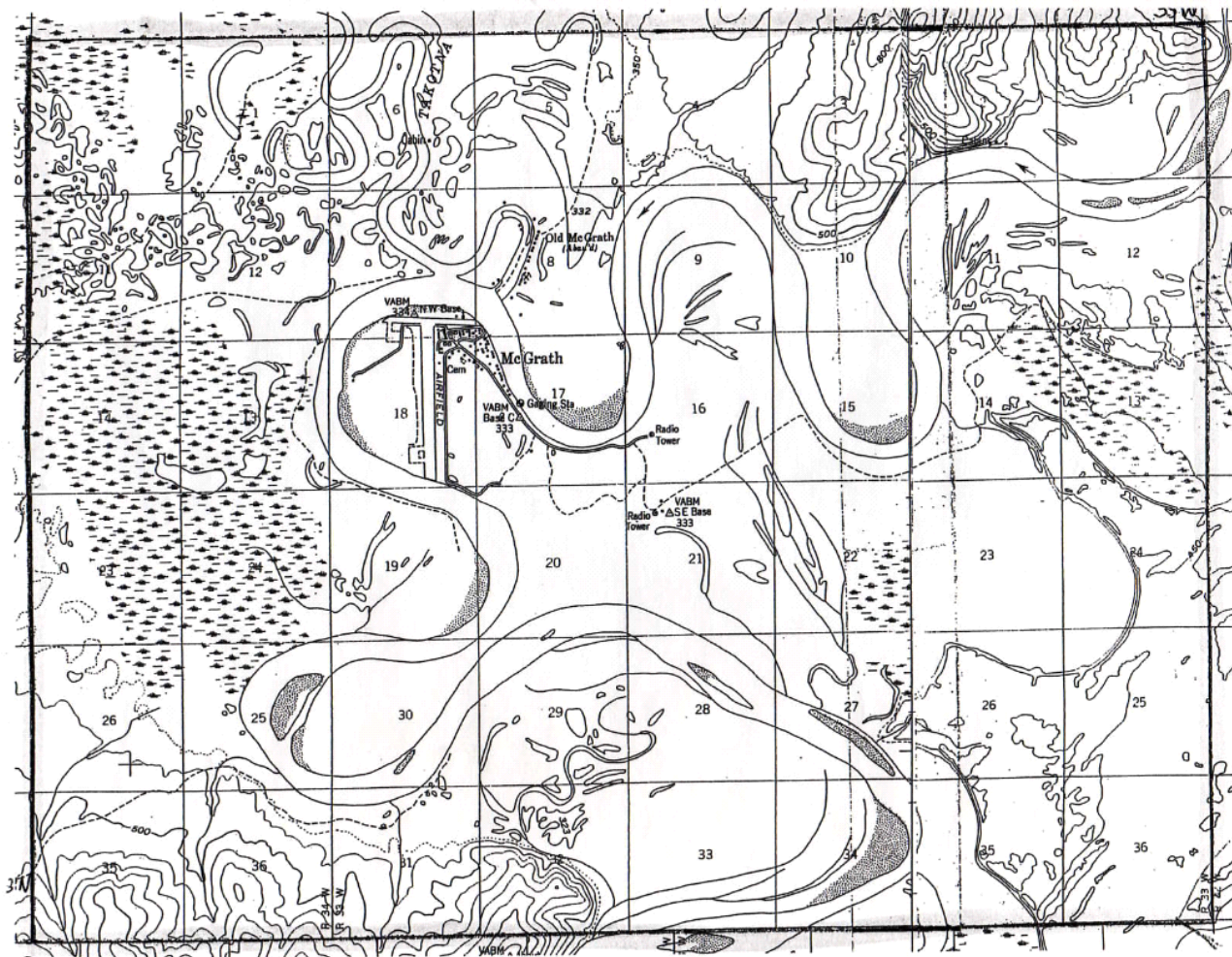
B. The above-depicted seal is hereby adopted and declared the official seal of the city.

C. The city seal shall be used to authenticate all acts of the city. The seal shall be kept by the clerk and by him or her affixed to all acts or documents which require to be authenticated. (Prior code Ch. 1.4 §§ 3, 4)



1.08.040 City map.

The map of the city shall include the boundaries of the city as depicted in Section 1.08.020 and shall be named the Official City Map. The map shall be attached to the ordinance codified in this chapter upon approval by the city council. (Ord. 86-7, 1986: prior code Ch. 1.4 § 5)



Chapter 1.12 ORDINANCES

Sections:

- 1.12.010 City council power and authority.
- 1.12.020 Use required when.
- 1.12.030 Procedure.
- 1.12.040 Subject matter limited.
- 1.12.050 Passage requirements.
- 1.12.060 Emergency ordinances-Required when-Procedure.
- 1.12.070 Form and content.

1.12.010 City council power and authority.

The council shall act only by ordinance, resolution, or motion. Law of a general, uniform, and permanent nature shall be written as an ordinance. (Prior code Ch. 1.2 § 1)

1.12.020 Use required when.

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

1. Establish, alter, or abolish city departments;
2. Amend or repeal an existing ordinance;
3. Fix the compensation of council members;
4. Provide for the sale of city property;
5. Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
6. Adopt the city budget;
7. Make appropriations and supplemental appropriations or to transfer appropriations;
8. Grant, renew, or extend a franchise;
9. Approve the transfer of a power to a borough;
10. Adopt, modify, or repeal the comprehensive plan, zoning, and subdivision ordinances, building and housing codes, and the official map;
11. Provide for the retention or sale of tax-foreclosed property;
12. Exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of city public works projects within the limitations set out in AS 36.25.025.

B. The budget ordinance is a non-code ordinance and need not be included in this code. (Prior code Ch. 1.2 § 2)

1.12.030 Procedure.

A. A proposed ordinance is introduced in writing by the mayor or other council member, or by a committee of council members, at any lawful meeting.

B. After the ordinance is introduced, the council votes on whether to set the time and date for a public hearing on the ordinance. If the majority of the total membership of the City Council is in favor of setting a public hearing, then the council shall publish a summary of the proposed ordinance and notice setting out the time and place for a public hearing on the proposed ordinance.

The public hearing on the proposed ordinance shall follow the date the notice was published by at least five days. The public hearing may be held at any lawful council meeting. (Ord.18-01 2017)

C. At the public hearing, copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in full. All persons shall have an opportunity to be heard at the public hearing. After the hearing, the council shall consider the proposed ordinance and may adopt it with or without amendment. The council shall type or print and make available copies of the adopted ordinance.

D. If the proposed ordinance is amended after the public hearing, and the amendments are so substantial that they change the ordinance's basic character, the proposed ordinance shall be treated as a newly introduced proposed ordinance. (Prior code Ch. 1.2 § 3)

1.12.040 Subject matter limited.

Every ordinance shall be confined to one subject unless it is an appropriation ordinance or one codifying, revising, or rearranging existing ordinances. Ordinances for appropriations shall be confined to appropriations. The subject of each ordinance shall be summarized in the title. (Prior code Ch. 1.2 § 6)

1.12.050 Passage requirements.

A. The majority vote of the total membership of the City Council is required for the passage of an ordinance. (Ord. 18-01 2017)

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

1.12.060 Emergency ordinances-Required when-Procedure.

A. The council may adopt emergency ordinances to meet a public emergency.

Every emergency ordinance must contain a statement by the council why an emergency exists and a statement of the facts, which describes the emergency. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present or the affirmative vote of three-fourths of the total council membership, whichever is less, is required for adoption. The council must type or print and make available copies of adopted emergency ordinances.

B. An emergency ordinance may not be used:

1. To levy taxes;
2. To grant, renew, or extend an existing franchise; or
3. To regulate the rate charged by a public utility for its services.

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

1.12.070 Form and content.

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

1. The heading "CITY OF McGRATH, ALASKA";
2. The ordinance number;
3. The title, which summarizes the ordinance's provisions and includes any penalty imposed;
4. The enacting clause, which shall read: "BE IT ORDAINED AND ENACTED BY THE McGRATH CITY COUNCIL AS FOLLOWS:";
5. The provisions of the ordinance;
6. The dates of introduction (first reading), public hearings, and adoption;
7. Space for the signature of the mayor;

8. Space for the clerk's signature to verify the signature of the mayor.

B. The form appearing at the end of this chapter illustrates the form set out in this section and is suggested for use by council members. (Prior code Ch. 1.2 § 4)

CITY OF McGRATH, ALASKA
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF McGRATH, ALASKA, PROVIDING FOR
THE _____

BE IT ORDAINED AND ENACTED BY THE McGRATH CITY COUNCIL AS FOLLOWS:

Section
1. _____

Section
2. _____

Section
3. _____

DATE INTRODUCED: _____

DATE OF PUBLIC HEARING: _____

PASSED AND APPROVED by the McGRATH CITY COUNCIL this _____ day
of _____, 20

Mayor _____

ATTEST:
Clerk _____

Chapter 1.16

RESOLUTIONS AND TECHNICAL CODES

Sections:

- 1.16.010 Resolutions-Required when-Form.
- 1.16.020 Resolution procedure.
- 1.16.030 Passage requirements.
- 1.16.040 Rules and regulations.
- 1.16.050 Code of regulations Procedure.

1.16.010 Resolutions-Required when-Form.

- A. Opinions, principles, facts, or propositions may be presented in the form of a resolution.
- B. . A resolution shall be in substantially the following form:
 - 1. The heading "CITY OF McGRATH, ALASKA:";
 - 2. The resolution number,
 - 3. A short title descriptive of the resolution's subject and purpose;
 - 4. "WHEREAS" clauses describing the statements of fact that show why there is a need for council resolution;
 - 5. A resolving clause "BE IT RESOLVED:" stating the opinions or course of action the council feels should be taken;
 - 6. The date of passage;
 - 7. Space for the signature of the mayor,
 - 8. Space for the clerk's signature verifying the signature of the mayor.
- C. Resolutions shall not be included in the code, but shall be kept separately by the clerk in a file available for public inspection.
- D. The form appearing at the end of this chapter illustrates the form set out in this section and is suggested for use by council members. (Prior code Ch. 1.3 § 1)

1.16.020 Resolution procedure.

- A. Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.
- B. After adoption, every resolution shall be posted on the city bulletin board or in other places as the council may direct.
- C. Every resolution, unless it shall specify a later date, shall become effective upon adoption.
- D. If state law requires a resolution to be submitted to city voters, then the resolution may be adopted after the results of the election are certified. (Prior code Ch. 1.3 § 2)

1.16.030 Passage requirements.

- A. Four affirmative votes are required for the passage of a resolution.
- B. The final vote on each resolution is a recorded roll call vote. (Prior code Ch. 1.3 § 3)

1.16.040 Rules and regulations.

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

1.16.050 Code of regulations-Procedure.

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

CITY OF McGRATH, ALASKA RESOLUTION NO.

A RESOLUTION

WHEREAS,

WHEREAS,

WHEREAS,

BE IT RESOLVED:

PASSED and APPROVED BY THE McGRATH CITY COUNCIL this day of , 19-

Mayor

ATTEST:

Clerk

12

Chapter 1.20

GENERAL PENALTY

Sections:

- 1.20.010 Violation-Penalty.
- 1.20.011 Surcharge
- 1.20.021 Minor Offense Fine Schedule.
- 1.20.030 Civil remedies, penalties and injunctions.

1.20.010 Violation-Penalty.

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code or any ordinance of the city is guilty of a violation. Except in cases where a different punishment is prescribed by this code or any ordinance of the city, any person convicted of a violation shall be punished by a fine not to exceed three hundred dollars.

B. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code or the ordinances of the city are committed, continued or permitted by any such person, and he is punishable accordingly.

C. The penalty provided by this section shall apply to any amendments to this code, whether or not such penalty is reenacted in the amending ordinance, unless other penalty is expressly provided.

(Ord. 00-2 § 1, 1999; Ord. 90-2 (part), 1989; prior code Ch. 1.1 § 5)

1.20.011 Surcharge

In addition to any penalty prescribed by law, a defendant convicted of violating a provision of this code or any ordinance of the city shall pay the surcharge required under AS 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the State of Alaska as required by AS 29.25.074. The surcharge fine is listed in 1.20.021, the Minor Offense Fine Schedule.

(Ord. 15-04 § 4, 2015)

1.20.020 Repealed Ord. 15-04 § 4, 2015

1.20.021 Minor Offense Fine Schedule

A. In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. If an offense is not listed on a fine schedule, the defendant must appear in court to answer the charges. The Alaska Court System's Rules of Minor Offense Procedure apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. The fines set forth below may not be judicially reduced.

B. The fine amounts for motor vehicle offenses listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

C. An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

<u>Code Section</u>	<u>Offense Title/Description</u>	<u>Fine</u>
1.20.011	State Mandatory Surcharge for fines over \$30	\$10.00
6.04.021(a)	Animal is public nuisance or menace – 1 st Offense	\$75.00
6.04.021(a)	Animal is public nuisance or menace - 2 nd Offense	\$125.00
6.04.021(a)	Animal is public nuisance or menace - 3 rd or Subsequent Offense	\$200.00
6.04.021(b)	Vicious or dangerous dog	\$200.00
6.04.021(c)	Dog running at large – 1 st Offense	\$75.00
6.04.021(c)	Dog running at large - 2 nd Offense	\$125.00
6.04.021(c)	Dog running at large - 3 rd or Subsequent Offense	\$200.00
6.04.030	No current rabies vaccination	\$75.00
9.16.010	Curfew Designated – 1 st Offense	\$25.00
9.16.010	Curfew Designated – 2 nd Offense	\$50.00
9.16.010	Curfew Designated – 3 rd Offense	\$100.00
9.24.010	Discharge of firearm	\$50.00
10.04.041(1)	Motor Vehicles Equipment Required - Throttle	\$35.00
10.04.041(2)	Motor Vehicles Equipment Required - Muffler	\$35.00
10.04.041(3)	Motor Vehicles Equipment Required - Brakes	\$35.00
10.08.010	Failure to obtain use permit	\$50.00
10.12.020(1)	Off-Highway Vehicle Equipment Required - Headlamp	\$35.00
10.12.020(2)	Off-Highway Vehicle Equipment Required - Throttle	\$35.00

10.12.020(3)	Off-Highway Vehicle Equipment Required - Muffler	\$35.00
10.12.020(4)	Off-Highway Vehicle Equipment Required - Brakes	\$35.00
10.16.015(A)	Operating vehicle on city road in violation of Mayor's written order	\$50.00
10.16.020	Damage caused by moving item without rubber wheels	\$50.00
10.20.010	Illegal parking	\$50.00
10.20.040	Hazardous Vehicles Obstructing Roadway or Access	\$50.00

(Ord. 15-04 § 4, 2015)

1.20.030 Civil remedies, penalties and injunctions.

The city may institute a civil action against a person who violates any provision of this code or any ordinance of the city. An action to enjoin a violation or threatened violation may be brought notwithstanding the availability of any other remedy or the imposition of a fine or penalty. On application for injunctive relief and a finding of a violation or threatened violation of any provision of this code or any ordinance of the city, or any rule, regulation, permit, variance, code of technical regulation, or order issued or adopted pursuant thereto, the superior court shall grant the injunction to restrain the violation. Each day that a violation continues constitutes a separate violation. (Ord. 15-04 § 4, 2015; Ord. 00-2 § 2, 1999)

Title 2**ADMINISTRATION AND PERSONNEL**

Chapters:

- 2.04 City Council
 - 2.08 Mayor
 - 2.12 Officers and Employees
 - 2.16 City Administrator
 - 2.20 City Clerk
 - 2.24 City Treasurer
 - 2.28 City Attorney
 - 2.36 Public Safety Department
 - 2.40 Public Works Department
 - 2.44 Volunteer Fire Department
 - 2.48 Rescue Squad
 - 2.50 Emergency Preparedness and Civil Defense
 - 2.52 Administration and Finance Committee
 - 2.60 Planning Commission
 - 2.64 Public Safety Committee
 - 2.68 Public Works Committee
 - 2.72 Water Service Committee
 - 2.76 Community Input Procedures
 - 2.80 Documents and Records
 - 2.84 City Elections
 - 2.88 Initiative and Referendum
- (McGrath 2-91)

Chapter 2.04
CITY COUNCIL

Sections:

- 2.04.010 Composition.
- 2.04.020 Qualifications of council members.
- 2.04.030 Annual election.
- 2.04.040 Terms of council seats.
- 2.04.050 Oath of office.
- 2.04.060 Compensation of council members.
- 2.04.070 Compensation of elected officials.
- 2.04.080 Declaration of financial interest.
- 2.04.090 Office declared vacant when.
- 2.04.100 Filling a vacancy
- 2.04.110 Meetings to be public.
- 2.04.120 Time and place of meetings.
- 2.04.130 Meetings-Conducted by mayor-Procedure in mayor's absence.
- 2.04.140 Meetings-Order of business.
- 2.04.150 Minutes-General requirements.
- 2.04.160 Minutes-Recording requirements.
- 2.04.170 Meetings-Rules for speaking.
- 2.04.180 Motions-Seconds required.
- 2.04.190 Motions-Vote or other disposition.
- 2.04.200 Written motions required when.
- 2.04.210 Changing vote on a motion.
- 2.04.220 Voting procedures and requirements.
- 2.04.230 Rules of order.
- 2.04.240 Special meetings.
- 2.04.250 Public notice of meetings.
- 2.04.260 Subjects for executive sessions.

2.04.010 Composition.

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

2.04.020 Qualifications of council members.

- A. Council members shall be qualified city voters.
- B. In order to serve as a council member, a person must be a resident of the city for one calendar year prior to accepting office.
- C. A council member who ceases to be eligible to be a city voter immediately forfeits his or her office. (Prior code Ch. 2.2 § 2)

2.04.030 Annual election.

An election will be held annually on the first Tuesday in October to choose council members according to the schedule provided in Section 2.04.040. (Prior code Ch. 2.2 § 3)

2.04.040 Terms of council seats.

- A. Council members shall be elected as follows:

1. Beginning with the annual election of 1978, two council seats will be up for election for three-year terms.

2. Beginning with the annual election of 1979, two council seats will be up for election for three-year terms.

3. Beginning with the annual election of 1980, three council seats will be up for election for three-year terms.

4. Council seats will be up for election consecutively thereafter at the end of the three-year terms listed in paragraphs (1) through (3) of this subsection.

B. Candidates for the council shall run for the seats designated by the three-year terms described in subsection (A)(4) of this section. (Ord. 91-5,1990; Ord. 86-10,1986; prior code Ch. 2.2 § 4)

2.04.050 Oath of office.

A. All council members before entering upon the duties of office shall affirm in writing the following oath and affirmation:

I, _____, do solemnly swear that I will support and defend the Constitution and laws of the State of Alaska, and the ordinances of the City of McGrath, Alaska, and that I will honestly, faithfully, and impartially perform the duties of the office of _____

B. The oath is filed with the clerk. (Prior code Ch. 2.2 § 5).

2.04.060 Compensation of council members.

No council member shall receive compensation for serving in the office of council member. (Prior code Ch. 2.2 § 6)

2.04.070 Compensation of elected officials.

The council may change the compensation of council members at any time by ordinance, except that the salary of the mayor may not be reduced during a term of office. An elected officer may not receive any other compensation for service to the city. Per diem payments or reimbursements for expenses are not considered to be compensation. (Prior code Ch. 2.2 § 7)

2.04.080 Declaration of financial interest.

A. A council member or the mayor of the city shall declare a substantial financial interest prior to participating in any official action and shall declare himself or herself disqualified from the vote, unless at the discretion of the presiding officer is allowed or required to participate even though s/he may have a substantial financial interest. The presiding officer's decision may be overridden by a majority of the governing body.

B. An employee or official may not participate in an official action in which s/he has a substantial financial interest.

C. All candidates for McGrath city council, city council members or members of official city commissions that are required under Alaska Statutes Article 39.50 to file a conflict of interest statement shall file on the required state of Alaska conflict of interest statement format. Upon approval by a majority of actual votes cast on this issue in a regular scheduled election the information on the filed form need only include those transactions and holdings that occur within the physical boundaries of the city of McGrath and the completed forms shall be held as public documents by the city clerk. (Ord. 96-2 , 1995; Ord. 86-9, 1986; prior code Ch. 2.2 § 8)

(McGrath 3-96)

2.04.090 Office declared vacant when.

An elected city office is vacated under the following conditions. The council shall declare an office vacant when the person elected:

- A. Fails to qualify or take office within thirty days after election or appointment; or
- B. Is physically absent from the city for a ninety-day period, unless excused from the council; or
- C. Resigns and the resignation is accepted; or
- D. Is physically or mentally unable to perform the duties of office; or
- E. Is removed from office; or
- F. Misses three consecutive regular meetings unless excused; or
- G. Is convicted of a felony or of an offense involving a violation of his or her oath of office. (Prior code Ch. 2.2 § 9)

2.04.100 Filling a vacancy.

- A. If a vacancy occurs on the city council, the remaining members shall, within sixty days, appoint a qualified person to fill the vacancy. If less than thirty days remain in a term, a vacancy may not be filled.
- B. Notwithstanding subsection A of this section, if the council is reduced to fewer than the four members required to constitute a quorum, the remaining members shall, within seven days, appoint a number of qualified persons to constitute a quorum.
- C. A person appointed under this section serves until the next regular election, when a successor shall be elected to serve the balance of the term. (Ord. 90-3 (part), 1989; Ord. 86-11,1986: prior code Ch. 2.2 § 10)

2.04.110 Meetings to be public.

- A. Meetings of the council shall be public. The only exception to the requirement of public council meetings is when an executive session is lawfully justified, as provided in Section 2.04.260 of this Chapter.
- B. The council shall provide reasonable opportunity for the public to be heard at regular and special meetings. (Prior code Ch. 2.3 § 1)

2.04.120 Time and place of meetings.

- A. The council shall meet on the fourth Tuesday of every month.
- B. The usual place of council meetings shall be at the Cap'n Snow Center. In the event of any condition which renders the meeting place unfit to conduct meetings of the council, the meeting may be moved to such other place as the council may choose, provided reasonable notice is given. (Ord. 05-07, 2005, Prior code Ch. 2.3 § 2)

2.04.130 Meetings-Conducted by mayor-Procedure in mayor's absence.

- A. The mayor shall preside at all meetings of the council. He or she shall preserve order among council members and is responsible for the efficient conduct of all meetings according to the rules of the council. The mayor may at any time make such other rules as are considered proper to preserve order among the attending public during sessions of the council.
- B. The council may select a vice mayor from among the council who will preside in the mayor's absence or disability.

C. In the temporary absence or disability of the mayor or vice mayor, any member of the council may call the council to order at any properly called meeting to elect an acting mayor from among its members. The acting mayor shall exercise all the powers of mayor only during such temporary absence or disability of the mayor or vice mayor. (Prior code Ch. 2.4 § 1)

2.04.140 Meeting &-Order of business.

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

- A. Call to order,
- B. Roll call; establishment of quorum;
- C. Minutes of previous meetings;
- D. Staff and committee reports;
- E. Communications;
- F. Appearance requests for items not on the agenda;
- G. Adoption/modification of the agenda;
- H. Hearings, ordinances and resolutions;
- I. Old business;
- J. New business;
- K. Public participation and council comments;
- L. Adjournment. (Ord. 96-5,1996: prior code Ch. 2.4 § 2)

2.04.150 Minutes--General requirements.

Minutes of all regular and special meetings shall be taken. All minutes shall be kept in the council meeting journal. The minutes are available to the public for inspection and copies may be sold at cost. (Prior code Ch. 2.4 § 3)

2.04.160 Minutes recording requirements.

- A. All regular and special meetings shall be recorded by a mechanical recording device.
- B. The tapes made of regular and special meetings shall be kept six months before erasure. (Prior code Ch. 2.4 § 4)

2.04.170 Meetings-Rules for speaking.

- A. Before speaking, a council member must first respectfully address the mayor or other presiding officer for permission to speak. A council member must then be recognized by the mayor or presiding officer before speaking. When two or more members request to speak at the same time, the mayor or other presiding officer shall determine which one is recognized.
- B. When speaking, a council member shall discuss only the subject under discussion. A council member shall not refer to any other council member except in a respectful manner. (Prior code Ch. 2.4 § 5)

2.04.180 Motions-Seconds required.

All motions require a second, unless otherwise provided by special rule. (Prior code Ch. 2.4 § 6)

2.04.190 Motions-Vote or other disposition.

After a motion is seconded and stated or read by the mayor or presiding officer, it shall be considered to be in the possession of the council and shall be disposed of by vote. However, the

council member making the motion may withdraw it at any time before a vote is taken, if the member who made the second agrees. (Prior code Ch. 2.4 § 7)

2.04.200 Written motions required when.

Every motion must be reduced to writing if the mayor or presiding officer requires or if any council member demands. (Prior code Ch. 2.4 § 8)

(McGrath 3-96)

2.04.210 Changing vote on a motion.

Any previous vote on a motion may be changed by majority vote of the council. (Prior code Ch. 2.4 § 9)

2.04.211 Conflict of Interest

A. A member of the governing body will declare a substantial financial interest they might have in an action to be decided and ask to be excused from the vote;

B. The presiding officer will rule on whether or not a conflict of interest exists and whether the member should be excused from voting;

C. A majority vote of the governing body is required to override the decision of the presiding officer; and

D. Any municipal employee or officer, other than the governing body, may not participate in an official action in which they may have a substantial financial interest. (Ord. 10-04, 2009):

2.04.220 Voting procedures and requirements.

A. The majority vote of the total membership of the City Council shall constitute a quorum. A quorum is necessary for the council to conduct any business. (Ord. 18-01 2017)

B. "Yes" votes from the majority vote of the total membership of the City Council are required for passage of an ordinance, resolution or motion. (Ord. 18-01 2017)

C. The final vote on each ordinance, resolution, or substantive motion is a recorded roll call vote. Except when a conflict of interest requires that a council member not vote, all council members present shall vote unless the council, for special reasons, permits a member to abstain. To allow a person to abstain, the council must decide the question without discussion and before the final vote is taken.

D. The mayor or presiding officer shall declare all votes and the result. (Prior code Ch. 2.4 § 10)

2.04.230 Rules of order.

In all matters of parliamentary procedure not covered by Sections 2.04.130 through 2.04.220 of this chapter, Robert's Rules of Order, Revised, shall apply. (Prior code Ch. 2.4 § 11)

2.04.240 Special meetings.

A. Special meetings of the council are those meetings which are called by the mayor or any two members of the council for a time different than that fixed for regular council meetings. The

location of all special council meetings shall be the same as that authorized for regular meetings. (Ord. 18-01 2017)

B. Before a special meeting is held, a majority of council members must be given at least twenty-four hours' oral or written notice and reasonable efforts made to notify all council members.

Reasonable efforts shall include, but not be limited to, telephoning the member's home or place of employment and/or mailing a written notice. Advance twenty-four-hour notice shall specify the time, place and business of the meeting. No business shall be transacted at the meeting which is not mentioned in the notice.

C. In an emergency, a special meeting called on less than twenty-four-hours notice is a legal meeting if either all members are present or there is a quorum and all absent members have waived (excused) in writing the required notice. A waiver may be made either before or after the meeting is held. Waivers shall be attached and made a part of the minutes of the meeting. (Ord. 90-3 (part), 1989; Ord. 86-16, 1986; prior code Ch. 2.3 § 3)

2.04.250 Public notice of meetings.

For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time and place of the meeting is posted in at least three places not less than twenty-four hours before the time of the meeting. (Prior code Ch. 2.3 § 4)

2.04.260 Subjects for executive sessions.

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

1. Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the city;
2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request 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 any of the above subjects are to be discussed in executive session, the session must first be convened as a public meeting. During the public hearing, the council shall vote on a motion whether to hold an executive session. No subjects may be considered at the executive session except those mentioned in the adopted motion calling for the executive session and which concern subsections A and B of this section unless relating to the main question. No action may be taken at the executive session. Only after the executive session is over and the meeting is once again before the public may the council take action on what was discussed in the executive session. (Prior code Ch. 2.3 § 5)

Chapter 2.08

MAYOR

Sections:

- 2.08.010 Powers and duties.
- 2.08.020 Qualifications for office.
- 2.08.030 Oath of office.
- 2.08.040 Mayor's vote as council member.
- 2.08.050 Ex officio committee member.
- 2.08.060 Compensation and salary.
- 2.08.070 Term of office.
- 2.08.080 Vacancy filling.
- 2.08.090 Vice mayor elected by council.

2.08.010 Powers and duties.

A. The mayor is the chief executive officer of the city. The mayor shall preside at council meetings, act as ceremonial head of the city, and sign documents on the city's behalf upon council authorization.

B. The mayor is the chief administrative officer of the city. The mayor shall perform the administrative duties listed below:

1. Appoint city employees and administrative officers, unless otherwise provided in this code or by AS 14.14.065, hire necessary administrative assistants, if so desired, and authorize any appointive administrative officer to appoint, suspend or remove subordinates in his or her department, if so desired;
2. Suspend or remove by written order city employees and administrative officers, unless otherwise provided in this code or by AS 14.14.065;
3. Supervise enforcement of city law;
4. Prepare the annual budget and capital improvements program for the council;
5. Execute the annual budget and capital improvements program as adopted;
6. Make monthly financial reports to the council on city finances and operations;
7. Report to the council at the end of each fiscal year on the finances and administrative activities of the city;
8. Prepare and make available for public distribution an annual report on city affairs;
9. Serve as city personnel officer unless the council authorizes the mayor by motion to appoint a personnel officer;
10. Execute other powers and duties specified in Title AS 29 or lawfully prescribed by the council.
(Prior code Ch. 2.1 §)

2.08.020 Qualifications for office.

A. The mayor shall be a qualified city voter.

B. The mayor shall be a resident of the city for one calendar year prior to the date of accepting office.

C. If the mayor ceases to be eligible to be a city voter, he or she immediately forfeits the office.
(Prior code Ch. 2.1 § 2)

2.08.030 Oath of office.

The mayor, as a council member, shall affirm in writing the oath of office required of other council members in Section 2.04.050 of this code. (Prior code Ch. 2.1 § 4)

2.08.040 Mayor's vote as council member.

The mayor is a council member and may vote on all matters. The mayor does not have veto power. (Prior code Ch. 2.1 § 5)

2.08.050 Ex officio, committee member.

The mayor is an ex officio member of every committee or department organized under this code. (Prior code Ch. 2.1 § 9)

2.08.060 Compensation and salary.

The mayor of the city may receive monetary compensation as determined by the council at the first regular meeting following election of the mayor. (Ord. 91-4, 1990: prior code Ch. 2.1 § 3)

2.08.070 Term of office.

The mayor is elected by and from the council for a term of one year and until a successor is elected and has qualified. The mayor shall take office immediately at the council meeting held on the first Tuesday after certification of the regular election. (Prior code Ch. 2.1 § 6)

2.08.080 Vacancy filling.

A vacancy in the office of mayor is filled by and from the council. (Prior code Ch. 2.1 § 7)

2.08.090 Vice mayor elected by council.

The council shall elect a vice mayor from among its membership to serve in the temporary absence of the mayor. (Prior code Ch. 2.1 § 8)

Chapter 2.12**OFFICERS AND EMPLOYEES**

Sections:

- 2.12.010 Oath of office required.
 2.12.020 Conduct of city affairs-Investigation authority.
 2.12.030 Record-keeping requirements-Disclosure restrictions.

2.12.010 Oath of office required.

Every officer of the city shall, before entering upon the duties of office, take an oath in writing to honestly, faithfully, and impartially perform and discharge the duties of his or her office. This oath is provided in Section 2.04.050 of this code. (Prior code Ch. 2.5 § 2)

2.12.020 Conduct of city affairs-Investigation authority.

The council or the mayor shall have the power to inquire into the conduct of any office, department, officer or employee of the city, make investigations into city affairs and compel the production of books, papers and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for the immediate discharge of any officer or employee of the city. (Prior code Ch. 2.5 § 1)

2.12.030 Recordkeeping requirements-Disclosure restrictions.

All records and accounts of every office and department of the city shall be open to inspection by any person, except that records and documents the disclosure of which would tend to defeat the lawful purpose for which they were intended may be withheld from inspection. Such records as are required by state law or ordinance to be kept confidential are not open to inspection. Each department head shall be held responsible for the safe-keeping of all public records under his or her responsibility. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the clerk. (Prior code Ch. 2.5 § 3)

Chapter 2.16**CITY ADMINISTRATOR**

Sections:

- 2.16.010 Appointment and term.
 2.16.020 Powers and duties.
 2.16.030 Acting administrator.
 2.16.040 Administrator as clerk or treasurer.

2.16.010 Appointment and term.

- A. The administrator shall be appointed by the council.
 B. The administrator shall hold office at the pleasure of the council. (Prior code Ch. 2.9 § 1)

2.16.040 Administrator as clerk or treasurer.

- A. If the positions of clerk and treasurer are both vacant, the mayor may direct the administrator to assume the duties of clerk and treasurer until each is filled.
 B. If only the position of clerk is vacant, the mayor may direct the administrator to assume the clerk's duties until that position is filled. (Prior code Ch. 2.9 § 4)

2.16.0.20 Powers and duties.

Under the direction and supervision of the mayor, the administrator may perform the administrative duties provided in Section 2.08.010(B) of this code. (Prior code Ch. 2.9 § 2)

2.16.030 Acting administrator.

The council may appoint an acting administrator in the temporary absence of the administrator. The acting administrator has all the powers, duties and obligations of the administrator. (Prior code Ch. 2.9 § 3)

Chapter 2.20**CITY CLERK**

Sections:

- 2.20.010 Appointment and term.
- 2.20.020 Powers and duties.
- 2.20.030 Acting clerk.
- 2.20.040 Assumption of treasurer's duties.

2.20.010 Appointment and term.

- A. The clerk shall be appointed by the council.
- B. The clerk shall hold office at the pleasure of the council. (Prior code Ch. 2.7 § 1)

2.20.020 Powers and duties.

A. The clerk shall:

1. Give and post notice of the time and place of council meetings both to the council and to the public;
2. Attend council meetings and keep the minutes in the journal;
3. Arrange publication and posting of notices, ordinances and resolutions;
4. Maintain and make available for public inspection city ordinances, resolutions, rules, regulations and codes;
5. Attest deeds, ordinances, resolutions and other documents;
6. Record and certify actions of the council;
7. Have the power to administer oaths;
8. Be custodian of the city seal and the official records of the city;
9. Be the city election registrar and be responsible for calling and supervising all city elections;
10. Perform other duties specified by this code, state law or the council. (Prior code Ch. 2.7 § 2)

2.20.030 Acting clerk.

The council may appoint an acting clerk in case of the temporary absence of the clerk. The acting clerk has all the powers, duties and obligations of the clerk. (Prior code Ch. 2.7 § 3)

2.20.040 Assumption of treasurer's duties.

If the position of treasurer is vacant, the mayor may direct that the clerk assume the duties of treasurer until the position is filled. If the position of clerk is also vacant, the mayor may direct that the administrator assume the duties of treasurer until the position is filled. (Prior code Ch. 2.7 § 4)

Chapter 2.24

CITY TREASURER

Sections:

- 2.24.010 Appointment and term.
- 2.24.020 Powers and duties.

2.24.010 Appointment and term.

- A. The treasurer shall be appointed by the council.
- B. The treasurer shall hold office at the pleasure of the council. (Prior code Ch. 2.8 § 1)

2.24.020 Powers and duties.

The treasurer shall:

- A. Keep custody of all city funds;
- B. Keep an itemized account of money received and disbursed;
- C. Maintain care of all property used by the city;
- D. Assist the mayor to compile the annual budget of the city;
- E. Prepare and submit to the mayor such financial reports and other data as may be required;
- F. Prescribe and control such procedures as are necessary to protect city funds and property;
- G. Perform such other duties as the mayor, Chapter 3.04 of this code, the council or state law may require. (Prior code Ch. 2.8 § 2)

Chapter 2.28**CITY ATTORNEY**

Sections:

- 2.28.010 Appointment and term.
- 2.28.020 Powers and duties.
- 2.28.030 Additional legal services.

2.28.010 Appointment and term.

There may be a city attorney who shall be appointed by the council. The city attorney shall hold office at the pleasure of the council. The attorney so appointed shall be appointed by resolution. (Prior code Ch. 2.12 § 1)

2.28.020 Powers and duties.

The city attorney will handle the legal affairs of the city and perform other duties and acts as may be prescribed by the council from time to time. (Prior code Ch. 2.12 § 2)

2.28.030 Additional legal services.

Notwithstanding retention of a city attorney, the council may choose any other attorney to perform legal services for the city as the need arises. (Prior code Ch. 2.12 § 3)

Chapter 2.36**PUBLIC SAFETY DEPARTMENT**

Sections:

- 2.36.010 Established Department head.
- 2.36.020 Powers and duties.
- 2.36.030 Police Chief Appointment.
- 2.36.040 Police Chief-Powers and duties.
- 2.36.050 Regular and special public safety officers.
- 2.36.060 Safety officer requirements.
- 2.36.070 Conduct of members.
- 2.36.080 Regulations for conduct of department.
- 2.36.090 Custody and storage of unclaimed property.

2.36.010 Established-Department head.

There shall be a public safety department for the city. **The village public safety officer/police Chief is the head of the department. (Ord. 87-2 (part), 1986: prior code Ch. 2.10 § 1)**

2.36.020 Powers and duties.

It is the duty of the department to provide for the public safety, including but not limited to the following: 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 public safety officers. (Ord. 87-2 (part), 1986: prior code Ch. 2.10 § 3)

2.36.030 Police Chief-Appointment.

The village public safety officer/police chief is appointed by the council and serves at its pleasure and in cooperation with the Alaska State Troopers. (Ord. 87-2 (part), 1986: prior code Ch. 2.10 § 2)

2.36.040 Police Chief-Powers and duties.

The village public safety officer/police chief is the head of the department. His or her duties shall include, but are not necessarily limited to, the following:

- A. Is responsible for the enforcement of law and order;
 - B. Directs the public safety work of the city;
 - C. Oversees the work of the volunteer fire department;
 - D. Is responsible for the maintenance and care of all property used by the department;
 - E. Maintains and staffs the city jail/ holding facility and is responsible for persons held there;
 - F. Acts as liaison between the city, the Kuskokwim Valley Rescue Squad (KVRS) and other emergency services providers;
 - G. Maintains a good working relationship with all state and federal agencies located in the city;
 - H. Makes monthly activity reports to the city council;
 - I. Performs such other duties as may be required by the mayor, the council or the city administrator.
- (Ord. 87-2 (part), 1986: prior code Ch. 2.10 § 4)

2.36.050 Regular and special public safety officers.

- A. The number of regular and special public safety officers shall be determined and appointed by the mayor, except as he or she may delegate this power to the village public safety officer/police chief as provided by Chapter 2.08 of this code.
- B. Special public safety officers shall have the same powers as are vested in regular public safety officers. Special officers shall, however, serve on a temporary basis and only when specifically required by the village public safety officer/police chief, and they shall function only under the direction of the village public safety officer/police chief. They shall assist whenever called upon and whenever so called shall be compensated for services rendered as determined by the mayor, unless otherwise provided by ordinance. (Ord. 87-2 (part), 1986: prior code Ch. 2.10 § 8)

2.36.060 Safety officer requirements.

- A. All public safety officers shall be at least twenty-one years of age, possess a high school diploma or its equivalent, be in good physical condition and have satisfactorily completed the courses required for certification.
- B. For good cause shown, the council may waive any or all of the requirements in subsection A of this section by resolution.
- C. Unless the personnel policies adopted by the city specifically provide otherwise, the provisions of this section prevail.
- D. The provisions of this section shall supersede any personnel policy requirements, unless the personnel policy specifically states that it shall prevail over the provisions of this section. (Ord. 87-2 (part), 1986: prior code Ch. 2.10 § 9)

2.36.070 Conduct of members.

It shall be the duty of every member of the department to conduct himself or herself in a proper and law-abiding manner and to avoid the use of unnecessary force in carrying out his or her duties.

Each member of the department shall obey the orders and directions of the police chief or those acting under his or her authority and command. (Ord. 87-2 (part), 1986: prior code Ch. 2.10 § 6)

2.36.080 Regulations for conduct of department.

A. The village public safety officer/ police chief is responsible for prescribing the rules and regulations for the conduct of department members. The council shall approve any rules and regulations before they become effective. Once effective, the rules and regulations are binding on all department employees, volunteers or officers.

B. The rules and regulations for the conduct of department members shall include a list of maximum punishments for minor disciplinary infractions such as tardiness, discourtesy and failure to wear a proper uniform. For minor infractions, the village public safety officer/police chief may suspend any department personnel for a reasonable period of time whenever in his or her judgment such action is for the benefit of the department. Any such suspension is subject to review by the mayor, the council or the city administrator.

C. The rules and regulations adopted for the department may include, in addition to those concerning conduct, uniforms and equipment to be worn or carried, hours of service and all other similar matters necessary or desirable for the better efficiency of the department.

D. The provisions of this section shall supersede any requirements of the personnel policies adopted by the city which conflict with this section unless the personnel policy specifically states that it shall prevail over the provisions of this section. To the extent provisions of the personnel policy do not conflict with the specific provisions of this section, the personnel policy (Employee Handbook) remains effective. (Ord. 87-2 (part), 1986: prior code Ch. 2.10 § 5)

2.36.090 Custody and storage of unclaimed property.

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

B. Under direction of the council, and after consulting with the village public safety officer/police chief, the mayor or the city administrator shall establish rules and regulations for the storage of unclaimed property, including schedules for charges and fees for storage. (Ord. 87-2 (part), 1986: prior code Ch. 2.10 § 7)

Chapter 2.40**PUBLIC WORKS DEPARTMENT**

Sections:

- 2.40.010 Establishment and organization.
- 2.40.020 Director's powers and duties.
- 2.40.030 Department powers and duties.
- 2.40.040 Sanitation division.
- 2.40.050 Maintenance division.

2.40.010 Establishment and organization.

There shall be a department of public works, the head of which shall be the director of public works who shall be appointed by the mayor with the approval of the council. The director of public works may create divisions in the department of public works, with approval of the mayor, the officers of which shall be appointed by the mayor and under the direction of the director of public works. The number of employees shall be determined by, and each such employee shall be appointed by, the mayor, except as the mayor may delegate such power to the director of public works. (Prior code Ch. 2.14 § 1)

2.40.020 Director's powers and duties.

The director of public works shall perform the duties listed below:

- A. Be responsible for all matters pertaining to construction, management, maintenance and operation of the physical properties of the city;
- B. Be responsible for all planning in connection with such changes or improvements to the physical properties as are essential or desirable for the future growth of the city;
- C. See that no encroachments are made upon any street, public landing, place, square, land or ground of the city, by fences, building and otherwise;
- D. Prepare or cause to be prepared all contracts and specifications that may be required for public works. All such specifications and contracts shall be subject to clearance by the city attorney as to legality;
- E. Operate and maintain the city sewer and water systems, streets, public rights-of-way and sidewalks, and public lands, grounds and buildings under his jurisdiction. (Prior code Ch. 2.14 § 3)

2.40.030 Department powers and duties.

The public works department, insofar as these functions are performed by city personnel, shall perform the duties listed below:

- A. Design, construct, reconstruct, repair and maintain all municipal buildings, bridges, cemeteries, waterways, sewers, drains, levees, harbor facilities, off street parking facilities, parks and other recreational facilities and structures, including alterations, replacements, additions and appurtenances thereto;
- B. Grade, maintain and improve all streets, alleys, other public highways, sidewalks and sidewalk areas; and construct, reconstruct, repair and maintain all pavements, curbs, gutters and sidewalks;
- C. Grant all permits to excavate into or disturb any street or public grounds, or to make any special use thereof;
- D. Administer all city-owned cemeteries;

E. Perform such other functions relating to the maintenance, repair, improvement and operation of the physical facilities owned or used by the city government as the mayor may prescribe consistent with the ordinances of the city. (Prior code Ch. 2.14 § 2)

2.40.040 Sanitation division.

There shall be within the department of public works a sanitation division. The sanitation division may collect and dispose of garbage and other refuse as provided by ordinance and maintain the sanitary landfill in compliance with regulations issued by the State Department of Environmental Conservation. The sanitation division shall maintain the city's water system and sewer system. (Prior code Ch. 2.14 § 4)

2.40.050 Maintenance division.

There shall be within the department of public works a maintenance division. The maintenance division shall maintain, grade and improve all roads, right- of-ways, alleys and other public ways of passage and provide for the physical maintenance of all city-owned buildings and vehicles. (Prior code Ch. 2.14 § S)

Chapter 2.44

VOLUNTEER FIRE DEPARTMENT

Sections:

- 2.44.010 Establishment and organization
- 2.44.020 Fire chief-Appointment and removal.
- 2.44.030 Fire chief-Powers and duties.
- 2.44.040 Training and drills-Recordkeeping requirements
- 2.44.050 Equipment maintenance and use.
- 2.44.060 Rules and regulations.
- 2.44.070 Mutual aid agreements.

2.44.010 Establishment and organization.

There shall be a fire department for the city to be known as the McGrath volunteer fire department. It shall consist of a fire chief and assistant chief (or chiefs), and as many other officers and firefighters as may be deemed necessary for the effective operation of the department. (Prior code Ch. 2.11 § 1)

2.44.020 Fire Chief-Appointment and removal.

- A. The fire chief shall be appointed by the members of the volunteer fire department subject to council approval, and shall be responsible to that body. The fire chief's appointment shall be for a term of one year. A fire chief may serve more than one term.
- B. For good cause shown, the council may remove the fire chief at any time, provided that a public hearing before the council is provided.
- C. The fire chief shall be technically qualified through training and experience and shall have the ability to command. The fire chief shall be removed only for just cause and after a public hearing before the council. (Prior code Ch. 2.11 § 2)

2.44.030 Fire chief-Powers and duties.

The fire chief shall:

- A. 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;
- B. Annually submit a tentative budget for the department upon request of the mayor,
- C. Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires;
- D. Have possession and custody of all fire apparatus, equipment, buildings and all other property of the fire department;
- E. Report in writing or orally at such times as directed by the mayor or council the names of all volunteer firemen, the condition of the fire apparatus and equipment and repairs or improvements needed or necessary, the number and places of all fires attended by the fire department and, in general, covering any matter material for the information of the council;
- F Prepare and maintain records of all fires, inspections, fire-fighting equipment, personnel which are required by state law and other information about the work and status of the department and make periodic written reports to the mayor or council;

- G. Provide suitable arrangements and equipment for reporting fires or other emergencies and for notifying all members of the department to assure prompt response to such incidents;
- H. Respond to calls for outside aid where mutual aid agreements are in force and in other cases only when the absence of such equipment will not jeopardize protection in the city;
- I. Supervise fire inspections;
- J. Perform such other duties as may be required by the mayor or the council. (Prior code Ch. 2.11 § 3)

2.44.040 Training and drills-Recordkeeping requirements.

- A. 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 operations. In addition, he shall provide, at least four times per year, sessions of instruction to include such subjects as first aid, water supplies and other subjects related to fire suppression.
- B. The fire chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections and other department activities.
- C. 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. (Prior code Ch. 2.11 § 5)

2.44.050 Equipment maintenance and use.

- A. The fire chief shall be responsible to the mayor and council for recommending such apparatus or other firefighting 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.
- B. 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.
- C. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department.
- D. No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department. (Prior code Ch. 2.11 § 6)

2.44.060 Rules and 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 mayor. Once effective, the rules and regulations are binding on all members. 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 or in this chapter. (Prior code Ch. 2.11 § 4)

2.44.070 Mutual aid agreements. The council may enter into mutual aid agreements with neighboring communities, other governmental agencies or other volunteer fire departments. (Prior code Ch. 2.11 § 7)

Chapter 2.48**RESCUE SQUAD**

- 2.48.010 Established.
- 2.48.020 Composition.
- 2.48.030 Captain-Selection and term.
- 2.48.040 Captain-Powers and duties.
- 2.48.050 Captain Record-keeping requirements.
- 2.48.060 Rescue apparatus-Use and protection.
- 2.48.070 Funds for use by squad.

2.48.010 Established.

There shall be a rescue squad for the city to be known as the Kuskokwim Valley Rescue Squad - McGrath Chapter. (Prior code Ch. 2.17 § 1)

2.48.040 Captain-Powers and duties.

The captain shall have the powers and duties as follows:

- A. The captain shall assign personnel as needed. All officers, elected or appointed by the squad, shall be accountable to the captain or his representatives.
- B. The captain shall annually submit a tentative budget for the rescue squad upon request of the council for moneys derived from the city. These moneys shall be used to purchase and/or maintain equipment and supplies.
- C. The captain or responding personnel shall report to the proper authorities any accident or incident involving vehicle accidents, crimes of violence or of a suspicious nature. (Prior code Ch. 2.17 § 4)

2.48.020 Composition.

The rescue squad shall consist of a squad captain and co-captain, and as many other officers and personnel as may be deemed necessary for the effective operation of the organization. (Prior code Ch. 2.17 § 2)

2.48.030 Captain-Selection and term.

The captain shall be elected by the members of the rescue squad, with the approval of the council, and shall be responsible to that body. The captain shall serve for a term of one year. The captain may serve more than one term. The captain shall be removed from office (*this ends here...*)

2.48.050 Captain-Recordkeeping requirements.

Training and records shall be maintained as follows:

- A. The captain shall see that complete records are kept of all city-owned equipment, squad calls and other organization activities.
- B. Recommendations for improving the effectiveness of the organization shall be included in the annual report. (Prior code Ch. 2.17 § 5)

2.48.060 Rescue apparatus-Use and protection.

City-owned equipment shall be regarded as follows:

A. No person shall use any rescue apparatus or equipment unless authorized to do so, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the rescue squad.

B. No person shall enter any place where rescue apparatus belonging to the organization is located unless accompanied by, or having special permission of, an officer or authorized member of the organization. (Prior code Ch. 2.17 § 6)

2.48.070 Funds for use by squad.

All moneys generated by the rescue squad through fundraising events, donations, contracts or other sources shall be used exclusively by the rescue squad for the purchase and maintenance of emergency equipment and supplies. (Prior code Ch. 2.17 § 7)

Chapter 2.50

EMERGENCY PREPAREDNESS AND CIVIL DEFENSE

Sections:

- 2.50.010 Intent and purpose.
- 2.50.020 Statutory authority-Authorized coordinating agents.
- 2.50.030 Effect on city employees and volunteers.

2.50.010 Intent and purpose.

It is the intent and purpose of this chapter to provide for the complete and efficient utilization of the city's personnel, facilities and equipment in the event of emergencies and disasters, either natural or manmade, including those resulting from enemy actions, and to provide for the coordination of emergency, disaster and civil defense functions of the city with all other public and private agencies, corporations and organizations. (Ord. 90-9 § 1, 1990)

2.50.020 Statutory authority-Authorized coordinating agents.

A. The instrument which the city council, its mayor and/or city administrator, shall exercise the authority and discharge the responsibilities vested by Chapter 20 (Civil Defense) and Chapter 23 (Alaska Disaster Act) of Title 26 of the Alaska Statutes as amended, maybe the city public safety department.

B. The mayor and/or his delegate, as head of the public safety department, shall serve as the emergency services coordinator and shall have full authority to cooperate with the State of Alaska Division of Emergency Services, as well as any and all other public and private agencies, corporations and organizations for response and relief of all disasters and emergencies. (Ord. 90-9 § 2, 1990)

2.50.030 Effect on city employees and volunteers.

This chapter shall not relieve any other city department head or employee of his/her responsibility or authority, nor will it adversely affect the work of any volunteer or other agency organized to provide relief in disaster emergencies. (Ord. 90-9 § 3, 1990)

Chapter 2.52**ADMINISTRATION AND FINANCE COMMITTEE**

Sections:

- 2.52.010 Established.
- 2.52.020 Composition.
- 2.52.030 Chairperson and vice Chairperson-Election and duties.
- 2.52.040 Members Appointment.
- 2.52.050 Members-Terms of office.
- 252.060 Members-Grounds for removal.
- 2.52.070 Members-Vacancy filling.
- 2.52.080 Powers and duties.
- 2.52.090 Meetings.

2.52.010 Established.

There will be an administration and finance committee for the city. (Prior code Ch. 2.20 § 1)

252.020 Composition.

- A. The committee shall be composed of three to six members.
- B. The composition of the membership is as follows:
 1. Not more than three city council members;
 2. Not more than three community members. (Ord. 88-7 (part), 1988: prior code Ch. 2.20 § 2)

2.52.030 Chairperson and vice Chairperson-Election and duties.

- A. The committee shall annually elect by a majority vote a chairperson and a vice chairperson
- B. The chairperson shall establish an agenda prior to each meeting, preside at meetings and see that minutes are prepared for the council in a timely manner and perform other duties as necessary.
- C. The vice chairperson shall serve in the chairperson's absence. (Prior code Ch. 2.20 § 8)

2.52.040 Members-Appointment.

Committee members shall be appointed by the mayor and confirmed by the council. (Prior code Ch. 2.20 § 3)

2.52.050 Members-Terms of office.

Committee members shall serve three year terms. (Prior code Ch. 2.20 § 4)

2.52.060 Members-Grounds for removal.

- A. Members may be removed by the mayor, subject to council approval, for good cause shown. The following constitute grounds for removal:
 1. If a person nominated and confirmed to membership fails to qualify and take office within thirty days;
 2. If a member departs from the city with the intent to remain away for a period of ninety or more days or moves his or her residence from the area he or she was appointed to represent for a period of ninety or more days;
 3. If a member's resignation is submitted and accepted by the council or committee;
 4. If a member is physically unable to attend committee meetings for more than ninety days;
 5. If a member missed two or more consecutive regular meetings, unless excused by the committee.

B. Any member who has been removed by the mayor has the right to appear before the council at a regular council meeting and contest the removal. (Prior code Ch. 2.20 § 5)

2.52.070 Members-Vacancy filling.

Vacancies are filled in the same manner as appointments. (Prior code Ch. 2.20 § 6)

2.52.080 Powers and duties.

A. The committee is advisory to the council in all matters. Minutes and copies of all significant correspondence of the committee shall promptly be filed with the city office.

B. The committee shall have the general duties to recommend policy and procedures to the council on their own initiative or at the request of the council.

C. The committee shall investigate complaints concerning the city and its services.

D. Within sixty days of the formation of the committee, the committee shall submit to the council for its approval, specific duties and responsibilities which it will pursue. The council may amend the duties as needed.

E. The committee shall be responsible for keeping abreast of and investigating current investment opportunities, recommending investment decisions to the council, reporting the nature and results of investment transactions to the council and supervising the transfer of city funds between all bank and fund accounts.

F. It is the declared policy of the city that investments will be made which are low in risk, high in yield and which afford reasonable liquidity. (Ord. 88-6 (part), 1988; prior code Ch. 2.20 § 9)

2.52.90.01 Meetings.

A. The committee shall meet monthly at a time, date and place of its choosing.

B. All meetings are public and shall be advertised as such in advance.

C. Meetings shall be run according to parliamentary procedure. (Prior code Ch. 2.20 § 7)

Chapter 2.60
PLANNING DEPARTMENT

PLANNING COMMISSION

Sections:

- 2.60.010 Established-Purpose.
- 2.60.020 Appointment--Terms.
- 2.60.030 Officers.
- 2.60.040 Members-Vacancy filling.
- 2.60.050 Meetings-General requirements.
- 2.60.060 Meetings-Order of business.
- 2.60.070 Provision of office and staff.
- 2.60.080 Actions by resolution.
- 2.60.090 Deposit of funds.
- 2.60.100 Structure and organization.
- 2.60.110 Planning functions.
- 2.60.120 Additional functions-Platting board authority.
- 2.60.130 Comprehensive plan.

2.60.010 Established-Purpose.

There is established the planning commission for the city to constitute a department of the city and to perform the area-wide functions of planning, platting and land use for the city as provided in this chapter and chapter 16.04. (Prior code Ch. 2.15 § 1)

2.60.020 Appointment-Terms.

- A. The planning commission consists of five residents.
- B. Members shall be appointed by the mayor for a term of three years, subject to confirmation by the council. Appointments to fill vacancies are for the unexpired term. Any compensation and expenses of the planning commission and its staff are paid as directed by the council by resolution.
- C. Commissioners shall serve staggered terms chosen by lots. (Prior code Ch. 2.15 § 2)

2.60.030 Officers.

- A. The commission shall elect a chairman to conduct the affairs of the commission, a vice chairman to serve as chairman in his or her absence and a secretary to cause the preparation of the journal of the commission's proceedings.
- B. The chairman is head of the department of planning. (Prior code Ch. 2.15 § 3)

2.60.040 Members-Vacancy filling:

A vacancy shall be declared and filled as above provided under the following conditions:

- A. If a person nominated and confirmed to membership fails to qualify and take office within thirty days;
- B. If a member departs from the city with the intent to remain away for a period of ninety or more days or moves his or her residence from the area he or she was appointed to represent for a period of ninety or more days;
- C. If a member's resignation is submitted and accepted by the council;
- D. If a member is physically unable to attend commission meetings for more than ninety days;

E. If a member misses three or more consecutive regular meetings, unless excused by the commission. (Prior code Ch. 2.15 § 4)

2.60.050 Meetings-General requirements.

A. Regular meetings shall be held every month at a time and place chosen by the commission. Special meetings may be called by the commission chairman or shall be called by him or her at the request of two members.

B. The clerk shall keep a journal of all meetings, which shall be a public record.

C. Meetings shall be conducted under such rules of order as may be provided by the commission. (Prior code Ch. 2.15 § 5)

2.60.060 Meetings-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 correspondence;
3. Unfinished business;
4. New business;
5. Miscellaneous business.

B. The order of business at special meetings shall be prescribed by the Chairman. (Prior code Ch. 2.15 § 6)

2.60.070 Provision of office and staff.

A. The council shall make every effort to provide the commission with office space suitable 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.

B. Upon request by the commission, the council shall make every effort to furnish secretarial assistance to the commission at each regular meeting to assist in preparing its journals and resolutions, and as required, to prepare its correspondence under the direction of the commission chairman and clerk. (Prior code Ch. 2.15 § 7)

2.60.080 Actions by resolution.

A. All formal actions of the commission shall be by resolution bearing:

1. The heading "City of McGrath Planning Commission";
2. The space for the serial number to be assigned "Resolution No. ";
3. A short and concise title descriptive of this 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. Places for the signatures of the commission chairman and the commission clerk.

B. All resolutions adopted by the commission shall substantially conform to the form provided above. (Prior code Ch. 2.15 § 8)

2.60.090 Deposit of funds.

All funds of the commission received as fees and charges or otherwise shall be deposited in the general fund of the city as receipts of the activities of the commission. (Prior code Ch. 2.15 § 9)

2.60.100 Structure and organization.

The composition, structure, order of business and other related items pertaining to the planning commission are provided in Sections 2.60.010 through 2.60.090 of this Chapter. (Ord. 87-4 § 1 (part), 1987: prior code Ch. 10.1 § 1)

2.60.110 Planning functions.

The planning functions of the commission shall be as follows:

- A. Prepare and submit to the council a proposed comprehensive plan for the systematic and organized development of the community, following the guidelines prescribed in Section 2.60.130;
- B. Prepare and submit to the council a proposed capital improvements plan which has been prioritized for the short and long range development needs of the community;
- C. Prepare and submit to the council an official city map;
- D. Prepare and submit to the council a subdivision ordinance;
- E. Prepare and submit to the council an annual report on the availability of public lands by selection, transfer or sale for city purposes. Special attention shall be given to the acquisition of lands for public recreation. (Ord. 87-4 § 1 (part), 1987: prior code Ch. 10.1 § 2)

2.60.120 Additional functions-Platting board authority.

Additional functions of the planning commission shall be as follows:

- A. The planning commission shall give public notice of at least three days and shall hold at least one public hearing prior to submitting to the council its recommendations under Section 2.60.110.
- B. The commission shall be responsible for submitting any and all modifications of the documents specified under Section 2.60.110.
- C. The planning commission shall act as the authorized platting board for the city. (Ord. 87-4 § 1(part),1987: prior code Ch. 10.1 § 3)

2.60.130 Comprehensive plan.

The comprehensive plan is a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the community and may include, but is not limited to, the following:

- A. Statements of policies, goals and standards;
- B. A land use plan;
- C. A community facilities plan;
- D. A transportation plan; and
- E. Recommendations for implementation of the comprehensive plan. (Ord. 87-4 § 1 (part), 1987: prior code Ch. 10.1 § 4)

Chapter 2.64

PUBLIC SAFETY COMMITTEE

Sections:

- 2.64.010 Established.
- 2.64.020 Composition.
- 2.64.030 Officers-Election Powers and duties.
- 2.64.040 Members Appointment.
- 2.64.050 Members-Terms of office.
- 2.64.060 Members-Grounds for removal.
- 2.64.070 Members-Vacancy filling.
- 2.64.080 Committee powers and duties.
- 2.64.090 Meetings.

2.64.010 Established.

There will be a public safety committee for the city. (Prior code Ch. 2.22 § 1)

2.64.020 Composition.

- A. The committee shall be composed of three to six members.
- B. The composition of the membership is as follows:
 1. Not more than three city council members;
 2. Not more than three community members. (Ord. 88-7 (part), 1988: prior code Ch. 2.22 § 2)

2.64.030 Officers-Election-Powers and duties.

- A. The committee shall annually elect by a majority vote a chairperson and a vice chairperson.
- B. The chairperson shall establish an agenda prior to each meeting, preside at meetings and see that minutes are prepared for the council in a timely manner and perform other duties as necessary.
- C. The vice chairperson shall serve in the chairperson's absence. (Prior code Ch. 2.22 § 8)

2.64.040 Members-Appointment.

Committee members shall be appointed by the mayor and confirmed by the council. (Prior code Ch. 2.22 § 3)

2.64.050 Members-Terms of office.

Committee members shall serve three-year terms. (Prior code Ch. 2.22 § 4)

2.64.060 Members-Grounds for removal.

- A. Members may be removed by the mayor, subject to council approval, for good cause shown. The following constitute grounds for removal:
 1. If a person nominated and confirmed to membership fails to qualify and take office within thirty days;
 2. If a member departs from the city with the intent to remain away for a period of ninety or more days or moves his or her residence from the area he or she was appointed to represent for a period of ninety or more days;
 3. If a member's resignation is submitted and accepted by the council or committee;
 4. If a member is physically unable to attend committee meetings for more than ninety days;

5. If a member missed two or more consecutive regular meetings, unless excused by the committee.
B. Any member who has been removed by the mayor has the right to appear before the council at a regular council meeting and contest the removal. (Prior code Ch. 2.22 § S)

2.64.070 Members-Vacancy filling.

Vacancies are filled in the same manner as appointments. (Prior code Ch. 2.22 § 6)

2.64.080 Committee powers and duties.

- A. The committee is advisory to the council in all matters. Minutes and copies of all significant correspondence of the committee shall promptly be filed with the city office.
B. The committee shall have the general duties to recommend policy and procedures to the council on their own initiative or at the request of the council.
C. The committee shall investigate complaints concerning the city and its services.
D. Within sixty days of the formation of the committee, the committee shall submit to the council for its approval, specific duties and responsibilities which it will pursue. The council may amend the duties as needed. (Prior code Ch. 2.22 § 9)

2.64.090 Meetings.

- A. The committee shall meet monthly at a time, date and place of its choosing.
B. All meetings are public and shall be advertised as such in advance.
C. Meetings shall be run according to parliamentary procedure. (Prior code Ch. 2.22 § 7)

Chapter 2.68**PUBLIC WORKS COMMITTEE**

Sections:

- 2.68.010 Established.
- 2.68.020 Composition.
- 2.68.030 Officers-Election-Powers and duties.
- 2.68.040 Members Appointment.
- 2.68.050 Members-Terms of office.
- 2.68.060 Members-Grounds for removal.
- 2.68.070 Members-Vacancy filling.
- 2.68.080 Committee powers and duties.
- 2.68.090 Meetings.

2.68.010 Established.

There will be a public works committee for the city. (Prior code Ch. 2.21 § 1)

2.68.020 Composition.

- A. The committee shall be composed of three to six members.
- B. The composition of the membership is as follows:
 1. Not more than three city council members;
 2. Not more than three community members. (Ord. 88-7 (part), 1988: prior code Ch. 2.21 § 2)

2.68.030 Officers-Election Powers and duties.

- A. The committee shall annually elect by a majority vote a chairperson and a vice chairperson.
- B. The chairperson shall establish an agenda prior to each meeting, preside at meetings and see that minutes are prepared for the council in a timely manner and perform other duties as necessary.
- C. The vice chairperson shall serve in the chairperson's absence. (Prior code Ch. 2.21 § 8)

2.68.040 Members-Appointment.

Committee members shall be appointed by the mayor and confirmed by the council. (Prior code Ch. 2.21 § 3)

2.68.050 Members-Terms of office.

Committee members shall serve three year terms. (Prior code Ch. 2.21 § 4)

2.68.060 Members-Grounds for removal.

- A. Members may be removed by the mayor, subject to council approval, for good cause shown. The following constitute grounds for removal:
 1. If a person nominated and confirmed to membership fails to qualify and take office within thirty days;
 2. If a member departs from the city with the intent to remain away for a period of ninety or more days or moves his or her residence from the area he or she was appointed to represent for a period of ninety or more days;
 3. If a member's resignation is submitted and accepted by the council or committee;

4. If a member is physically unable to attend committee meetings for more than ninety days;
 5. If a member missed two or more consecutive regular meetings, unless excused by the committee.
- B. Any member who has been removed by the mayor has the right to appear before the council at a regular council meeting and contest the removal. (Prior code Ch. 2.21 § 5)

2.68.070 Members-Vacancy filling. Vacancies are filled in the same manner as appointments. (Prior code Ch. 2.21 § 6)

2.68.080 Committee powers and duties.

- A. The committee is advisory to the council in all matters. Minutes and copies of all significant correspondence of the committee shall promptly be filed with the city office.
- B. The committee shall have the general duties to recommend policy and procedures to the council on their own initiative or at the request of the council.
- C. The committee shall investigate complaints concerning the city and its services.
- D. Within sixty days of the formation of the committee, the committee shall submit to the council for its approval, specific duties and responsibilities which it will pursue. The council may amend the duties as needed. (Prior code Ch. 2.21 § 9)

2.68.090 Meetings.

- A. The committee shall meet monthly at a time, date and place of its choosing.
- B. All meetings are public and shall be advertised as such in advance.
- C. Meetings shall be run according to parliamentary procedure. (Prior code Ch. 2.21 § 7)

Chapter 2.72**WATER SERVICE COMMITTEE**

Sections:

- 2.72.010 Established.
- 2.72.020 Composition.
- 2.72.030 Officers-Election-Powers and duties.
- 2.72.040 Members Appointment.
- 2.72.050 Members-Terms of office.
- 2.72.060 Members-Grounds for removal.
- 2.72.070 Members-Vacancy filling.
- 2.72.080 Committee powers and duties.
- 2.72.090 Meetings.

2.72.010 Established.

There will be a water service committee for the city. (Prior code Ch. 2.26 § 1)

B. The chairperson shall establish an agenda prior to each meeting, preside at meetings and see that minutes are prepared for the council in a timely manner and perform other duties as necessary.

C. The vice chairperson shall serve in the chairperson's absence. (Prior code Ch. 2.26 § 8)

2.72.020 Composition.

A. The committee shall be composed of five members.

B. The composition of the membership is as follows:

1. Not more than two city council members;
2. Not more than four community members. (Ord. 88-7 (part), 1988: prior code Ch. 2.26 § 2)

2.72.030 Officers-Election Powers and duties.

A. The committee shall annually elect by a majority vote a chairperson and a vice chairperson.

2.72.040 Members-Appointment.

Committee members shall be appointed by the mayor and confirmed by the council. (Prior code Ch. 2.26 § 3)

2.72.050 Members-Terms of office.

A. Staggered terms shall be drawn at the organizational meeting with one one-year term, two two-year terms and two three-year terms.

B. Committee members shall serve a term of three years following completion of the original staggered terms. (Prior code Ch. 2.26 § 4)

2.72.060 Members-Grounds for removal.

A. Members may be removed by the mayor, subject to council approval, for good cause shown.

The following constitute grounds for removal:

1. If a person nominated and confirmed to membership fails to qualify and take, office within thirty days;
2. If a member departs from the city with the intent to remain away for a period of ninety or more days or moves his or her residence from the area he or she was appointed to represent for a period of ninety or more days;

3. If a member's resignation is submitted and accepted by the council or committee;
 4. If a member is physically unable to attend committee meetings for more than ninety days;
 5. If a member missed two or more consecutive regular meetings, unless excused by the committee.
- B. Any member who has been removed by the mayor has the right to appear before the council at a regular council meeting and contest the removal. (Prior code Ch. 2.26 § 5)

2.72.070 Members-Vacancy filling.

Vacancies are filled in the same manner as appointments. (Prior code Ch. 2.26 § 6)

2.72.080 Committee powers and duties.

- A. The committee is advisory to the council in all matters. Minutes and copies of all significant correspondence of the committee shall promptly be filed with the city office.
- B. The committee shall have the general duties to recommend policy and procedures to the council on their own initiative or at the request of the council.
- C. The committee shall investigate complaints concerning the city and its service.
- D. Within sixty days of the formation of the committee, the committee shall submit to the council for its approval, specific duties and responsibilities which it will pursue. The council may amend the duties as needed. (Prior code Ch. 2.26 § 9)

2.72.090 Meetings.

- A. The committee shall meet monthly at a time, date and place of its choosing.
- B. All meetings are public and shall be advertised as such in advance.
- C. Meetings shall be run according to parliamentary procedure. (Prior code Ch. 2.26. § 7)

Chapter 2.76

COMMUNITY INPUT PROCEDURES

Sections:

- 2.76.010 Intent of provisions.
- 2.76.020 Patient advocacy committee defined.
- 2.76.030 Procedure for investigation.
- 2.76.040 Time schedules for procedures.
- 2.76.050 Confidential matters concerning health care.

2.76.010 Intent of provisions.

It is the intent of this chapter is to provide the maximum amount of information to the community concerning the operations of the city. (Prior code Ch. 2.25 § 1)

2.76.020 Patient advocacy committee defined.

"Patient advocacy committee" means a standing subcommittee of the community health committee consisting of members drawn from the community health committee and the community at large. (Prior code Ch. 2.25 § 5)

B. In matters concerning the functions of the city and/or performance of city employees, the community members should:

1. Address themselves to the immediate department head.
2. If the community member is dissatisfied with the response at this level, he should request, in writing, that the city administrator conduct an investigation of the complaint. The city administrator will respond in writing.
3. If the community member is not satisfied with action by the city administrator, the city administrator will refer the matter to the appropriate standing committee for investigation.
4. If the matter is not resolved, it shall be referred to the city council.

C. When a standing committee is called upon to investigate the actions of an employee, it must meet only with the employee under investigation in attendance and provide the employee with the nature of the Charge brought against him. Furthermore, the standing committee must provide the employee under investigation with the opportunity to defend his actions. (Prior code Ch. 2.25 § 2)

2.76.030 Procedure for investigation.

A. In all matters of an informational nature, community members should address themselves to:

1. The immediate supervisor responsible for the department in question;
2. The city administrator;
3. The standing committee responsible for advising the city council;
4. The city council.

2.76.040 Time schedules for procedures.

As outlined in Section 2.76.030, the time schedules for each procedure are:

- A. 1. Steps 1 and 2 shall be completed within three working days at each level;
2. Step 3 shall be completed at the next regularly scheduled committee meeting after the city administrator's response period
3. Step 4 shall be completed at the next regularly scheduled city council meeting after the committee meeting.

B. 1. Steps 1 and 2 shall be completed within five working days for each step; 2. Steps 3 and 4 shall be completed within ten working days for each step. (Prior code Ch. 2.25 § 4)

2.76.050 **Confidential matters concerning health care.**

In fulfilling Section 2.76.030 (B)(3), the city administrator shall refer these matters to the patient advocacy committee, then to the community health committee and then to the city council. (Prior code Ch. 2.25 § 3)

Chapter 2.80**DOCUMENTS AND RECORDS**

Sections:

- 2.80.010 Document approval requirements.
- 2.80.020 Filing with state required when.
- 2.80.030 Retention and disposal schedule.

2.80.010 Document approval requirements.

All legal documents requiring the assent of the city shall be:

- A. Approved by the council;
- B. Signed by the mayor on behalf of the city;
- C. Attested by the clerk. (Prior code Ch. 2.6 § 1)

2.80.020 Filing with state required when.

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

- A. Maps and descriptions of all annexed or excluded territory;
- B. A copy of an audit or statement of annual income and expenditures;
- C. Tax assessment and tax levy figures as requested;
- D. A copy of the current annual city budget;
- E. A summary of the optional property tax exemptions authorized in the city, together with the city's estimate of the revenues lost to it by operation of each of the exemptions. (Ord. 90-3 (part), 1989; prior code Ch. 2.6 § 2)

2.80.030 Retention and disposal schedule.

The mayor shall approve a records retention and disposal schedule which indicates how long city records, documents, correspondence and other papers shall be kept before disposal. (Prior code Ch. 2.6 § 3)

Chapter 2.84

CITY ELECTIONS

Sections:

- 2.84.010 Supervision of elections.
- 2.84.020 Election materials.
- 2.84.030 Election officials.
- 2.84.040 Who may vote.
- 2.84.050 Declaration of candidacy.
- 2.84.060 Regular elections-Held when.
- 2.84.070 Regular elections-Notice required.
- 2.84.080 Special elections-Held when.
- 2.84.090 Special elections-Notice required.
- 2.84.100 Time and place of elections.
- 2.84.110 Absentee voting.
- 2.84.120 Percentage of votes required to win.
- 2.84.130 Runoff elections-Held when.
- 2.84.140 Runoff elections-Notice required.
- 2.84.150 Election results Preparation and posting.
- 2.84.160 Resolving tie votes.
- 2.84.170 Spoiled ballot procedures.
- 2.84.180 Casting of questioned ballots.
- 2.84.190 Campaigning near polls prohibited.
- 2.84.200 Verification of results by council.
- 2.84.210 Contesting an election-Recount-Judicial review.

2.84.010 Supervision of elections.

The city clerk is the supervisor of elections for the city. The city clerk may establish written regulations upon city council approval for all additional procedures necessary to carry out the provisions of any elections ordinances passed by the city council. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 1)

2.84.020 Election materials.

The city clerk shall keep all election materials in the permanent city files. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 §21)

2.84.030 Election officials.

A. The election officials for municipal elections will be the state of Alaska Election Officials, and the chair for the state elections will also chair the municipal election board. The officials shall not be council members or candidates for office.

B. Each official shall sign the oath specified in former Chapter 5.2, Section 5, of the city code and file it with the city clerk on or before election day.

C. If an official is unable to work on or during election day, the remaining officials at the polling place shall choose a qualified voter to fill the vacancy. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 §

2.84.040 Who may vote.

A person may vote in a municipal election only if the person is a United States citizen who is qualified to vote in state elections, has been a resident of the municipality for thirty days immediately preceding the election, is registered to vote in state elections in the McGrath precinct and is not disqualified under Article V of the state Constitution. (Ord. 90-4 (part), 1989: Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 2)

2.84.050 Declaration of candidacy.

A person who wishes to become a candidate for an elective office shall complete and file a declaration of candidacy with the city clerk. Declarations of candidacy must be filed no sooner than thirty days and no later than ten days before the election. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 11)

2.84.060 Regular elections-Held when.

The regular election for city council members or other elected officials shall be held every year on the first Tuesday in October. Questions or propositions may be placed on the ballot at this time. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 3)

2.84.070 Regular elections-Notice required.

Notice of a general election must be posted in three public places for twenty days before a general election. (Ord. 90-4 (part), 1989: Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 4)

2.84.080 Special elections-Held when.

The city council may pass a resolution to hold a special election on a date different than the regular election. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 5)

2.84.090 Special elections-Notice required.

Notice shall be posted in three public places at least twenty days before a special election and published in a newspaper of general circulation if there is one in the area. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 6)

2.84.100 Time and place of elections.

A. Regular elections will be held at the place in which the state of Alaska elections are held.

Special elections will be held at a place designated by public notice.

B. The polls will be open from eight a.m. until eight p.m. on election day. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 13)

2.84.110 Absentee voting.

Any qualified voter who expects to be absent from the city on election day or who is unable to go to the voting polls because of physical disability may cast an absentee ballot. An absentee ballot may be obtained from the city clerk. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 18)

2.84.120 Percentage of votes required to win.

Every candidate must receive more than forty percent of the ballots cast for his or her respective office in order to win the election. A runoff election is required if a candidate does not receive more

than forty percent of the ballots cast for his or her respective office. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 7)

2.84.130 Runoff elections-Held when.

A. If no candidate receives more than forty percent of the votes cast for his or her respective office, the council shall hold a runoff election between the two candidates receiving the greatest number of votes for the office. In a runoff election, the candidate receiving more votes than the other is the winner.

B. Runoff elections must be held within three weeks from the date the council certifies the election.

C. Write-in votes are not counted for runoff elections. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 8)

2.84.140 Runoff elections-Notice required.

Notice of a runoff election shall be posted in three public places for at least five days before the election is held and published in a newspaper of general circulation if there is one in the area. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 9)

2.84.150 Election results-Preparation and posting.

A. Immediately after the polls close and the last ballot has been cast, the election officials will tally the ballots and prepare a report of election results which shall be signed by each official. The report shall be attached to the tally sheets and submitted to the city clerk along with all other election materials.

B. The city clerk shall post the election results in three public places within a day of the time the election results are known. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 17)

2.84.160 Resolving tie votes.

In the event of a tie vote, the council shall request that the tied candidates appear before the council at the first meeting after the election to draw straws or flip a coin to determine the winner. If one or more of the tied candidates does not appear before the council, the presiding officer shall direct the city clerk or other non-interested person to draw straws or flip a coin to determine the winner. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 10)

2.84.170 Spoiled ballot procedures.

If a voter marks more names than there are persons to be elected to any office, or if for any reason makes an error on his or her ballot, that voter may return his or her ballot set to an election official and request a new ballot set. The election official shall remove the number of the spoiled ballot set and record it on the proper form. The ballot set will then be destroyed in the presence of the voter and an election official. Then the voter will receive a new ballot set and proceed to vote normally. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 16)

2.84.180 Casting of questioned ballots.

If a voter's name is not on the master voter registration list or there is some other question regarding a voter's eligibility, and the voter believes that he or she is registered to vote, then the voter shall sign an oath and affidavit of eligibility and cast a questioned ballot. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 15)

2.84.190 Campaigning near polls prohibited.

During the hours the polls are open, no person who is in the polling place or within two hundred feet of any entrance to the polling place may attempt to persuade a person to vote for or against any candidate, question or proposition on the ballot. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 14)

2.84.200 Verification of results by council.

A city council meeting shall be held on the Monday following the election at which time the city clerk shall present to the council the report of election results and deliver all questioned ballots and absentee ballots. A final count shall be made by the council and a certificate of election shall be issued on a form prescribed by the council to each newly elected official. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 19)

2.84.210 Contesting an election-Recount-Judicial review.

A. Any qualified city voter who wishes to contest the election may do so in writing or at the city council meeting prior to the issuance of the certificate of election. The name of the voter contesting the election, the reason for the contest and the council's decision shall be entered into the minutes of the meeting. B. The city council may order an investigation or a recount of the ballots or declare the election invalid and order a new election.

C. Any city voter who demands a recount shall pay all costs and expenses of the recount if the recount fails to change the results or if the difference between the winning and losing vote is more than two percent.

D. Judicial review in the state Superior Court is available to a qualified city voter if the council's decision is not favorable to the voter and the request for judicial review is begun within ten days after the election results are final. Otherwise, the results are conclusive, final and valid in all respects. (Ord. 88-3 (part), 1987: prior code Ch. 5.1 § 20)

Chapter 2.88

INITIATIVE AND REFERENDUM

Sections:

- 2.88.010 Petition prerequisites-Filing-Insufficient petitions.
- 2.88.020 Measures submitted for vote when.
- 2.88.030 Protection of results-Waiting period for refiling.

2.88.010 Petition prerequisites-Filing-Insufficient petitions.

A. An initiative or referendum is proposed by filing an application with the city clerk containing the ordinance or resolution to be initiated or repealed and the address to which all correspondence relating to the petition may be sent. An application shall be signed by at least ten voters who will sponsor the petition. An additional sponsor may be added at any time before the petition is filed by submitting the name of the sponsor to the clerk. Within two weeks the clerk shall certify the application if the clerk finds that it is in the proper form and, for an initiative petition, that the matter conforms to AS 29.26.110.

B. Within two weeks after certification of an application for an initiative or referendum petition, a petition shall be prepared by the municipal clerk. The contents of the petition shall conform to AS 29.26.120. Copies of the petition shall be provided to each sponsor by the clerk. The signatures on an initiative or referendum petition shall be secured within ninety days after the clerk issues the petition and shall conform to the requirements of AS 29.26.130.

C. All copies of an initiative or referendum petition shall be assembled and filed with the clerk as a single instrument. Within ten days after the date of filing, the clerk shall certify on the petition whether it is sufficient. If the petition is insufficient, the clerk shall identify the insufficiency and notify the sponsors at the address provided by certified mail. A petition that is insufficient may be supplemented with additional signatures obtained and filed before the eleventh day after the date on which the petition is rejected. A petition that is insufficient shall be rejected and filed as a public record.

D. If the clerk certifies an initiative or referendum petition as insufficient, a signer of the petition may file a protest with the mayor within seven days after the certification. The mayor shall present the protest at the next regular meeting of the council. The council shall hear and decide the protest.

E. Failure to secure sufficient signatures does not preclude the filing of a new initiative or referendum petition. However, a new petition on substantially the same matter may not be filed sooner than six months after a petition is rejected as insufficient. (Ord. 86-17 (part), 1986; prior code Ch. 2.27 (part))

2.88.020 Measures submitted for vote when.

Unless substantially the same measure is adopted by the council, when a petition seeks an initiative vote, the clerk shall submit the matter to the voters in accordance with AS 29.26.170. In the case of a petition for referendum, unless the ordinance or resolution is repealed by the council, the clerk shall submit the matter to the voters in accordance with AS 29.26.180. (Ord. 86-17 (part), 1986; prior code Ch. 2.27 (part))

2.88.030 Protection of results-Waiting period for refiling.

The effect of an ordinance or resolution may not be modified or negated within two years after its effective date if adopted in an initiative election or if adopted after a petition that contains substantially the same measure has been filed. If an ordinance or resolution is repealed in a

referendum election or by the council after a petition that contains substantially the same measure has been filed, substantially similar legislation may not be enacted by the council for a period of two years. If an initiative or referendum measure fails to receive voter approval, a new petition application for substantially the same measure may not be filed sooner than six months after the election results are certified. (Ord. 86-17 (part), 1986: prior code Ch. 2.27 (part))

Title 3.50**REVENUE AND FINANCE**

Chapters:

- 3.04 Fiscal Policies
- 3.08 Budget
- 3.12 Purchasing
- 3.16 Contracting and Bidding Procedures
- 3.20 Real Property Acquisition
- 3.24 Eminent Domain and Adverse Possession
- 3.28 Real Property Sales
- 3.32 Cranberry Ridge Lottery
- 3.36 Lease of City Lands
- 3.40 Disposition of City-owned Personal Property
- 3.44 Revenue Bonds
- 3.48 Surface Access Fee
- 3.50 Hotel/Motel Fee

(McGrath 3-01)

Chapter 3.04

FISCAL POLICIES

Sections:

- 3.04.010 Budget and capital improvements program-Authority.
- 3.04.020 Appropriations.
- 3.04.030 Fiscal year defined.
- 3.04.040 Statement of annual income.
- 3.04.050 City treasurer-Responsibilities.
- 3.04.060. City treasurer-Accounting functions.
- 3.04.070 Check writing policy.

3.04.010 Budget and capital improvements program Authority.

A. The mayor, with the assistance of the clerk, shall prepare the budget and capital improvements program of the city for the council. The budget and capital improvements program shall be submitted as an ordinance.

B. After public hearing, the council may approve the budget and capital improvements program with or without amendments and shall appropriate the funds required. (Prior code Ch. 3.1 § 1)

3.04.020 Appropriations.

A. A bond, contract, lease, or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than one fiscal year shall be made by ordinance and approved by the voters.

B. The council may make supplemental and emergency appropriations.

No payment may be authorized or made and no obligation incurred unless an appropriation has been made by ordinance.

C. The council may authorize contracts for capital improvements to be financed wholly or partly by the issuance of bonds. (Prior code Ch. 3.1 § 2)

3.04.030 Fiscal year defined.

The fiscal year of the city shall begin on the first day of July and end on the last day of June in the following calendar year. (Prior code Ch. 3.1 § 3)

3.04.040 Statement of annual income.

A. The mayor is responsible for preparing a statement of annual income and expenditures and delivering the completed statement to the council before October 1st of each year.

B. The statement of annual income and expenditures shall be submitted to the Department of Community and Regional Affairs as required. (Prior code Ch. 3.1 § 4)

3.04.050 City treasurer-Responsibilities.

A. The treasurer shall be responsible for the collection, custody, and disbursement of all moneys.

B. Operating cash shall be kept in one financial institution as determined by the council.

C. The treasurer shall invest city money upon directive of the council or the investment committee in any of the following types of investments:

1. Certificates of deposit or saving accounts of any bank;

2. Bonds, notes, or other obligations; 3. Any other investments which meet the investment policy of the city. (Prior code Ch. 3.1 § 6)

3.04.060 City treasurer-Accounting functions.

A. All accounting functions for all city departments and offices are the responsibility of the treasurer.

B. The treasurer shall provide on a monthly basis to the council the following statements:

1. Summary statement of cash receipts and disbursements;
2. Reconciliation statements from banks, investments, and funds;
3. Statements of expenditures compared with appropriations. (Prior code Ch. 3.1 § 7)

3.04.070 Check writing policy.

All checks written on city funds shall be prepared by the Clerk/Treasurer and entered correctly within the City's accounting system and signed by the financial institutions' authorized signatories, which will be a minimum of two Council Members, one of which must be the Mayor. (Ordinance 17-01 (part) 2017 : Prior code Ch. 3.1 § 5)

3.04.071 Registered Facsimile Signature

A registered facsimile stamp can only be held by the Mayor for use in absence of a wet signature for checks, documents and correspondence. Usage of the stamp requires notification of the Mayor and shall be used only for routine business. (17-01 (part) 2017)

3.04.080 Withdrawal of funds

All City fund withdrawals, excluding payroll, must have the authorization required by the financial institutions. City staff cannot be check signers or the authorizing electronic authority, it needs to be a minimum of one city council member. (17-01 (part) 2017)

3.04.090 Repair and Replacement Fund

A. These restricted use funds are not to be used for daily operating expenses. They are strictly set aside for repair and replacement of McGrath City Water Plant, Sewer and Emergency Services.

B. A budget surplus, above the expected operating balance, in the checking account, on June 30th will be moved to the Repair and Replacement Fund within 30 days, in that year's fiscal budget reserve,

C. The balance and all account activity of the Repair and Replacement Fund must be reported at the monthly regular council meeting. The report must include the statement from the institution the funds are held with.

D. The funds can only be withdrawn after a resolution in the format found at the end of the chapter has been passed by the council. With the expectation that the city will work to replace any funds withdrawn to secure and grow the funds into perpetuity.

Required resolution format

CITY OF McGRATH, ALASKA
RESOLUTION XX-XX

RESOLUTION TO WITHDRAW RESTRICTED FUNDS FROM THE REPAIR AND REPLACEMENT FUND ESTABLISHED IN ORDINANCE 17-01.

WHEREAS, the McGrath City Council is the governing body for the City of McGrath;

WHEREAS, the McGrath *insert Water Plant/Sewer/Emergency Services* require repair or replacement of:
1) *Insert item*
2) *Insert reason*

WHEREAS, the City Council requires the withdrawal of *insert \$xxxx* from the Repair and Replacement Fund to cover payment to *insert vendor(s)*, to cover the attached *insert quote/bill/invoice*.

WHEREAS, the final costs and all invoices will be presented to City Council in a final accounting. All residual funds will be returned to the Repair and Replacement Fund immediately.

THEREFORE BE IT RESOLVED by the City Of McGrath: they are using the restricted funds for their intended purpose,

PASSED and APPROVED BY THE McGRATH CITY COUNCIL ON THIS ____ Day of _____, 20__ BY A VOTE OF ____ AYES AND ____ NAYS

(17-01 (part) 2017)

Chapter 3.08

BUDGET

Sections:

- 3.08.010 Scope.
- 3.08.020 Anticipated revenues.
- 3.08.030 Proposed expenditures-Itemized account required.
- 3.08.040 Suggested forms.
- 3.08.050 Public access.
- 3.08.060 Public hearing-Notice.
- 3.08.070 Public hearing.
- 3.08.080 Council Appropriations authority.
- 3.08.090 Adoption-Vote required.
- 3.08.100 Effective date-Certification-Availability.

3.08.010 Scope.

A. The budget shall be a complete financial plan for all the operations of the city, showing anticipated revenues, proposed expenditures, and dollar reserves.

B. The budget shall include a comparative statement of actual expenditures and actual revenues for the preceding fiscal year.

C. Proposed expenditures shall not exceed anticipated revenues and reserves. (Prior code Ch. 3.2 § 1)

3.08.020 Anticipated revenues.

Anticipated revenues shall be composed of all sources of income to the city, and itemized as to individual source. (Prior code Ch. 3.2 § 2)

3.08.030 Proposed expenditures-Itemized account required.

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

1. Interest, amortization of principal, and redemption Charges on the public debt for which the faith and credit of the city is pledged;
2. Administration, operation, and maintenance of each office, department, or agency of the city;
3. The council's budgetary reserve;
4. Expenditures proposed for capital improvements;
5. Others as required by acceptable accounting procedures and which will fairly and adequately inform the public as to the contents of the budget. (Prior code Ch. 3.2 § 3)

3.08.040 Suggested forms.

It is sufficient and recommended for the purposes of this chapter that the forms supplied by the Department of Community and Regional Affairs be used by the city in preparing and presenting the budget. Otherwise, the budget shall be drafted according to acceptable accounting procedures. (Prior code Ch. 3.2 § 4)

3.08.050 Public access.

The budget, the budget message, the capital improvements program, and all supporting schedules shall be open to public inspection. Copies shall be available for distribution to interested persons. (Prior code Ch. 3.3 § 1)

3.08.060 Public hearing-Notice.

The council shall determine the place and time of the public hearing on the budget and shall post such notice in three places in the city at least one week prior to the hearing. The council shall include in the notice a summary of the budget and capital improvements program and a statement setting out the time and place for a public hearing. (Prior code Ch. 3.3 § 2)

3.08.070 Public hearing.

At the time and place so advertised, the council shall hold a public hearing on the budget as submitted, at which time all interested persons shall be given an opportunity to be heard. (Prior code Ch. 3.3 § 3)

3.08.080 Council-Appropriations authority.

After the conclusion of the public hearing on the budget, the council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law. The council shall then appropriate the funds required after the budget is approved. (Prior code Ch. 3.3 § 4)

3.08.090 Adoption-Vote required.

The budget shall be adopted by majority vote of the council, preferably in May, but in no event later than June 30th. (Prior code Ch. 3.3 § 5)

3.08.100 Effective date-Certification-Availability.

Upon adoption of budget, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be certified by the mayor, attested to by the clerk, and filed with the clerk. The certified budget shall be available to the public and shall be filed with the Department of Community and Regional Affairs. (Prior code Ch. 3.3 § 6)

Chapter 3.12
PURCHASING

Sections:

- 3.12.010 Purchasing agent-Mayor to serve unless otherwise specified.
3.12.020 Purchasing agent-Scope and authority.

3.12.010 Purchasing agent-Mayor to serve unless otherwise specified.

A. There shall be a purchasing agent for the city to make all purchases of supplies, materials, equipment, and contractual services for the offices, departments, and agencies of the city.

B. The mayor is the purchasing agent for the city. However, the mayor may designate the clerk or other city employee to be the city purchasing agent, subject to council approval by resolution. (Prior code Ch. 3.4 § 1)

3.12.020 Purchasing agent-Scope and authority.

A. The purchasing agent shall have the power and duty to purchase or contract for supplies and contractual services needed by any agency of the city and sell surplus personal property of such agencies, in accordance with the ordinances of the city and such rules and regulations as shall be prescribed by the mayor and approved by the council.

B. The purchasing agent shall recommend joint purchases with other governments when the best interests of the city would be served. (Prior code Ch. 3.4 § 2)

Chapter 3.16

CONTRACTING AND BIDDING PROCEDURES

Sections:

- 3.16.010 Definitions.
- 3.16.020 Purpose of provisions.
- 3.16.030 Use of standard materials.
- 3.16.040 Competitive bids required when.
- 3.16.050 Sealed bids required when-Solicitation procedures.
- 3.16.060 Bid submittal requirements and procedures.
- 3.16.070 Lease of equipment compliance required.
- 3.16.080 Formal contract required when-Procedure.
- 3.16.090 Contractor's bond required-Specifications.
- 3.16.100 Award of contract-Specifications.
- 3.16.110 Contract-Sufficient unencumbered funds required.
- 3.16.120 Contract-Administration authority.
- 3.16.130 Authority to alter contract.
- 3.16.140 Late bids.
- 3.16.150 Bid opening procedures.
- 3.16.160 Waiver of bid irregularities when.
- 3.16.170 Unauthorized contracts unlawful.

3.16.010 Definitions.

In this Chapter, unless the context otherwise requires:

"Construction contract" means any contract for constructing, enlarging, remodeling, renovating, equipping or furnishing of public works.

"Contractor" means any person or entity that contracts with the city to perform personal services or any work associated with construction projects.

"Proprietary item" or "proprietary service" means those items of personal property or those services of any nature which can be supplied by only one contractor because of the singular Characteristics of the item or service. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 15)

3.16.020 Purpose of provisions.

A. It is the declared policy of the city to encourage full and open competition whenever practical between all city contractors by competitive bidding.

B. The city may elect to act as its own contractor for the construction of capital projects, public works improvements, or other projects which may require a temporary city labor force and/or the lease, rental or purchase of equipment, materials or supplies.

C. This chapter has no application to the management or hiring of city employees which shall adhere to established personnel policies, nor has it any application to the acquisition by the city of single proprietary items or services.

D. If the city intends to purchase a single proprietary item or service, it will be publicly advertised seven days in advance of any transaction. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 1)

3.16.030 Use of standard materials.

The city shall, to the greatest practical extent, develop and adopt standardized materials, supplies and equipment. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 14)

3.16.040 Competitive bids required when.

In the manner provided in this chapter and the fiscal procedures established under it:

- A. All contracts awarded by the city must be based on competitive bidding, except as noted in subsection C of this section.
- B. A contract estimated to be less than five thousand dollars may be made by competitive bidding either in accordance with Sections 3.16.050 and 3.16.060 or in the open market, in the discretion of the mayor or the mayor's designate.
- C. Competitive bids need not be required:
 - 1. For contractual services where no competition exists;
 - 2. For sales involving fair trade items;
 - 3. Where rates are fixed by law or ordinance;
 - 4. For items traded in on like items; or
 - 5. For professional services. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 4 (part))

3.16.050 Sealed bids required when-Solicitation procedures.

If the amount of the contract is estimated to exceed five thousand dollars, sealed bids shall be solicited by publication in an Alaska newspaper calculated to reach prospective bidders, and by posting at least three notices in public places within the city for a period of not less than thirty days, and in addition, the mayor or his designate may also designate a trade journal for publication. The mayor or the mayor's designate shall also solicit bids by sending notice by mail to all known prospective bidders. All bids shall be sealed when received and shall be opened by the mayor or his designate in public in the presence of at least one more city employee. The mayor shall receive a tabulation of all bids and bidders and the name and bid of the apparent low bidder. Within thirty days after the opening of the bids, the city council shall either award a contract or reject all bids. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 4 (part))

3.16.060 Bid submittal requirements and procedures.

- A. All bids must be accompanied by cash, a certificate of deposit or a certified check or draft, or cashier's check or draft of some responsible bank in the United States, in favor of and payable at sight to the city, for an amount equal to five percent of the bid. If the bidder to whom the contract is awarded shall, for fifteen days after such award, fail or neglect to enter into a contract and file the required payment and performance bonds, the mayor or the mayor's designate shall draw the money due on the certificate of deposit or check or draft, and pay the same or any cash deposit into the city treasury, and under no circumstances shall it be returned to the defaulting bidder. In lieu of the foregoing, any bid may be accompanied by a surety bond in the amount of the bid, guaranteeing that the bidder will enter into a contract and file the required bond within such required period. The surety bond must be furnished by a surety authorized to do a surety business in the state of Alaska.
- B. The mayor or the mayor's designate shall return to the unsuccessful bidders their certificates of deposit, drafts, checks, or cash, and shall retain the certificate of deposit, check, draft, or cash of the successful bidder until after the approval of the bond or other security furnished by the bidder for the faithful performance of the contract, and then shall return such certificate of deposit, check,

draft, or cash to the successful bidder. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 4 (per))

3.16.070 Lease of equipment Compliance required.

Any lease of equipment or personal property for a total rent in excess of five thousand dollars shall be in compliance with full and open competitive practices including, but not limited to, public advertisement for a minimum of seven days in advance of any transaction. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 6)

3.16.080 Formal contract required when-Procedure.

All contracts in excess of five thousand dollars, except as otherwise noted in this chapter, must be awarded by formal, written contract upon the terms and conditions prescribed in this chapter, and upon such additional terms and conditions as may be included in the contract. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 7)

3.16.090 Contractor's bond required-Specifications.

A contractor for public buildings or other public improvements must provide a corporate surety bond from a surety company authorized to do business in Alaska to guarantee the full and faithful performance of his contractual obligations and the payment of all claims for labor and materials expended pursuant thereto, whenever and in such amount as required by the laws of Alaska. All such bonds shall be reviewed by the city council:

A. Before a contract exceeding one hundred thousand dollars for the construction, alteration, or repair of a public building or a public work of the city is awarded to a general or specialty contractor, the contractor shall furnish to the city the following bonds which become binding upon the award of the contractor:

1. A performance bond with a corporate surety qualified to do business in the state;
 - a. The amount of the performance bond shall be equivalent to the amount of the payment;
2. A payment bond with a corporate surety qualified to do business in the state; when the total amount payable by the terms of the contract is not more than one million dollars the payment bond shall be in the sum of one half the total amount by the terms of the contract; when the total amount payable by the terms of contract is more than one million dollars and less than five million dollars, the payment bond shall be in the sum of forty percent of the total amount payable by the terms of the contract;

a. When the total amount payable by the terms of the contract is more than five million dollars, the payment bond shall be in the sum of two million five hundred thousand dollars;

B. This section does not limit the authority of the city to require a performance bond or other security in addition to those, or in cases other than those specified in subsection A of this section.

C. When no payment bond has been furnished, the city shall not approve final payment until the contractor files a written statement certifying that all persons who supplied labor or materials in the prosecution of the work provided for in the contract have been paid. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 3)

3.16.100 Award of contract Specifications.

A. A contract, if awarded by the council, shall be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids.

- B. The council may reject any and all bids. A bid shall be rejected if it contains material alteration or erasure which is not initialed by the signer of the bid.
- C. The mayor or the mayor's designate may reject the bid of a bidder who is in arrears on taxes due the city or who failed to give timely, full performance on any previous contract with the city.
- D. Where competitive bids are required and where all bids are rejected, new bids shall be called for as in the first instance, unless, the lowest responsible bid is within fifteen percent of the funds available. The city council may then conduct direct negotiations with that bidder.
- E. Before the awarding of a contract for constructing or repairing any public improvement, the city shall see that the bids conform to plans and specifications approved.
- F. All bids, with the names of the bidders and amounts of the bids, together with all documents pertaining to the award of a contract, shall be made a part of a file or record and retained for three years, unless reproduced by microfilming, and these files or records are open to public inspection at all reasonable times.
- G. An aggrieved bidder may, within five days after an award of contract, appeal for hearing, with notice to interested parties, for redetermination of the award in accordance with law. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 5)

3.16.110 Contract-Sufficient unencumbered funds required.

No contract or change order to an existing contract shall be authorized unless there is a sufficient unencumbered balance in the budget appropriation or sufficient available bond funds, in excess of actual expenditures or commitments, to cover the contract or change order. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 11)

3.16.120 Contract-Administration authority.

All awarded contracts shall be administered by the mayor or his designate. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 12)

3.16.130 Authority to alter contract.

Any change in the contract work after the award of the contract shall be by written change order approved by the mayor or his designate. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 13)

3.16.140 Late bids.

It is the responsibility of the bidder to ensure that the bid is in the proper office before the scheduled bid opening time. Late bids will not be considered. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 9)

3.16.150 Bid opening procedures.

- A. Sealed bids shall be submitted personally or by mail to the mayor or his designate in the notice for bids and shall be identified as bids on the envelope. Bids may be accepted up to the time specified in the announcement for the opening of bids.
- B. Bids shall be opened in public by the mayor or his designate and at least one other city employee at a time specified in the notice for bids. Any bidder may review all bids immediately after opening.

C. A tabulation of all bids received shall be prepared for the mayor. A copy of the tabulation shall, upon request, be furnished to each bidder. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 8)

3.16.160 Waiver of bid irregularities when.

The council has the authority to waive minor irregularities in bids. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 10)

3.16.170 Unauthorized contracts unlawful.

It is unlawful for any city officer, employee or agent to contract contrary to the provisions of this Chapter. (Ord. 91-6 (part), 1990: Ord. 83-4 (part), 1983: prior code Ch. 9.1 § 2)

Chapter 3.20

REAL PROPERTY ACQUISITION

Sections:

- 3.20.010 Real property defined.
- 3.20.020 Acquisition and ownership by city allowed.
- 3.20.030 Ownership by city-Conditions.
- 3.20.040 Ownership by city-Rights and powers.
- 3.20.050 Procedural requirements.
- 3.20.060 City acquisition of beneficial sites allowed.
- 3.20.070 Dedication for public use.
- 3.20.080 Federal and state aid.
- 3.20.090 Use as security when.

3.20.010 Real property defined.

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

3.20.020 Acquisition and ownership by city allowed.

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

3.20.030 Ownership by city-Conditions.

- A. The city may acquire and hold real property as sole owner or as tenant in common or other lawful tenancy with any person or governmental body for any public purpose. The city may hold real property in trust for any public purpose.
- B. The council may approve and authorize the purchase of real property by contract of sale, deed of trust, or mortgage. (Prior code Ch. 4.1 § 4)

3.20.040 Ownership by city-Rights and powers.

The city shall have and may exercise all rights and powers in the acquisition, ownership, and holding of real property. as if the city were a private person. (Prior code Ch. 4.1 § S)

3.20.050 Procedural requirements.

- A. The city may acquire, own, and hold real property by warranty or quitclaim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful means of conveyance or grant. Real property shall be held in the name of "City of McGrath."
- B. Any instrument requiring execution by the city shall be signed by the mayor and attested by the clerk. The form of any conveyance shall be approved by the city attorney. (Prior code Ch. 4.1 § 3)

3.20.060 City acquisition of beneficial sites allowed.

The city may acquire, own, and hold real property, either inside or outside the city boundaries, as sites available for new industries which will benefit the city. (Prior code Ch. 4.1 § 7)

3.20.070 Dedication for public use.

A 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 and approved by council motion.

B. Dedications of rights-of-way or other areas for public use does not require the city to maintain, improve, or provide for municipal services in the area dedicated and does not impose any liability on the city for the condition of the area dedicated. (Ord. 86-15, 1986: prior code Ch. 4.1 § 6)

3.20.080 Federal and state aid.

The city may apply for, contract with, and do all things necessary to cooperate with the United States Government and the state for the acquisition, holding, improvement, or development of real property outside the city boundaries. (Prior code Ch. 4.1 § 8)

3.20.090 Use as security when.

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

Chapter 3.24**EMINENT DOMAIN AND ADVERSE POSSESSION**

Sections:

- 3.24.010 Powers.
- 3.24.020 Vote required.
- 3.24.030 Adverse possession.

3.24.010 Powers.

The city may exercise the powers of eminent domain and declaration of taking in the performance of an authorized power or function of the city in accordance with A.S. 09.55.250 - 09.55.460. (Deleting the following statement - Prior approval from the Department of Community and Regional Affairs is required, as provided in A.S. 29.73.020 [which has been deleted from state statutes].) (Ord. 86-12, 1986: prior code Ch. 4.2 § 2)

3.24.020 Vote required.

The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election called for that purpose. A majority vote is required for approval of the ordinance. (Prior code Ch. 4.2 § 2)

3.24.030 Adverse possession.

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

Chapter 3.28

REAL PROPERTY SALES

Sections:

- 3.28.010 Power to dispose of by lawful means.
- 3.28.020 Rights and powers.
- 3.28.030 Sale or disposal procedures.
- 3.28.040 Mayor-Authority to regulate.
- 3.28.050 City employment of broker when.
- 3.28.060 Property exchanges-Public notice required.
- 3.28.070 Change of use when.
- 3.28.080 Land grants.
- 3.28.090 Change of public use.
- 3.28.100 Reservation of land for public improvements.
- 3.28.110 Release of land reservation when.
- 3.28.120 After-acquired title and future interests-Sale authorized when.
- 3.28.130 Disposal of tax foreclosure land.
- 3.28.140 Tax foreclosure land devoted to public use when.
- 3.28.150 Sale procedure-Land valued under twenty-five thousand dollars.
- 3.28.160 Sale procedure-Land valued at twenty-five thousand dollars or more.
- 3.28.170 Public sale requirements.
- 3.28.180 Public sale conditions and authority.
- 3.28.190 Council action conditions and requirements.
- 3.28.200 Purchase agreement allowed when-Form and conditions.
- 3.28.210 Minimum acceptable offer.
- 3.28.220 Minimum acceptable offer-Exceptions.
- 3.28.230 Right of repurchase.
- 3.28.240 Right of repurchase Termination.

3.28.010 Power to dispose of by lawful means.

The city may sell, convey, exchange, transfer, donate, dedicate, direct, or assign to use, or otherwise dispose of city owned real property by any lawful means or conveyances. (Prior code Ch. 4.3 § 1)

3.28.020 Rights and powers.

- A. The city shall have and may exercise all rights and powers in the sale and disposal of real property as if the city were a private person.
- B. The city may sell or dispose of any real property, including property acquired or held for or devoted to a public use, when in the judgment of the council it is no longer required for municipal purposes. (Prior code Ch. 4.3 § 3)

3.28.030 Sale or disposal procedures.

- A. The city may sell or dispose of real property by warranty or quitclaim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease tax deed, will, or any other lawful method or mode of conveyance or grant.
- B. Any instrument requiring execution by the city shall be signed by the mayor and attested by the clerk. The form of any instrument may be approved by the city attorney. (Prior code Ch. 4.3 § 2)

3.28.040 Mayor-Authority to regulate.

The mayor may provide by regulation for the procedures and forms as to applications, surveys, appraisals, auction, bidding, form of substance of purchase agreement, or any other matter involving the sale or disposition of city property not inconsistent with and to implement the intent and purpose of this Chapter. The absence of a regulation or an inconsistent resolution shall not invalidate any public sale procedure or conveyance executed or to be executed by the city where the requirements of this chapter have been otherwise satisfied. (Prior code Ch. 4.3 § 22)

3.28.050 City employment of broker when.

The city may employ a broker for the sale of real property and may pay the broker a commission for the sale. The employment shall be in the resolution for the sale of the real property and any contract of employment shall be first approved by the council unless the council authorizes the mayor to execute the contract without the approval. (Prior code Ch. 4.3 § 20)

3.28.060 Property exchanges-Public notice required.

The council may approve after public notice the conveyance and exchange of a parcel of city property for an equivalent parcel of property owned by another person subject to such conditions as the council may impose on the exchange, whenever in the judgment of the council it is advantageous to the city to make the property exchange. (Prior code Ch. 4.3 § 4)

3.28.070 Change of use when.

Real property acquired or purchased for one city purpose may be appropriated, transferred, assigned, or directed without public sale to another city purpose, whenever the council determines that the purpose for which the property was acquired or purchased no longer exists, or the property is no longer used or useful for the purpose. No formal conveyance is necessary to dispose of the real property, to another city purpose, and the disposition may be made to another purpose with or without legal consideration for the disposition. (Prior code Ch. 4.3 § 7)

3.28.080 Land grants.

The council may grant or devote real property no longer held for public purpose to the United States, the state, a political subdivision, or an agency of any of these governments, for a consideration agreed upon between the city and the grantee without a public sale if the grant or devotion is advantageous to the city. Any approval of a federal or state program providing for the participation or cooperation of the city by grant or devotion of the real property is a sale of that real property for the consideration stated in the program. (Prior code Ch. 4.3 § 5)

3.28.090 Change of public use.

The city may sell, convey, or otherwise dispose of real property no longer used or useful in the operation of a city-owned utility. Real property no longer needed for the purpose for which the real property was acquired or purchased, or utility property no longer used or useful in the operation of the city-owned utility, is no longer property, owned, held for or devoted to public use, and thus may be sold or disposed of as provided in this chapter if the council determines the real property is not useful, to the city for any other purpose. (Prior code Ch. 4.3 § 8)

3.28.100 Reservation of land for public improvements

The city may reserve any easement and right-of-way to be used for public improvements and purposes before selling or disposing of city-owned real property. The council may make such restrictions, limitations, reservations, reversions, or other covenants the council may find advantageous to the city even if the fair market value of the property is affected. The effect of these reservations may be considered in determining the fair market value of the property. (Prior code Ch. 4.3 § 21)

3.28.110 Release of land reservation when,

The mayor may at any time, subject to the provisions of Sections 3.28.150 and 3.28.160 of this Chapter, convey, quitclaim, release, cancel, or otherwise relinquish any real property easement, right-of-way, permit, or license the city may have or hold for the purpose of installing, constructing, or maintaining a public improvement, whenever the interest is no longer used or useful for that purpose. (Prior code Ch. 4.3 § 9)

3.28.120 After-acquired title and future interests-Sale authorized when.

Upon recommendation of the mayor, the council may authorize the sale of after-acquired title or future interests in real property to which the city is or may in the future become entitled. In exercising this power, the council resolution must contain a specific disclaimer of any warranty of title. (Prior code Ch. 4.3 § 14)

3.28.100 Reservation of land for public improvements.

The city may reserve any easement and right-of-way to be used for public improvements and purposes before selling or disposing of city-owned real property. The council may make such restrictions, limitations, reservations, reversions, or other covenants the council may find advantageous to the city even if the fair market value of the property is affected. The effect of these reservations may be considered in determining the fair market value of the property. (Prior code Ch. 4.3 § 21)

3.28.110 Release of land reservation when.

The mayor may at any time, subject to the provisions of Sections 3.28.150 and 3.28.160 of this Chapter, convey,

3.28.130 Disposal of tax foreclosure land.

Real property acquired by tax foreclosure may be disposed of in the same manner as other real property of the city except as provided in Sections 3.28.140, 3.28.230 and 3.28.240 of this Chapter. (Prior code Ch. 4.3 § 23)

3.28.140 Tax foreclosure land devoted to public use when.

Any real property acquired by tax foreclosure may be devoted to public use by the city after review and recommendation by the planning commission and approval of the council by a resolution declaring such real property devoted to public use or declaring that such real property is reserved for a projected city requirement, and stating such use or requirement. (Prior code Ch. 4.3 § 24)

3.28.150 Sale procedure-Land valued under twenty-five thousand dollars.

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

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

B. The parcels of land to be sold shall be reviewed by the planning commission, which shall make recommendations to the mayor concerning desirable uses of the property, including projected need, if any, of the land for present or future recreational or other public use. However, review and recommendation by the planning commission is not required if special circumstances warrant, as determined by the council, or if such planning commission review and recommendation has been made within six months prior to submission to the council.

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

D. 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.

E. Notice of disposition and the manner in which the land is to be disposed of shall be published in 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.

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

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

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

I. The procedure for disposal shall be in a manner provided by resolution of the council. (Prior code Ch. 4.3 § 11)

3.28.160 Sale procedure-Land valued at twenty-five thousand dollars or more.

Sale or other disposition of land valued at twenty-five thousand dollars or more shall be in the manner prescribed in Section 3.28.150 of this chapter with two exceptions as provided below.

A. Council action under Section 3.28.150, subsection I, shall be by ordinance instead of by resolution.

B. No disposition of land valued at twenty-five thousand dollars and over shall be valid unless ratified by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted.

C. Thirty days' notice shall be given of the election and during that period the council shall have published at least once a week in a newspaper of general circulation distributed within the city a notice stating the time of the election; the place of voting; a description of the property to be sold, leased, or disposed of; a brief statement of the terms and conditions of the sale; the consideration, if any; and the title and date of passage of the ordinance. Notice shall also be given by posting a copy of the notice in at least three public places in the city at least thirty days before the election. If no newspaper of general circulation is distributed within the city, the notice given by posting is sufficient for the purposes of this subsection. (Prior code Ch. 4.3 § 12)

3.28.170 Public sale requirements.

Unless otherwise provided in this Chapter, real property shall be sold to the highest bidder at public sale or by public lottery at the appraised valuation, or over-the-counter at appraised valuation. (Ord. 88-1, 1987: prior code Ch. 4.3 § 10)

3.28.180 Public sale conditions and authority.

A purchaser of real property from the city may purchase the real property by purchase agreement if provided in the resolution or ordinance for the sale. Unless otherwise provided in the resolution or ordinance for the sale, a purchase agreement shall be in the form of a deed of trust. The purchase agreement shall be in the form of a deed of trust. The purchase agreement shall be executed by the mayor and attested by the clerk, and may be approved as to form by the city attorney. (Prior code Ch. 4.3 § 19)

3.28.190 Council action conditions and requirements.

No action of the council to dispose of any city interest in real property dedicated to public use shall be final until the resolution or ordinance to do so has been on file in the office of the clerk for thirty days. Prior to any council action on the sale of real property, the mayor shall make his or her recommendation to the council as to any change of use or merits of the sale or disposition of the real property. (Prior code Ch. 4.3 § 18)

3.28.200 Purchase agreement allowed when-Form and conditions.

A purchaser of real property from the city may purchase the real property by purchase agreement if provided in the resolution or ordinance for the sale. Unless otherwise provided in the resolution or ordinance for the sale, a purchase agreement shall be in the form of a deed of trust. The purchase agreement shall be executed by the mayor and attested by the clerk, and may be approved as to form by the city attorney. (Prior code Ch. 4.3 § 19)

3.28.210 Minimum acceptable offer.

The minimum acceptable offer for any land sold or leased under the provisions of Sections 3.28.150 and 3.28.160 of this chapter shall be the appraised value determined under Section 3.28.150, subsection A, of this chapter. If there are no acceptable offers, the mayor may negotiate for the sale or lease of the land, but the council must, by resolution, approve the terms and price of any such negotiated sale or lease before such sale or lease shall be binding upon the city. (Prior code Ch. 4.3 § 15)

3.28.220 Minimum acceptable offer-Exceptions.

A. Exceptions to the requirement for a minimum acceptable offer of market value may be made as provided in Section 3.28.230. (Prior code Ch. 4.3 § 16)

3.28.230 Right of repurchase.

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

is made and shall advise the record owner of the right to repurchase as authorized by statute. (Prior code Ch. 4.3 § 26)

3.28.240 Right of repurchase-Termination.

Where the property was acquired by tax foreclosure, the right of repurchase of the record owner at the time of foreclosure shall be terminated upon passage of a resolution in accordance with Section 3.28.140 of this chapter except that such termination shall not be effective until notice and passage of the time specified in Section 3.28.230 of this chapter has occurred. Sale, lease, or any other alienation of tax title property shall terminate the right of repurchase, provided that the requirements of Section 3.28.230 of this chapter have been met. (Prior code Ch. 4.3 § 25)

Chapter 3.32

CRANBERRY RIDGE LOTTERY

Sections:

332.010	Definitions.
332.020	Compliance.
332.030	Sale price established.
332.040	Eligibility-Application procedure-Public notice-Purchase requirements.
332.050	Terms and conditions of sale.
332.060	Application restrictions.
332.070	Post-lottery land purchase when-Conditions.
3.32.080	City authority.

3.32.010 Definitions.

"Sale price" is defined as follows: "Sale price" means the price of the lot as listed in the sale brochure. (Ord. 88-2 § 8, 1987)

332.020 Compliance.

The lands shown on Exhibit A of this chapter are classified as sale lands. The land so classified shall be sold in substantial compliance with the terms and conditions of this Chapter. The terms and conditions of sale, together with any reservations of access, shall be incorporated into the appropriate sale documents. (Ord. 88-2 § 1, 1987)

3.32.030 Sale price established.

The sale price for each parcel shall be set at one hundred percent of the value established by the city as based upon the appraisal plus the incurred costs of disposal and published in the sales brochure prior to the time applications are accepted. The city makes and shall make no representation as to the actual market value of the parcel at the time of sale. (Ord. 88-11 (part), 1988; Ord. 88-2 § 2, 1987)

3.32.040 Eligibility-Application procedure-Public notice-Purchase requirements.

The sale shall be conducted in accordance with the following procedures and eligibility terms:

A. Any resident of the state of Alaska who is eighteen years of age or older is eligible to participate in this lottery sale.

B. Any person eligible to participate in the lottery may make application on any number of parcels; however, only one application per parcel shall be permitted by each applicant.

1. Application will be made on a single form listing each parcel on which the applicant is making application. The application shall be made upon the form provided by the city and shall be filed not less than twenty-one calendar days prior to the date of the lottery.

2. The application must be accompanied by a nonrefundable application of ten dollars for each separate parcel listed upon the application form.

3. The application must be personally signed by the applicant except that application by power of attorney will be accepted if accompanied by an affidavit establishing that the applicant is unavailable because of active duty in the military, attending school as a student outside the city limits, or the applicant is unable to complete the application personally due to illness or injury.

4. Before the drawing, each applicant will be mailed a ticket for each parcel listed upon the application form for the purpose of the lottery drawing.

C. The city shall publish two notices in a newspaper of general circulation advising the date, time and place of the lottery drawing, the eligibility requirements for participation, the locations where applications may be made and the last date that applications will be accepted. The notices shall be published at least thirty days and fifteen days prior to the closing date for acceptance of applications. The city shall next exert efforts to publicize the sale in all communities in the area. No brochures or applications will be sent to individuals through the mail.

D. The city shall provide for an independent audit of all applications and of the actual conduct of the lottery. A list shall be made available to the public within three days after the lottery drawing listing the winners and alternates for each parcel.

E. The tickets for each parcel listed on the application form will be numbered and a separate drawing for each parcel shall be made. The auditor shall conduct the sale, determine eligibility, and draw the eligible purchaser from the tickets. The auditor shall draw three tickets for each parcel, if there are three applicants for the parcel being drawn, and these shall be ranked in the order of drawing for eligibility as purchaser. If the first drawn eligible purchaser does not or cannot proceed with the sale, then the alternate purchasers shall be afforded the opportunity to purchase the property in the order that their tickets were drawn.

F. The purchaser must make payment in full or deposit with the city the necessary down payment and sign the appropriate promissory note and deed of trust within thirty calendar days of selection or his or her right to purchase is forfeited. The alternate purchasers in turn shall be afforded a thirty calendar day period to complete the transaction if the prior eligible applicants forfeit rights.

G. The city will cause the proper documents to be recorded in the appropriate recording district. The purchaser will pay the cost of recording and any applicable collection and escrow fees. The quitclaim deed shall be made out in the name of the applicant as filed and no substitutions, alterations or changes will be permitted, provided however, that the deed may be made in the name of the applicant and spouse as tenants by entirety.

H. After completion of the above documents, the purchaser may sell or assign his interest in the property subject to the recording of an assumption agreement in the appropriate recording district and written notification to the city. (Ord. 88-2 § 3, 1987)

3.32.050 Terms and conditions of sale.

Notwithstanding the provisions of any other ordinances, heretofore or now in effect, all sales under this chapter shall be made in substantial compliance with the following terms and conditions of sale:

A. Unless otherwise provided by ordinance, all sales of city lands may be made by payment of the purchase price in full or by installments as provided in this section.

B. All city lands are sold "as is" with no guarantee of future city water or electrical power. The purchaser shall be responsible for visiting the parcel and for ascertaining the condition of the site and the extent of any easements, encroachments, alterations, or infringements upon the parcel by other persons. The city will make a reasonable effort to assist interested persons in determining soil conditions, wetlands, floodplains, easements and other encroachments. In the event that certain other rights to the parcel have been previously granted by the city, state, federal government or any previous owner, then the sale of the parcel shall be made subject to them. The purchaser shall be charged with putting himself on notice of the possibility that pre-existing rights may exist and that further inquiry is required. Conveyance by quitclaim deed shall be made subject to this subsection.

C. Unless otherwise provided by ordinance all conveyances of city land sales shall be by quitclaim deed, and balances due shall be secured by promissory note and deed of trust including additional provisions providing for trustee's sale upon default in payment or upon condition broken, including additional provisions prohibiting the resubdivision of any parcel or the utilization or removal of any timber, sand or gravel resources for any commercial purpose until the balance due is paid in full.

D. For each parcel, the selected purchaser must deposit with the city either payment in full or a down payment equal to ten percent of the total purchase price.

E. Promissory notes for balances remaining unpaid for any city lands sold pursuant to this chapter shall provide for equal monthly installments of principal together with interest at the rate of ten percent per annum. The scheduled installment payments will be based upon the initial amount financed according to the following schedule:

1. Less than thirty thousand dollars; up to one hundred equal monthly installments;
2. Thirty thousand dollars or more but less than fifty thousand dollars; up to one hundred eighty equal monthly installments;
3. Fifty thousand dollars or more; up to two hundred forty equal monthly installments;
4. Nothing contained herein shall prevent the prepayment of principal amount with interest to date of payment, however, no prepayment shall suspend the due date of any future installments until the entire balance of the principal together with interest is paid in full;
5. A penalty of five percent of each payment past due shall be assessed when a payment is more than thirty days late. (Ord. 88-11 (part), 1988; Ord. 88-2 § 4, 1987)

3.32.060 Application restrictions.

An applicant may make application for more than one parcel, but no applicant shall be entitled to purchase more than one parcel if selected. If a person is selected as an eligible purchaser for more than one parcel, that person shall be entitled to select which parcel he or she will purchase. Once that choice has been made, the person's name shall be removed as an eligible purchaser or alternate purchaser from the list of persons drawn on all parcels other than the one he or she has so chosen. Such choice will be made by making payment in full of the purchase price or by making the required down payment and executing the necessary documents as specified under Section 3.32.050, subsection C of this chapter within the time limits specified. (Ord. 88-2 § 5, 1987)

3.32.070 Post-lottery land purchase when-Conditions.

Any lands not sold during the lottery process shall be offered over-the-counter on a first come, first served basis from eight-thirty a.m. until four p.m. on the fourth business day following the lottery and thereafter until all parcels are sold. A list of lands available for purchase over the-counter shall be posted in the Cap'n Snow building for inspection. Over-the counter sales shall be made in substantial compliance with this chapter. (Ord. 88-2 § 6, 1987)

3.32.080 City authority.

The city may remove particular parcels from this sale or application procedures if deemed necessary or in the public interest. Such withdrawal may be by resolution and shall be made prior to the receipt of any applications under this chapter. (Ord. 88-2 § 7, 1987)

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Chapter 3.36

LEASE OF CITY LANDS

Sections:

- 3.36.010 City property defined - Availability.
- 3.36.020 Authority of mayor.
- 3.36.030 Fair rental value - Applicability.
- 3.36.040 Lease procedures.
- 3.36.050 Appraisal required when.
- 3.36.060 Lease auction.
- 3.36.070 Term of lease Conditions-Council authority.
- 3.36.080 Renewal/extension defined-Terms.
- 3.36.090 Rental adjustment frequency.
- 3.36.100 Rental credit - Conditions.
- 3.36.110 Improvements and Chattels.
- 3.36.120 Transfer authority.
- 3.36.130 Conditional lease - Terms and conditions.
- 3.36.140 Easements and rights-of-way-Authority of city.
- 3.36.150 Inspection of premises.
- 3.36.160 Condemnation of premises-Termination of lease.

3.36.010 City property defined-Availability.

All real property, including tide, submerged, or shore lands, which the city owns, or in which the city has right, title and interest, or to which the city may become entitled, may be leased as provided in this chapter and includes any and all interests in real property. (Prior code Ch. 4.4 § 1)

3.36.020 Authority of mayor.

The mayor may provide by regulations for the procedures and form as to applications, surveys, appraisals, auction, bidding, form, and substance of lease, termination, forfeiture or any other matter involving the leasing of city property to implement the intent and purpose of this Chapter. The absence of a regulation shall not invalidate any auction procedure or lease executed by the city where the requirements of the Chapter have been otherwise satisfied. (Prior code Ch. 4.4 § 16)

336.030 Fair rental value-Applicability.

A. Property shall be leased for a fair rental value. Fair rental value is the rental computed from the appraised fair rental value of the property and means the highest price described in terms of money for which the property would rent, if exposed for rent for a reasonable time in the open market, for the use permitted by the city.

B. With approval by the council, the lease of property may be made for a rental less than the fair rental value to a state or federal agency, state political subdivision, or nonprofit organization as may be determined by the mayor to be fair and proper. The mayor shall consider the public interest and the nature of the public use or function of the leased premises.

C. Fair rental value shall not be required where the property interest of the city is subject to any term or condition restricting or limiting the ability of the city to obtain the fair rental value of the property. (Prior code Ch. 4.4 § 6)

3.36.040 Lease procedures.

The provisions of Sections 3.28.150 and 3.28.160 of this title on the method of disposition of city-owned property shall apply to all leases of city land authorized by this Chapter. (Prior code Ch. 4.4 § 5)

3.36.050 Appraisal required when.

A. No property shall be leased or a renewal lease issued unless the property to be leased has been appraised by the city within one year prior to the date contemplated for the beginning of the lease.
 B. No appraisal is required if the fair rental value of the property does not exceed two hundred fifty dollars per year and the term of the lease is one year or less, or if the property has been assessed by a tax assessor during the year in which the property is to be leased.
 C. An independent appraisal shall not be required unless directed by the council or otherwise required by this Chapter. (Prior code Ch. 4.4 § 3)

3.36.060 Lease auction.

Unless otherwise provided in this Chapter, property shall be leased to the highest responsible bidder at a lease auction. (Prior code Ch. 4.4 § 4)

3.36.070 Term of lease-Conditions-Council authority.

No lease shall be for a term of more than twenty-one years unless the council shall determine from the purpose, use of the premises, and nature of improvements which may be placed on the premises 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 council. Any renewal period or option to renew the lease period shall be included in the term of the lease in computing the five-year period of time. (Prior code Ch. 4.4 § 2)

3.36.080 Renewal/extension defined-Terms.

The renewal or extension of the lease shall be considered as a new lease unless renewal or extension is provided for in the lease. Upon a showing of hardship or for good cause the mayor may, at his or her option, renew or extend the lease for a period not to exceed one year without notice, auction, or council approval. (Prior code Ch. 4.4 § 9) .

3.36.090 Rental adjustment frequency.

A lease having a term of more than two years shall provide for adjustment of rentals at specified intervals during the term of lease, and the intervals shall be every two years unless the lease provides for a longer interval, not to exceed six years. This section shall be incorporated in each lease by reference and enforceable as if fully set forth in the lease. (Prior code Ch. 4.4 § 7)

3.36.100 Rental credit-Conditions. When authorized in writing by the mayor prior to the beginning of any work, the lessee may be granted credit against current or future work, provided the work, accomplished on or off the leased premises, results in increased valuation of the leased premises or of other city-owned property. The authorization may stipulate the type of work, standards of construction, and maximum allowable credit for the specific project. (Prior code Ch. 4.4 § 14)

3.36.110 Improvements and chattels.

A. The lease shall provide the terms, conditions, and limitations of the removal or reversion of the improvements or chattels upon the lease premises after termination of the lease. The retiring lessee may, with the consent of the mayor, sell the improvements to the succeeding lessee. If the improvements or chattels are not removed within the time set forth in the lease, the improvements and chattels may, upon reasonable notice to the lessee, be sold at public sale to be provided by regulations of the mayor.

B. Proceeds of the sale shall first be applied to the city's costs and expenses of maintaining, removing, and selling the improvements and chattels and to rentals for the period of non-removal. The city may bid at the sale and may be credited with the value of the city's costs, expenses, and rentals due resulting from the non-removal of the improvements or chattels. The city shall have all other rights, both legal and equitable, any other purchaser would have or acquired by reason of the sale. (Prior code Ch. 4.4 § 10)

3.36.130 Conditional lease-Terms and conditions.

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

B. The city shall not be liable for any claim or damages that may be done to the property by the lessee, or liable for any claims of any third party or the lessee, or for any claims that may arise from ownership. In the event the city does not receive title to the property under lease, the conditional lease shall then have the same standing, force, and effect as a nonconditional lease issued under this Chapter. (Prior code Ch. 4.4 § 15)

3.36.140 Easements and rights-of way-Authority of city.

The city expressly reserves the right, without compensation or adjustment in rentals to the lessee, to grant surface, underground or overhead utility easements or rights-of-way in or upon the leased property, if the exercise of the right will not unreasonably interfere with lessee's improvements placed upon the property and with the lessee's use of the property. (Prior code Ch. 4.4 § 12)

3.36.120 Transfer authority.

A lessee may sublease or assign the lease only upon approval of the transfer by the city in writing. (Prior code Ch. 4.4 § 8)

3.36.150 Inspection of premises.

The lessee shall allow an authorized representative of the city to enter the leased premises for inspection at any reasonable time. (Prior code Ch. 4.4 § 11)

3.36.160 Condemnation of premises-Termination of lease.

Upon condemnation of the premises or any part of the premises, including inverse condemnation, by any agency of the state, borough, or federal government the lease shall terminate without any liability to the city. The city shall not be liable in damages or pay any compensation to the lessee as a result of the condemnation terminating the lease. (Prior code Ch. 4.4 § 13)

Chapter 3.40**DISPOSITION OF CITY OWNED PERSONAL PROPERTY**

Sections:

- 3.40.010 Disposition by value.
- 3.40.020 Purchasing agent-Powers and duties.
- 3.40.030 Surplus goods-Sale of.
- 3.40.040 Surplus goods Accounting of Authority of mayor.
- 3.40.050 Declaration of obsolescence or surplus condition for sale when.

3.40.010 Disposition by value.

A. Personal property, other than surplus stock, that is valued at less than one thousand dollars may be disposed of upon such notice and terms considered reasonable by the mayor. The mayor shall take into consideration the value of the article, the reason for disposal, and the general preference of disposal by competitive bid. The mayor shall report disposals to the council if so requested.

B. Personal property valued at more than one thousand dollars, but less than twenty-five thousand dollars, shall be disposed of in the manner provided for land valued under twenty-five thousand dollars as provided in Chapter 3.28. (Prior code Ch. 4.5 § 1)

3.40.020 Purchasing agent-Powers and duties.

The powers and duties of the mayor in this chapter shall be exercised by the city purchasing agent if one is designated as provided in Chapter 3.12. (Prior code Ch. 4.5 § 5)

3.40.030 Surplus goods-Sale of.

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. (Prior code Ch. 4.5 § 2)

3.40.040 Surplus goods Accounting of-Authority of mayor.

A. All agencies shall submit to the mayor, at such times and in such form as he or she shall prescribe, reports showing stock of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.

B. The mayor shall have the authority to transfer surplus stock to other agencies and provide for proper fiscal transfer of such.

C. The mayor, with approval of the council, shall have the authority to sell all supplies or equipment which have become unsuitable for public use, or to exchange the same for, or trade in the same on any new supplies or equipment.

D. Sales of surplus city supplies or equipment appraised at over one thousand dollars under this section shall be made to the highest responsible bidder.

E. The mayor, or a person Chosen by the council to act on the city's behalf, shall conduct the sale and issue the certificates of sale to the purchaser of surplus city supplies or equipment. (Prior code Ch. 4.5 § 3)

3.40.050 Declaration of obsolescence or surplus condition for sale when.

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

Chapter 3.44
REVENUE BONDS

Sections:

- 3.44.010 Issuance authorized when.
- 3.44.020 Payment conditions.
- 3.44.030 Terms.
- 3.44.040 Vote required.
- 3.44.050 Indebtedness authorized when--Notice required.

3.44.010 Issuance authorized when.

- A. The city may acquire, construct, improve and equip capital improvements to be operated upon a revenue producing basis, and bonds for these purposes are payable solely from unpledged revenue of the public facilities for which the bonds are issued.
- B. The city may issue its revenue bonds to finance the purchase of residential mortgage loans and from any other amounts pledged by the municipality, except the pledge of revenues derived from taxes. Revenue bonds issued under this subsection do not constitute a general obligation of the municipality.
- C. The city may also issue revenue bonds for any lawful purpose. The bonds are payable from any amounts pledged by the municipality except taxes and do not constitute general obligations of the municipality. (Ord. 84-4 § 1, 1984: prior code Ch. 3.5 § 1)

3.44.020 Payment conditions.

- Bonds issued under this chapter or the proceeding of the city council authorizing their issuance may contain the covenants which the city council considers advisable concerning:
- A. The rates or fees to be charged for services rendered by the public facilities, the revenue of which is pledged to the payment of the bonds, or the terms and conditions of any other amounts collected which are pledged to the payment of the bonds;
 - B. The deposit and use of the revenue of the public facilities or other amounts collected which are pledged to the payment of the bonds;
 - C. The issuance of additional bonds payable from revenue of the public facilities or of other amounts collected which are pledged to the payment of bonds;
 - D. The rights of the bondholders in case of default in the payment of the principal or interest on the bonds, including the appointment of a receiver to operate the public facilities;
 - E. Other covenants that the city council determines. (Ord. 84-4 § 5,1984: prior code Ch. 3.5 § 5)

3.44.030 Terms.

The city council shall fix the date of the bonds, denominations, maturities, rate or rates of interest, place and manner of payment, redemption terms, registration privileges, manner of execution, signatures required and other details of the bonds. In an officer whose signature appears on the bonds or coupons ceases to be an officer before delivery of the bonds his signature is valid as if he had remained in office until delivery. (Ord. 84-4 § 4, 1984: prior code Ch. 3.5 § 4)

3.44.040 Vote required.

The city council shall authorize issuance of revenue bonds only upon approval of the voters. (Ord. 84-4 § 2, 1984: prior code Ch. 3.5 § 2)

3.44.050 Indebtedness authorized when-Notice required.

A. The city may incur revenue bond indebtedness only after a bond authorization ordinance is approved by a majority of those voting on the question at a regular or special election. Any municipal voter may vote in the bond election.

B. Before a revenue bond issue election, the city council shall have published a notice of the municipality's total existing bond indebtedness at least once a week for three consecutive weeks. The first notice shall be published at least twenty days before the date of the election. A notice shall include:

1. The source of the revenues to retire the debt;
2. The total indebtedness of the source pledged to retire the debt. (Ord. 84-4 § 3, 1984; prior code Ch. 3.5 § 3)

Chapter 3.48**SURFACE ACCESS FEE**

Sections:

- 3.48.010 Charge per yard.
- 3.48.020 Permit required.
- 3.48.030 Fine for failure to pay.

3.48.010 Charge per yard.

The city will charge a surface access fee of twenty-five cents per yard for all material taken from any city property. Any material taken must be from an approved site. No material is to be taken from a site not approved by the city. The twenty-five cents per yard is in addition to any fees payable to Doyon Ltd. Corporation, the owner of the subsurface rights. (Ord. 00-7 (part), 1999)

3.48.020 Permit required.

An intent permit must be obtained from the city prior to hauling of material from city property. There is no charge to obtain an intent permit. The city will prepare the site and remove organic material. All fees for yardage taken must be paid within thirty days, unless other arrangements have been made with the city clerk. (Ord. 00-7 (part), 1999)

3.48.030 Fine for failure to pay.

Failure to pay the surface access fee will result in a fine of up to three hundred dollars, in addition to any fees due. In the event of a dispute as to yardage taken, payments of royalties to Doyon Ltd. Corp. will be used as the determining factor. (Ord. 00-7 (part), 1999)

Chapter 3.50

HOTEL ROOM TAX

Sections:

- 3.50.010 Definitions.
- 3.50.020 Imposition of hotel room rental
- 3.50.030 Exemption for State & Federal tax exempt employees
- 3.50.040 Operator to add tax to rent.
- 3.50.050 Monthly remittance of estimated hotel room tax.
- 3.50.060 Monthly returns, penalties and interest for delinquency.
- 3.50.070 Operator's compensatory collection discount.
- 3.50.080 Assessment limitation periods; recordkeeping.
- 3.50.090 Delinquency; failure to submit return.
- 3.50.100 Suits for collection.
- 3.50.110 Prohibited acts.
- 3.50.120 Violations a misdemeanor.
- 3.50.130 Inspection of business license.
- 3.50.140 Sale of business; final tax return; liability of purchaser.
- 3.50.150 Lien for tax, interest and penalty due.

3.50.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Clerk/Treasurer means the City of McGrath Clerk/Treasurer or designee.

Direct Pay means a guest pays for room rent through an exempt employer's credit card, invoice or other means paid directly by that employer.

Exempt means a direct-pay guest on official business of tribe, local municipality, state government, federal government, school district or foreign diplomats holding a tax exemption card issued by the U.S. State Department.

Guest means an individual, corporation, partnership or association paying monetary or other consideration for the use of all or part of a room or rooms in a hotel, motel, bed & breakfast, lodge, inn, bunkhouse or other public facility.

Hotel means a structure, or portions of a structure, occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes and includes any hotel, motel, bed & breakfast, lodge, inn, bunkhouse, public facility or similar structure.

Operator means a person, firm, corporation or other legal entity who furnishes, offers for rent or otherwise makes available in the city all or part of rooms for transient occupancy in a hotel, motel, bed & breakfast, lodge, inn, bunkhouse or public facility for monetary or other consideration, whether acting directly or through an agent or employee.

Person means an individual natural person.

Rent and *rents* mean the amount paid or promised, in terms of money or in-kind barter, as consideration for the use by a transient, all or part of a room in a hotel, motel, bed & breakfast, lodge, inn, bunkhouse or other place of public accommodation.

Transient means a person who occupies or rents all or part of a suite, room or rooms in a hotel/motel, bed & breakfast, lodge, inn, bunkhouse or public facility for fewer than 30 consecutive days for the purpose of habitation. (Ord. 14-01 (part) 2014) (Prior Code 05-04, 2004)

State law references: "Hotel or boardinghouse" defined, AS 08.56.070(2).

3.50.020 Imposition of hotel room rental tax.

(a) The city hereby levies a tax on hotel room rentals for transients equal to and not to exceed without the approval of the voters, ten-percent (10%) of the room rent. The tax shall be applicable to all room rentals for transients unless the rental is specifically exempted from tax or taxes by constitution or other valid law.

(b) Each guest is responsible for the room rental tax imposed by this chapter and the tax shall be due and payable at the time the rent is paid. The tax shall apply to all room rentals. Room rentals for transients which continue for 30 or more consecutive days shall not have taxes levied for rentals on and after the 30th consecutive day and shall have all previously collected tax reimbursed on the 31st day. Rentals which are less than 30 consecutive days shall be subject to the tax even if the room or rooms were originally taken with the intent to use or occupy for 30 or more consecutive days. Any unpaid tax shall be due and payable when the transient ceases to occupy or use space in the hotel.

(c) Every hotel operator renting rooms subject to a tax under this chapter shall collect the taxes imposed by this chapter from the transient guest at the time of collection of the charge for the room and shall transmit the same monthly to the city. The tax imposed shall be shown on the billing to the guest as a separate and distinct item and shall be for the room only.

(d) The tax imposed under this chapter shall not be levied on any future sales or use tax nor shall any future sales or use tax be levied on the tax levied under this chapter. (Ord. 14-01 (part) 2014) (Prior Code 05-04, 2004)

State law references: "Hotel or boardinghouse" defined, AS 08.56.070.

3.50.030 Exemption for a municipality, state or United States government.

(a) Gross receipts from the rental of a hotel or motel room deriving from transactions if the following categories shall be exempt from the hotel room tax upon presentation by the buyer of a valid exemption certificate and reasonable identification.

(1) Rentals paid or billed directly to a tribe, municipality, a state, the United States federal government or foreign diplomats holding a tax exemption card issued by the U.S. State Department. (Ord. 14-01 (part) 2014) (Prior Code 05-04, 2004)

3.50.040 Operator to add tax to rent.

Every operator shall add the amount of the tax levied by this chapter to the rent and the tax shall be stated separately on any sales receipts or slips, rent receipts, charge tickets, invoices, statements of account or other tangible evidence of the rental. (Ord. 14-01 (part) 2014) (Prior Code 05-04, 2004)

3.50.050 Monthly remittance of estimated hotel tax.

(a) Every hotel operator who incurs a hotel tax liability shall, on or before the 15th day of the month following the month in which the tax liability was incurred, complete a monthly room tax return declaring hotel tax liability for the month and transmit the report to the city. If the 15th day is a Saturday, Sunday or federal, state or city holiday, the due date will be extended until the next business day. The United States Postal Service postmark shall determine the date of filing for mailed reports.

(b) Amount of Monthly Transient room tax remittance. At the time of transmitting the monthly room tax return, the operator shall remit to the city the total amount of hotel tax due for the month for which the tax is filed. (Ord. 14-01 (part) 2014)

3.50.060 Monthly tax return penalties and interest for delinquency.**Penalties**

(a) A failure to file penalty of \$25.00 shall be incurred automatically when an operator fails to file a tax return within 7 days following the due date, even if the sales are zero. If an operator fails to file the tax due within sixteen calendar days following the due date, the penalty shall be increased automatically to 25% of the tax due.

(b) A failure to pay penalty will be assessed on monthly tax returns when the operator fails to pay the full amount of the tax due within seven calendar days following the due date. The late payment penalty will be equal to one percent (1%) per month and be incurred automatically. If an operator fails to pay the full amount of the tax due within sixteen calendar days following the due date, the penalty shall be increased automatically to twenty-five percent (25%). (Ord. 05-04, 2004)

(c) Interest at the rate of ten-percent (10%) per annum shall accrue on the unremitted balance of taxes due from the operator.

(d) The operator shall report and pay the tax to the city on the same basis, cash or accrual, the seller uses for reporting federal income tax. An operator reporting on the accrual basis shall be allowed a tax credit for taxes previously paid by the operator on any rental made on credit to the extent the operator declares such debt to be uncollectible and a bad debt for federal income tax purposes. Such bad debt credit must be claimed on a timely filed tax report covering the month during which the operator declares the transaction a bad debt for federal income tax purposes. (Ord. 14-01 (part) 2014) ((Prior Code 05-04, 2004)

3.50.070 Operator's compensatory collection discount.

All operators rendering hotel tax returns to the city shall be allowed to compensate themselves for costs incurred in the collection, record-keeping, remittance and accounting for the tax imposed by taking a one percent tax collection discount to reduce the tax to be remitted on any monthly return that is timely filed with a remittance of all hotel tax due. The full amount due shall be shown and a one percent deduction taken on the return form. The deduction may not be taken if any hotel tax, penalty or interest is due for any previous filing period. (Ord. 14-01 (part) 2014) (Prior Code 05-04, 2004)

3.50.080 Assessment limitation periods; recordkeeping; provision for audit.

(a) The amount of any tax imposed under this chapter may be determined and assessed for a period of three years after the date the return was filed with the city clerk/treasurer clerk/treasurer's office. No civil action for the collection of such tax may be commenced after the expiration of the three-year period except an action for taxes, penalties and interest due for those return periods that are the subject of a written demand or assessment made within the three-year period, unless the operator waives the protection of this section.

(b) In order to facilitate the administration and enforcement of the provisions of this chapter, each operator shall maintain and keep for a period of three years after the date of filing all of the monthly hotel tax reports, forms and other records prescribed by this chapter or as prescribed by the clerk/treasurer or the clerk/treasurer's designee. During any three year period, the clerk/treasurer is specifically authorized and empowered to have the books, records and other documents of any operator audited in order to carry out the provisions of this chapter. (Ord. 05-04, 2004)

(c) Any operator who is required to collect and remit a transient room tax, or who is required to submit a transient room tax return under the provisions of Title 3 Chapter 350 of the McGrath Municipal Code is subject to a discretionary transient room tax audit at any time. The purpose of such an audit is to examine the business records of the operator in order to determine whether appropriate amounts of transient room tax revenue have been collected by the operator and remitted to the municipality.

(d) The city clerk/clerk/treasurer shall be responsible for directing that transient room tax audits take place and for identifying the particular operators whose business records will be audited.

(e) Transient room tax audits of operator's business records may be accomplished by either an employee of the city or by an individual or firm under contract with the municipality.

(f) Operators selected for a transient room tax audit will be notified by letter and will be required to meet with, and make available for inspection and copying all pertinent business records including income tax returns that may be requested for the prior three fiscal years for examination, to the clerk/clerk/treasurer, city employee, or contractor conducting the audit, within thirty days of notification. Under extenuating circumstances, the clerk/treasurer may grant an extension of time for compliance at the clerk/treasurer's discretion.

(g) After completion of a transient room tax audit, operators subject to the audit will be notified of the results of the audit by letter. If the audit has resulted in an additional transient room tax liability to the municipality, the additional transient room tax must be remitted to the municipality within fourteen days after the receipt of the letter, or the additional transient room tax will be considered delinquent and subject to the procedures on delinquencies outlined in Section 350.060. If the audit has resulted in a refund due the operator, the refund will be made to the operator within fourteen days, or applied to the operator's account, at the operator's option.

(h) It shall be the operator's responsibility to maintain business records in sufficient detail to substantiate all information reported on transient room tax returns, including rentals qualifying as exempt from taxation under the provisions of Section 350.030. If insufficient detail exists within an operator's business records to substantiate rental exemptions, such rentals may be reclassified as taxable rentals at the auditor's discretion and subject to transient room tax collection and remittance.

(i) Any operator notified of an additional transient room tax liability as a result of a transient room tax audit shall have the right to appeal the additional liability to the assembly. Such an appeal must be filed with the municipal clerk/clerk/treasurer within thirty days of notification by letter of the liability. If an additional liability is appealed, the accumulation of penalties and interest under

the provisions of Section 350.050 will be suspended on the date the appeal is filed with the municipal clerk/clerk/treasurer; if the appeal is subsequently denied by the assembly, all such penalties and interest will be retroactive back to the original date of notification of additional liability by letter.

(j) Any operator refusing to comply with the provisions of this section shall be subject to any or all of the procedures on delinquencies as outlined including the filing of a criminal complaint against the operator in district court.

(k) All business records will be returned to the business after the audit is completed and all copies will be destroyed no later than five years after the audit.

(l) Any (3) consecutive months that taxes have not been filed and paid will trigger an audit. (Ord. 14-01 (part) 2014)

3.50.90 Delinquency failure to submit return.

(a) Whenever any operator has become delinquent in the submission of the required monthly return for a period of 30 days, the clerk/treasurer shall make written demand by certified mail, return receipt requested, upon the delinquent operator for submission of the required hotel tax return within ten days. In the event of noncompliance with such demand, the city clerk/treasurer shall make a hotel tax assessment against the delinquent operator, the assessment to be based on an estimate of the gross transient rental revenue received by the operator during the filing period in question and such assessment shall be referred by the city clerk/treasurer and to the city attorney for appropriate action to recover such tax.

(b) Whenever any operator fails to submit the required monthly return after notice given as provided in subsection (a) of this section, or such return is reasonably believed by the clerk/treasurer to contain incorrect reporting, the clerk/treasurer may notify such operator in writing by certified mail, return receipt requested, that a hearing will be held upon the matter at a specified place and time, which shall not be less than 15 days after the date of the notice. The operator shall be present at the hearing and make available to the clerk/treasurer for inspection the operator's books, papers, records and other memoranda pertaining to gross transient rental revenue required to make a determination of tax liability, if any. In the event of noncompliance by the operator, the clerk/treasurer may take such legal action, civil or criminal, or both, as provided for in this chapter or the civil or criminal statutes of the state, or both. (Ord. 14-01 (part) 2014) (Prior Code 05-04, 2004)

3.50.100 Suits for collection.

Taxes due but not paid or taxes collected but not transmitted may be recovered in an action at law against the transient guest or the hotel operator. Tax returns shall be prima facie proof of taxes collected but not transmitted. (Ord. 14-01 (part) 2014 (Prior Code 05-04, 2004)

3.50.110 Prohibited acts.

(a) No person may fail or refuse to pay the tax imposed by this chapter when it is due and payable to an operator authorized to collect the tax.

(b) No operator may fail or refuse to make the monthly returns required by this chapter.

(c) No operator may fail or refuse to pay to the city in the manner provided in this chapter the tax imposed under this chapter.

(d) No operator may advertise or state to the public or to any guest or renter, directly or indirectly, that the tax or any part of it will be assumed or absorbed by the operator or the hotel-

motel, or that the tax will not be added to the rental, or that it will be refunded, nor may an operator absorb or fail to add the tax or any part of it or refund any tax, or fail to separately state the tax to the renter or guest. (Ord. 14-01 (part) 2014) (Prior Code 05-04, 2004)

3.50.120 Violations a misdemeanor.

Any person, firm, co-partnership or corporation violating any of the provisions of this chapter is guilty of a misdemeanor. (Ord. 14-01 (part) 2014) (Prior Code 05-04, 2004)

3.50.130 Inspection of business license.

Each operator who exercises the chargeable privilege of engaging in the hotel or motel business within the city consents to the inspection of his or her state business license in order to facilitate the operator's accomplishment of the provisions and objectives of this chapter. (Ord. 14-01 (part) 2014) (Prior Code 05-04, 2004)

3.50.140 Sale of business; final tax return; liability of purchaser.

If any operator sells out the operator's hotel or motel business to another operator, the operator shall make a final tax return within 15 days after the date of selling the business and the purchaser, successor, successors or assigns shall withhold a sufficient portion of the purchase money to safely cover the amount of such taxes, penalties and interest as may be due and unpaid to the city, showing that all tax obligations imposed by this chapter have been paid; and further provided, if any purchaser of a business fails to withhold from the purchase, money as provided in this section, the purchaser shall be personally liable for the payment of the taxes, penalties and interest accruing and unpaid to the city on account of the operation of the business by any former owner, owners or assigns. (Ord. 14-01 (part) 2014) (Prior Code 05-04, 2004)

3.50.150 Lien for tax, interest and penalty due.

The tax, interest and penalty imposed under this chapter shall constitute a lien in favor of the city upon the assets or property of every person engaging in the hotel or motel business within the city. The lien arises upon delinquency and continues until liability for the amount is satisfied or the property of the delinquent person is sold at a hotel tax lien foreclosure sale. The lien is not valid as against a mortgagee, pledgee, purchaser, or judgment creditor until notice of the lien is filed in the office of the recorder for the city recording district in the manner provided for federal tax liens in AS 43.10.090--43.10.150. After such filing, it shall be superior to all other liens except those for property taxes and special taxes. (Ord. 14-01 (part) 2014)) (Prior Code 05-04, 2004)

3.50.160 Confidential and non-confidential tax information.

(a) The following information is publicly available information:

1. Names and addresses of business owners who filed tax returns under this chapter;
2. Whether a business is current in filing tax returns and in remitting tax due under this chapter, and the number of returns not filed; and

(b) The city of McGrath may permit any authorized representative of any federal, state or other local government agency to inspect and copy any tax returns filed and reports prepared under this chapter, if the other governmental agency provides substantially similar access to the city of McGrath and if the city of McGrath determines that other governmental agency provides adequate safeguards for the confidentiality of the tax returns and reports.

(c) Except as otherwise provided in this section, room tax forms and their contents shall be confidential and shall not be disclosed by the clerk/treasurer except:

1. In connection with efforts by the city McGrath to collect the tax;
2. in response to a subpoena issued by a court, state agency or governmental board or commission;
3. In connection with legislative inquiry specifically authorized by the council;
4. In connection with the city of McGrath audits for purposes of verifying city of McGrath accounting practices;

(Ord. 14-01 (part) 2014) (Prior Code 05-04, 2004)

Title 4 (RESERVED)

Title 5 BUSINESS LICENSES AND REGULATIONS (RESERVED)

Title 6 ANIMALS

Chapters:

6.04 Dogs

Chapter 6.04

DOGS

Sections:

6.04.012	Definitions
6.04.20	Owner responsible for control of dog.
6.04.21	Prohibited Conduct
6.04.030	Rabies Vaccination required
6.04.040	Identifiable loose dogs - Notice and recovery.
6.04.060	Disposal of unclaimed dogs.
6.04.070	Treatment of vicious and mad dogs.
6.04.080	Violations - Penalty

06.04.012 Definitions

As used in this Chapter, unless the context requires a different meaning:

- A. "At Large" means a dog is off the premises of its owner or other person possessing the dog, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the dog.
- B. "Public Nuisance Dog" means any dog that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance dog" shall include but is not limited to:
 - a. Any dog that is repeatedly found running at large.
 - b. Any dog that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
 - c. Any dog, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way.
 - d. Any dog that chases motor vehicles in a public right-of-way.
 - e. Any dog that attacks domestic animals.
- C. "Vicious or dangerous animal" means any animal that
 - a. Has bitten, attacked, endangered or inflicted "serious injury", defined as to mean an injury requiring sutures or more intensive treatment, on a human being on public or private property, or when unprovoked, has chased or approached a person upon the street, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons or confirmed by investigation by the City, or any law enforcement agency.

- b. Has more than once seriously injured or killed a domestic animal while off the owner's property.
 - c. Has been used primarily or in part for the purpose of dog fighting, or is a dog trained for dog fighting.
- D. "VPSO" means village public safety officer. (Ord. 04-02, 2003)

06.04.020 Owner responsible for control of dog

Every dog owner or other person in possession of a dog shall keep his or her dog confined or secured such that it does not run at large and does not pose a threat to any other person or property. Any dog which is taken onto a public street, on public land, or in an area set aside for public use is considered confined or secured if it is kept on a leash or in a harness such that it does not pose a threat to any other person or property. (Ord. 04-02, 2003; prior code Ch. 8.1 § 3)

06.04.021 Prohibited Conduct

- A. It is unlawful for any person to keep any animal in the City when the keeping of such animal constitutes a public nuisance or menace to public health or safety.
- B. It is unlawful for any person to keep a vicious or dangerous dog in the City.
- C. It is unlawful for any person to allow a dog in his or her ownership or possession to run at large in the City. (Ord. 15-04 § 4, 2015; Ord. 04-02, 2003)

06.04.030 Rabies Vaccination required

Every dog in the city must have a current rabies vaccination. Every person who owns or possesses a dog in the City must keep a record and be prepared to make available to Public Safety officers or Public Health officials, a current rabies vaccination record. (Ord. 15-04 § 4, 2015; Ord. 04-02, 2003; prior code Ch 8.1 § 2)

06.04.040 Identifiable loose dogs – Notice and recovery

- A. Any dog which is loose is subject to impoundment and disposal, except that the police department or VPSO shall make reasonable attempts to notify the owner before disposal is made, subject to his other duties.
- B. A person may recover a loose and identifiable dog by paying the city clerk a fee of \$25. (Ord. 15-04 § 4, 2015; Ord. 04-02, 2003; ord. 84-3 § 2, 1983; prior code Ch.8.1 § 5)

06.04.060 Disposal of unclaimed dogs

Unclaimed vicious dogs shall be disposed of in a humane manner. Any loose and unidentifiable dog is subject to impoundment and disposal by the police department or VPSO. Nothing in this chapter shall prevent emergency destruction of a dog when necessary to protect life or property. (Ord. 04-02, 2003; prior code Ch.8.1 § 6)

06.04.070 Treatment of vicious and mad dogs

- A. Every killing of any vicious or dangerous dog or a dog that is reasonably suspected of being rabid must be reported immediately to a peace officer, a VPSO, the city offices, or the health aide. The police officer or VPSO shall have the remains examined by the health aide or a veterinarian, if possible.
- B. Any living dog which is reasonably believed to have rabies, or which has been bitten by an animal suspected of having rabies, or which is reasonably believed to have bitten someone, or

which has bitten someone will be disposed of and the remains will be tested for rabies. The cost of transporting the remains for testing will be the responsibility of the owner. (Ord. 04-02, 2003; prior code Ch. 8.1 § 7)

06.04.080 Violations – Penalty

A violation of this chapter is punishable by the fine listed in 1.20.021 the Minor Offense Fine Schedule. Pursuant 06.04.021 an animal may be destroyed by the VPSO or police department. In every case the owner must pay any costs associated with the confinement of their dog. If the violator is found guilty and has caused damage to the person or property of another, the violator may be required to make restitution, in whole or in part, for said damage.

(Ord. 15-04 § 4, 2015; Ord. 08-02 §2 2007, Ord. 07-06, 2006, Ord. 04-02, 2003; prior code Ch. 8.1 § 8)

Title 7 (RESERVED)

Title 8
HEALTH AND SAFETY (RESERVED)

Title 9**PUBLIC PEACE, MORALS AND WELFARE**

Chapters:

- 9.16 Offenses Involving Minors
- 9.20 Intoxicated Persons
- 9.24 Discharging of Firearms

Chapter 9.04**OFFENSES AGAINST PROPERTY** Repealed Ord. 15-04 § 4, 2015**Chapter 9.08****OFFENSES AGAINST PUBLIC ORDER** Repealed Ord. 15-04 § 4, 2015**Chapter 9.12****OFFENSES AGAINST PERSONS** Repealed Ord. 15-04 § 4, 2015**Chapter 9.16****OFFENSES INVOLVING MINORS**

Sections:

- 9.16.010 Curfew designated.
- 9.16.020 Parent or guardian responsible for enforcement of provisions.
- 9.16.030 Curfew-Exceptions.
- 9.16.040 Violation-Penalty.

9.16.010 Curfew designated.

No minor under the age of eighteen years of age shall be upon the public streets, alleys, parks, vacant lots, or in public buildings, places of amusement and entertainment, or other unsupervised places between the hours of ten p.m. preceding school days and twelve midnight otherwise and five a.m. of the following day unless such minor shall be accompanied by and in the charge of his or her parent or other competent and adult person or upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor. (Prior code Ch. 8.2 § 1)

9.16.020 Parent or guardian responsible for enforcement of provisions.

No parent, guardian, or other person having the custody and control of minors under the age of eighteen years shall allow such minor or minors to go at large or unaccompanied in the city upon any street or other place mentioned in this chapter during the restricted hours as set forth in Section 9.16.010. In any prosecution for the violation of a provision of this Chapter, the presence of any minor or person under the age of eighteen years and unattended as herein required upon any of the public streets or other places named in this chapter shall be deemed prima facie evidence of the guilt of such parent and the violation of the provisions hereof. (Prior code Ch. 8.2 § 2)

9.16.030 Curfew-Exceptions.

The mayor or his designate may make individual exceptions to the curfew when he receives a request in writing from a responsible party. (Prior code Ch. 8.2 § 3)

9.16.040 Violation-Penalty.

A person who violates this section is punishable by the fine listed in 1.20.021 the Minor Offense Fine Schedule. If the violator is found guilty and has caused damage to the person or property of another, the violator may be required to make restitution, in whole or in part, for said damage. (Ord. 15-04 § 4, 2015; Ord. 07-06, 2006, Prior code Ch. 8.2 § 4)

Chapter 9.20**INTOXICATED PERSONS**

Sections:

- 9.20.010 Protective custody/ detention when.
- 9.20.020 Length of detention.
- 9.20.030 Protective custody-Requirements.
- 9.20.040 Protective custody-Exclusive of arrest.
- 9.20.050 Protective custody-Cost and terms of payment.

9.20.010 Protective custody/ detention when.

Any person who appears to be intoxicated in a public place may be taken into protective custody and assisted to his or her home. If the person is too intoxicated to take home, then he or she may be placed in detention. (Prior code Ch. 8.6 § 1)

9.20.020 Length of detention.

A. A person placed in detention under Section 9.20.010 may be detained only:

1. Until he or she is no longer intoxicated; or
2. For a maximum of twelve hours, whichever occurs first.

B. In any case the detaining officer may release the detained person to the custody of a responsible adult at any time. (Prior code Ch. 8.6 § 2)

9.20.030 Protective custody-Requirements.

A person detained under Section 9.20.010 is in protective custody and the detaining officer shall make reasonable efforts to provide for and protect the health and safety of the intoxicated person. In taking a person into protective custody under Section 9.20.010, a detaining officer may take reasonable steps for self-protection, including a full protective search of the person detained. (Prior code Ch. 8.6 § 3)

9.20.040 Protective custody-Exclusive of arrest.

Protective custody does not constitute an arrest and no entry or other record may be made to indicate the person detained has been arrested or charged with a crime. (Prior code Ch. 8.6 § 4)

9.20.050 Protective custody-Cost and terms of payment.

A person detained under Section 9.20.010 shall be billed at the rate of one hundred and fifty dollars for each twelve-hour period of protective custody detention. Each additional twelve-hour period of

protective custody detention will be billed at the rate of one hundred and fifty dollars. The Protective Custody fee includes the salary of the protective officer, the cost of necessary food, and bedding. Damage done to property or facilities while the person is under Protective Custody, that is a result of vandalism, will be billed to the person in custody and will include the cost of labor, materials, to repair and/or replace such items, in addition to the cost of Protective Custody. If an inability to pay these costs can be shown, he or she may request that the city consider satisfaction of the debt by performing work for the city. Should such an agreement be reached, the person will work at an hourly rate not less than the current minimum state wage until the debt is satisfied in full. Should the debt not be satisfied through these means, the city will seek payment and associated costs through other collection procedures. (Ord. 05-02, 2004, prior code Ord. 89-8, 1989: prior code Ch. 8.6 § 3)

9.20.060 **Minor consumption of alcohol.** Repealed Ord. 15-04 § 4, 2015

Chapter 9.24**DISCHARGE OF FIREARMS**

Sections:

- 9.24.010 Discharge of firearms unlawful when.
 9.24.020 Violation--Penalty.

9.24.010 Discharge of firearms unlawful when.

Except in the defense of life and property, it shall be illegal to discharge a firearm anywhere north or west of the Alascom site to the Kuskokwim River. (See map) (Ord. 89-4 § 1, 1989: prior code Ch. 8.7 § 1)

9.24.020 Violation--Penalty.

- A. Each violation of 9.24.010 will be charged separately.
 B. A violation of this chapter is punishable by the fine listed in 1.20.021 the Minor Offense Fine Schedule. If the violator is found guilty and has caused damage to the person or property of another, the violator may be required to make restitution, in whole or in part, for said damage. (Ord. 15-04 § 4, 2015; Ord. 07-06, 2006, Ord. 89-4 § 2, 1989: prior code Ch. 8.7 § 2)

Chapter 9.25**CONVICTION SURCHARGES** Repealed Ord. 15-04 § 4, 2015

T Title 10**VEHICLES AND TRAFFIC**

Chapters:

- 10.04 Motor Vehicle Regulations
- 10.08 Heavy Vehicles
- 10.12 Off-Highway Vehicles
- 10.16 City Roads
- 10.20 Motor Vehicle Parking
- 10.24 Abandoned Vehicles
- 10.28 Road Use Fee

Chapter 10.04**MOTOR VEHICLE REGULATIONS**

Sections:

- 10.04.011 State traffic laws adopted by reference.
- 10.04.012 Traffic Fine Schedule – Adoption of State Bail Forfeiture Schedules by Reference
- 10.04.031 City Speed Limits
- 10.04.041 Equipment Required
- 10.04.040 Inspection requirements.
- 10.04.100 Violation-Penalty.

10.04.010 Statutory provisions adopted-References. Repealed Ord. 15-04 § 4, 2015

10.04.011 State traffic laws adopted by reference

The city adopts by reference all vehicle and traffic statutes and regulations of the State of Alaska, as they presently exist and as they may be revised in the future, as the traffic code for the city. (Ord. 15-04 § 4, 2015)

10.04.012 Traffic Fine Schedule - Adoption of State Bail Forfeiture Schedules by Reference

The city adopts as its traffic fine schedule the “Traffic Bail Forfeiture Schedule” and the “Oversize Vehicle Bail Forfeiture Schedule” in Administrative Rules 43.1 and 43.6 of the Alaska Rules of Court. In addition, the city adopts all amendments of those schedules that become effective after the effective date of this code. Citations for offenses listed on these schedules may be disposed of as provided in AS 12.25.195-.230 without a court appearance, upon payment of the amounts listed plus the state surcharge required by AS 12.55.039 and AS 29.25.074. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the amount listed for that offense on the schedule. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If an offense is not listed on the fine schedule, the defendant must appear in court to answer to the charges. The fines established in this fine schedule may not be judicially reduced. (Ord. 15-04 § 4, 2015)

10.04.020 Age and licensing requirements. Repealed Ord. 15-04 § 4, 2015

10.04.031 City Speed Limits

It is unlawful for any person to drive a vehicle at a speed exceeding the posted speed limit.

1. Twenty miles per hour: Within the commercial /residential area of the city or at a speed exceeding a lower posted speed limit

2. Twenty five miles per hour: Chinana Avenue between the intersection of Takotna Avenue and the east end of Chinana, turning right on Cranberry Ridge Road to the corner at the south end of the Landfill.

3. Thirty-five miles per hour: Cranberry Ridge Road from corner at the south end of the Landfill to the turnoff to the Emergency Runway.

(Ord. 15-04 § 4, 2015; Ord. 15-01 2014 : §10,2014; Ord. 07-07, 2007; Ord. 07-08, 2006 prior Ord. 03-07, 2002; prior Ord. 85-2 § 3, 1984: prior code Ch. 7.1 § 3 ;Ord. 01-1, 2000: Ord. 93-1 § 2, 1992: Ord. 91-8, 1991: Ord. 86-4, 1986; Ord. 85-2 § 9, 1984: prior code Ch. 7.1 § 9, Ord. 85-2 § 6, 1984: prior code Ch. 7.1 § 6, Ord. 85-2 § 4, 1984: prior code Ch. 7.1 § 4, Ord. 85-2 § 5, 1984: prior code Ch. 7.1 § 5, Ord. 85-2 § 7, 1984: prior code Ch. 7.1 § 7, Ord. 01-10 (part), 2001; Ord. 85-2 § 10, 1984: prior code Ch. 7.1 § 10, Ord. 07-06, 2006, Ord. 07-06, 2006)

10.04.040 Inspection requirements. Repealed Ord. 15-01 § 10, 2014

10.04.041 Equipment – Required

No person shall drive or operate a motor vehicle unless it is equipped with the following:

1. A throttle in operating condition in accordance with manufacturers specifications.
2. Standard mufflers for production model in operating condition which are properly attached and which reduce the noise of operating of the vehicle to the minimum noise of operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicles;
3. Brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation.

10.04.050 Headlights required when. Repealed Ord. 15-04 § 4, 2015

10.04.070 Reckless driving prohibited. Repealed Ord. 15-04 § 4, 2015

10.04.080 Negligent driving-Grounds for establishing violation. Repealed Ord. 15-04 § 4, 2015

10.04.090 Accident reports required when. Repealed Ord. 15-04 § 4, 2015

10.04.100 Violation-Penalty.

A. A violation of this chapter is punishable by the fine listed in 1.20.021 the Minor Offense Fine Schedule.

B. If the violator is found guilty and has caused damage to the person or property of another, the violator may be required to make restitution, in whole or in part, for said damage.

(Ord. 15-04 § 4, 2015; Ord. 07-06, 2006; Ord. 01-10 (part), 2001; Ord. 85-2 § 10, 1984: prior code Ch. 7.1 § 10)

Chapter 10.08

HEAVY VEHICLES

Sections:

- 10.08.010 Permit-Required when.
- 10.08.020 Permit-Issuance conditions-Deposit.
- 10.08.030 Permit-Period of validity.
- 10.08.040 Permit-Extension allowed when.
- 10.08.050 Deposit-Returned when.
- 10.08.060 Deposit-Forfeiture conditions.
- 10.08.070 Liability of permit holder.
- 10.08.080 Violation-Penalty.

10.08.010 Permit-Required when.

No crawler, chain, lug, traction type heavy vehicle shall use the streets and roads of the city nor any streets and roads maintained by the city without a permit issued by the city prior to such use. (Ord. 05-03, Prior code Ch. 7.2 § 1)

10.08.020 Permit-Issuance conditions-Deposit.

A use permit may be issued by the city for each individual job that entails the use of a crawler, chain, lug or traction type heavy vehicle upon the receipt of the proposed route of travel of the crawler, chain, lug, traction type, heavy equipment and a refundable deposit of a minimum amount of two hundred fifty dollars (\$250.00). If damage exceeds the deposit, the Permit holder is responsible for the cost of repair. (Ord. 05-03, Prior code Ch. 7.2 § 2)

10.08.030 Permit-Period of validity.

The use permit issued by the city shall be good for 24 hours or the completion of the job whichever is the least amount of time. (Ord. 05-03, Prior code Ch. 7.2 § 3)

10.08.040 Permit-Extension allowed when.

A permit may be extended for 24 hours beyond the original permit period for the same job if, at the end of the original permit period, the roadbed is returned to its previous condition as determined by the city. (Ord. 05-03, Prior code Ch. 7.2 § 4)

10.08.050 Deposit-Returned when.

Upon the completion of the job or the expiration of the permit, the entire deposit will be returned to the permit holder by the city if it has been determined by the city council at its next regularly scheduled meeting that the roadbed has been returned to its previous condition. (Ord. 05-03, Prior code Ch. 7.2 § 5)

10.08.060 Deposit-Forfeiture conditions.

The failure of the permit holder to return the roadbed to its previous condition will result in the forfeiture of the deposit plus the cost of restoration. (Ord. 05-03, Prior code Ch. 7.2 § 6)

10.08.070 Liability of permit holder.

The permit holder will be held liable for all damages done to the roadbed, culverts, signs and markers. (Ord. 05-03, Prior code Ch. 7.2 § 7)

10.08.080 Violation--Penalty.

The failure to obtain a permit for the use of crawler, chain, lug, traction type heavy vehicles on city roads and streets or on roads and streets maintained by the city is a minor offense punishable by the fine listed in 1.20.021 the Minor Offense Fine Schedule. If the violator is found guilty and has caused damage to the person or property of another, the violator may be required to make restitution, in whole or in part, for said damage.

(Ord. 15-04 § 4, 2015; Ord. 07-06, 2006, Prior code Ch. 7.2 § 8)

Chapter 10.12**OFF-HIGHWAY VEHICLES**

Sections:

- 10.12.010 Off-Highway Vehicles defined
- 10.12.020 Equipment – Required
- 10.12.030 Equipment – Optional
- 10.12.040 Passenger capacity – State law applicable
- 10.12.050 Learner’s Permit required for use on City streets
- 10.12.060 Safe operation – Speed limits
- 10.12.061 Towing
- 10.12.080 Violation – Penalty

10.12.010 Off-Highway Vehicle Defined

The definition of an “off-highway vehicle” is found in 13 AAC 40.010 where it reads as follows: (30) “off-highway vehicle” means a vehicle designed or adapted for cross-country operation over unimproved terrain, ice or snow, and which has been declared by its owner at the time of registration and determined by the department to be unsuitable for general highway use, although the vehicle may make incidental use of a highway as provided in this title; it does not include implements of husbandry and special mobile equipment. (Ord. 15-04 § 4, 2015; Ord. 04-06, 2003; prior code Ch. 7.4 § 8)

10.12.020 Equipment - Required

No person shall drive or operate an off-highway vehicle unless it is equipped with the following:

1. At least one headlamp, with or without non-multiple beam, so aimed and of sufficient f darkness under normal atmospheric conditions. Such headlamps shall be so aimed that glaring rays are not projected into the eyes of an oncoming driver; intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead during hours o
2. A throttle in operating condition in accordance with manufacturers specifications.
3. Standard mufflers for production model in operating condition which are properly attached and which reduce the noise of operating of the vehicle to the minimum noise of operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicles;

4. Brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation. (Ord. 15-04 § 4, 2015; Ord. 04-06, 2003; prior code Ch. 7.4 § 2)

10.12.030 Equipment - Optional

A stop signal lamp, safety glass and self-operating windshield wipers shall not be required equipment (Ord. 04-06, 2003; prior code Ch. 7.4 § 3)

10.12.40 Passenger capacity – State law applicable

A. An off-highway vehicle, when operated on the roadway or city street, may not be used to carry more than it was designed or equipped for.

B. No parent or guardian of any child or ward shall knowingly permit the child or ward to violate any provision of this Chapter. The parent or guardian of the child or ward is financially responsible for any personal or property damage caused by the child or ward. (Ord. 04-06, 2003; prior code Ch. 7.4 § 4)

10.12.050 Learner’s Permit required for use on city streets

No unlicensed drivers shall be allowed to operate any off-highway vehicle on any city streets except as follows:

A. They be at least 14 years of age and have obtained a Learners Permit, completed a driver safety orientation, and have a signed permission slip by parent or guardian stating that they give their consent and accept financial responsibility for any personal or property damage caused by the child or ward.

B. Any person born prior to 1940 shall be grandfathered in, not having to obtain a Learners Permit to drive on the city streets. (Ord. 04-06, 2003; ord. 91-13, 1991; prior code Ch. 7.4 § 5)

10.12.60 Safe operation – Speed limits

A. No person shall drive, operate, stop or move an off-highway vehicle in a careless, reckless or negligent manner so as to endanger, or likely to endanger, the safety of any person or property of any person.

B. Off-highway vehicle drivers may not violate any posted speed limits on the city streets or roads. (Ord. 04-06, 2003; prior code Ch. 7.4 § 1)

10.12.061 Towing

No person shall operate an off-highway vehicle while towing a sled, toboggan or other object, unless such sled, toboggan or other object is attached to the vehicle by a rigid bar; no ropes, chains, or other non-rigid means allowed. (Ord. 15-04 § 4, 2015; Ord. 04-06, 2003)

10.12.070 Accident Reports required when Repealed Ord. 15-04 § 4, 2015

10.12.080 Violation – Penalty

A violation of this chapter is punishable by the fine listed in 1.20.021 the Minor Offense Fine Schedule. If the violator is found guilty and has caused damage to the person or property of another, the violator may be required to make restitution, in whole or in part, for said damage. (Ord. 15-04 § 4, 2015; Ord. 07-06, 2006, Ord. 04-06, 2003, prior Code Ch. 7.4 § 7)

Chapter 10.16
CITY ROADS

Sections:

- 10.16.015 Authority to impose use restrictions.
10.16.020 Damaging roads unlawful.
10.16.030 Violation-Penalty.

10.16.015 Authority to impose use restrictions.

A. The mayor may by written order prohibit the operation or impose restrictions on vehicular use of city roads during certain seasons or times of the year when deemed necessary due to weather, road, or other conditions. It is unlawful to operate a vehicle on a city road in violation of a written order issued pursuant to this section; provided the order has been posted in at least three public places for at least twenty-four hours.

B. A person may apply to the city for a waiver of subsection A of this section, which may be granted by the mayor if the person makes satisfactory arrangements and agrees in writing to

1. Return the road back to its original condition after the use, and
2. Use the road at the person's own risk. (Ord. 99-9 § 2, 1999)

10.16.020 Damaging roads unlawful.

It is unlawful to transport anything on the roads of McGrath which does damage to the roads or culverts because the item being moved lacks rubber wheels. (Prior code Ch. 7.5 § 2)

10.16.030 Violation-Penalty.

A violation of this chapter is punishable by the fine listed in 1.20.021 the Minor Offense Fine Schedule. If the violator is found guilty and has caused damage to the person or property of another, the violator may be required to make restitution, in whole or in part, for said damage. (Ord. 15-04 § 4, 2015; Ord. 07-06, 2006, Prior code Ch. 7.5 § 3)

Chapter 10.20**MOTOR VEHICLE PARKING**

Sections:

- 10.20.010 Stopping or parking prohibited when. .
- 10.20.030 Exceptions.
- 10.20.040 Hazardous vehicles obstructing roadway or access
- 10.20.050 Violation-Penalty.

10.20.010 Stopping or parking prohibited when.

Except when necessary to comply with the directions of a law enforcement officer, firefighter, emergency medical personnel or authorized flagger, no person may stop or park a motor vehicle within fifteen feet of a fire hydrant.

(Ord. 15-04 § 4, 2015; Ord. 89-2 § 1, 1988: prior code Ch. 7.6 § 1)

10.20.020 Parallel parking required-Night warning lights. Repealed Ord. 15-04 § 4, 2015**10.20.030 Exceptions.**

Sections 10.20.010 and 10.20.020(A) do not apply to the driver of a vehicle performing an official duty which requires stopping or parking upon the roadway or to the driver of a vehicle which is disabled to such an extent that it is impossible to avoid stopping or parking upon the roadway. All disabled vehicles must be immediately removed from the roadway. (Ord. 89-2 § 3, 1988: prior code Ch. 7.6 § 3)

10.20.040 Hazardous vehicles obstructing roadway or access

The removal of vehicles is authorized by either the mayor or the mayor's designate or a law enforcement officer ordering that any vehicle in violation of this chapter be removed from the roadway at the expense of the owner or driver of the vehicle; if the parked vehicle is deemed to be a public safety or road maintenance or public service hazard, The city accepts no liability for the condition of the vehicle, including damages sustained prior to, during or after removal from the roadway. (Ord. 15-04 § 4, 2015; Ord. 89-2 § 4, 1988: prior code Ch. 7.6 § 4)

10.20.050 Violation-Penalty.

A violation of this chapter is punishable by the fine listed in 1.20.021 the Minor Offense Fine Schedule. If the violator is found guilty and has caused damage to the person or property of another, the violator may be required to make restitution, in whole or in part, for said damage. (Ord. 15-04 § 4, 2015; Ord. 07-06, 2006, Ord. 89-2 § 5, 1988: prior code Ch. 7.6 § 5)

Chapter 10.24**ABANDONED VEHICLES**

Sections:

- 10.24.010 Abandoned vehicles.
 10.24.020 Disposition of abandoned vehicles.

10.24.010 Abandoned vehicles.

A. An "abandoned vehicle" is defined as provided in Alaska Statutes 28.11.020 Presumption of abandonment:

A vehicle that has been left unattended, standing, parked upon or within 10 feet of the traveled portion of a highway, in excess of 48 hours, or a vehicle left standing or parked on private property in excess of 24 hours, or upon other public property for more than 30 days, without the consent of the owner or other person in charge of the property, notwithstanding other statutory provisions, may be removed and treated as an abandoned vehicle.

B. It is unlawful for a person to abandon a vehicle on a street or road within the city limits of the city.

C. It is unlawful for a person to abandon a vehicle on public property not designated by the city council as a refuse disposal area open for the disposal of vehicles. (Ord. 97-1 (part), 1996)

10.24.020 Disposition of abandoned vehicles.

A. An abandoned vehicle may be impounded.

B. Adequate notice of impoundment and procedures for redemption of a vehicle shall be given to the registered owners, and others known to have a legal interest in them. Adequate notice shall consist of a letter sent to the last known address of the legal owners, or possessors of legal interest in said vehicle, with a notice of a twenty-five dollar charge for impoundment due the city.

C. If a vehicle impounded pursuant to the provisions of this chapter is not reclaimed within ninety days after adequate notice of impoundment is sent, the mayor, or his designate, may cause to be produced a "notice of auction" to be posted in three public locations in the city stating:

1. A description of the vehicle and its contents;
2. A date the vehicle was impounded;
3. A statement that unless the vehicle is reclaimed by the rightful owner by the date of the auction, the city will sell to the highest responsible bidder the named vehicle, and issue a certificate of sale.

(Ord. 97-1 (part), 1996)

Chapter 10.28
ROAD USE FEE

Sections:

- 10.28.010 Fee imposed.
- 10.28.020 Registration required.
- 10.28.030 Raw material report required.
- 10.28.040 Payment and report due when.
- 10.28.050 Estimated fee payment.
- 10.28.060 Definitions.
- 10.28.070 Violations-Penalties.

10.28.010 Fee imposed.

A person using a heavy vehicle to haul any raw material on a city road shall pay to the city a fee equal to twenty-five cents per cubic yard hauled. (Ord. 99-9 § 1 (part), 1999)

10.28.020 Registration required.

Any person using a heavy vehicle on a city road shall, prior to using a heavy vehicle for hauling any raw material on a city road, register with the city clerk on a form to be provided by the city. (Ord. 99-9 § 1 (part), 1999)

10.28.030 Raw material report required.

A person subject to the fee imposed by this chapter shall report to the city clerk the volume of all raw materials carried and the amount of the fee due the city. A log book will be maintained for this purpose. If income is derived from hauling the raw material, a copy of the invoice or statement showing the number of cubic yards billed to the customer must be available upon request and accompany the report form when payment is made to the city. The fees due shall be remitted with the report. The report shall be made in writing on a form provided by the city. (Ord. 08-05 § 1 (part), 2008, Ord. 99-9 § 1 (part), 1999)

10.28.040 Payment and report due when.

Except as otherwise provided in this section, all fees imposed under this chapter and the report required by Section 10.28.030 are due within ten days of the use of the road. For extended hauling jobs, a person may make a written request, in advance, for other arrangements with the city clerk. If the person is found to be creditworthy and has not violated the requirements of this Chapter, the city clerk may approve, in writing, that the report and payment will be due and payable on a monthly or quarterly basis. Fees not paid when due shall bear interest at the rate of ten and one-half percent per annum. (Ord. 99-9 § 1 (part), 1999)

10.28.050 Estimated fee payment.

If the city clerk finds, after notice to the person and an opportunity to be heard, that a person has not made a payment when due and does not have good cause for the late payment, the city clerk shall order the person to thereafter make an estimated payment of the fees prior to hauling any raw material in a heavy vehicle on a city road. The city clerk may order that person to make such estimated payments in advance for so long as it appears necessary to secure timely payment from the person. Waivers may be applied for and granted when it is in the best interest of the city. (Ord. 99-9 § 1 (part), 1999)

10.28.060 Definitions.

As used in this chapter, the following definitions apply to the following words or terms unless the plain meaning requires otherwise:

"City road" means any road, highway, or vehicular way maintained by the city. "Heavy vehicle" means any self-propelled or towed vehicle used on a city road that has a gross vehicle weight rating or gross combination weight rating greater than ten thousand pounds.

"Raw material" means gravel, rocks, sand, fill, timber, or any other natural resource. (Ord. 99-9 § 1 (part), 1999)

10.28.070 Violations-Penalties.

A. It is an unlawful offense to file a late report, violate any written order issued by the city clerk pursuant to Section 10.28.050, or violate any other provision of this Chapter. Any person that violates this chapter will pay \$100 per offense, without a mandatory court appearance as provided in AS 12.25.195-.230. Each day that an offense continues shall constitute a separate offense.

B. The city may institute a civil action against a person who files a late report, violates any order issued pursuant to Section 10.28.050, or violates any other provision of this Chapter. In addition to injunctive and compensatory relief, a civil penalty not to exceed three hundred dollars may be imposed for each violation. An action to enjoin a violation may be brought notwithstanding the availability of another remedy. On application for injunctive relief and a finding of a violation or threatened violation, the superior court shall grant the injunction. Each day that a violation of this chapter continues constitutes a separate violation. If the violator is found guilty and has caused damage to the person or property of another, the violator may be required to make restitution, in whole or in part, for said damage. (Ord. 15-04 § 4, 2015; Ord. 07-06, 2006, Ord. 99-9 § 1 (part), 1999)

Title 11 (RESERVED)

Title 12
STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 12.04
OBSTRUCTING ROADS

Sections:

- 12.04.010 Obstructing objects subject to removal.
- 12.04.020 Removal-Notice to owner when.
- 12.04.030 Removal-Time allowed to comply.
- 12.04.040 Violation-Penalty.

12.04.010 Obstructing objects subject to removal.

Any objects found in or on a street, road, or right-of-way by the city which, by their presence, constitutes a blockage or threat to life or property of members of this community shall be subject to removal by the city. (Prior code Ch. 7.3 § 1)

12.04.020 Removal-Notice to owner when

When an object in or on a road or street maintained by the city has been identified as a blockage or threat to the life or property of members of this community, the owner of the object or the person responsible for the obstruction of the street or road by the placing of the object on or in the street or road shall be contacted in writing by the city to remove the object. (Prior code Ch. 7.3 § 2)

12.04.030 Removal-Time allowed to comply.

Once contacted in writing, the person shall be given a reasonable time to remove the object. (Prior code Ch. 7.3 § 3)

12.04.040 Violation-Penalty.

Failure to remove the object from a street or road in a reasonable time shall result in the following: removal of the object by the city; a fine of not more than three hundred dollars; and the cost of removing the object which would include any damages done to the road or street while removing the object. If the violator is found guilty and has caused damage to the person or property of another, the violator may be required to make restitution, in whole or in part, for said damage. (Ord. 07-06, 2006, Prior code Ch. 7.3 § 4)

Title 13**PUBLIC SERVICES**

Chapters:

- 13.04 Water Utility
- 13.05 McGrath Public Sewer Utility
- 13.08 Public Use of the Solid Waste Disposal Site
- 13.10 Utility Bill Fees

Chapter 13.04**WATER UTILITY**

Sections:

- 13.04.010 Service provided-Standards
- 13.04.020 Operation specifications
- 13.04.030 Extended connections-Provided when
- 13.04.040 Main extensions-Provided when
- 13.04.050 Easements for facilities city rights
- 13.04.060 Facilities and connections property of city-Tampering prohibited
- 13.04.070 Location of existing facilities-City assistance.
- 13.04.071 Penalty for noncompliance of Section 13.04.070
- 13.04.080 Inspection of residential connections
- 13.04.090 Plumbing facilities-Compliance required
- 13.04.100 Plumbing facilities-Construction and installation specifications
- 13.04.110 Meters-Required-Installation and inspection
- 13.04.120 Meter-Standards and testing
- 13.04.130 Meter-Maintenance
- 13.04.140 Access to premises and facilities required
- 13.04.150 Special permits required-customer responsibility
- 13.04.160 Permits required by governmental authority
- 13.04.170 Maintenance and repairs-City responsibility-Limitations
- 13.04.180 Cold weather maintenance
- 13.04.190 Initial service-Application requirements
- 13.04.200 Application for additional services or equipment
- 13.04.210 Deposit Required when
- 13.04.220 Deposit-Increase or refund conditions
- 13.04.230 Deposit does not change regular billing procedure
- 13.04.240 Term of service considered permanent-Exemptions
- 13.04.250 Irregularity or failure of service-city not liable
- 13.04.260 Suspension of service for repairs-Notice
- 13.04.270 Revenues and expenditures-Accounting procedures
- 13.04.280 Change of ownership-Notice to city
- 13.04.290 Unauthorized use of premises-Access for inspection
- 13.04.300 Cross-connections prohibited when.
- 13.04.310 Resale or redistribution of water prohibited.

- 13.04.320 Service discontinuance-Connections to other systems.
- 13.04.330 Service discontinuance-Wasting water.
- 13.04.340 Service discontinuance-Procedures Interference prohibited.
- 13.04.350 Rates-City council authority.
- 13.04.360 Schedule of rates and charges.
- 13.04.370 Billing procedure.
- 13.04.380 Billing schedule.
- 13.04.390 Payment of bills-Time limit-Delinquency.
- 13.04.400 Estimated billing when.
- 13.04.410 Adjustment of bills for meter errors.
- 13.04.420 Disputed bills-Complaint procedure.
- 13.04.430 Billing for unauthorized service.
- 13.04.440 Delinquent bills-Consequences-Collection procedures.
- 13.04.450 Payment of bills-Property owner responsible.
- 13.04.460 Service discontinuance-Request by owner.
- 13.04.470 Service turn on and turnoff requirements.
- 13.04.480 Service discontinuance-Notice to customer.
- 13.04.490 Disconnection of service-Conditions.
- 13.04.500 Reconnection of service.
- 13.04.510 Complaint procedure.
- 13.04.520 Additional regulations.

13.04.010 Service provided-Standards.

The city provides water on a permanent basis for domestic, commercial and fire protection uses at an average minimum system pressure of seventy psi. The water provided is tested regularly for turbidity measurements and contains an adequate residual of chlorine ~~and fluoride(NB--~~
~~ite Ord. revision # & date of removal)~~ to meet the minimum health requirements established by the state of Alaska, Department of Environmental Conservation. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 1.1)

13.04.020 Operation specifications.

The city water system shall be operated by a certified water treatment system operator of the state of Alaska, Department of Environmental Conservation. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 1.2)

13.04.030 Extended connections-Provided when.

The city will provide water service to a property located within two hundred feet of a main under the conditions set forth in this Chapter. Only one customer may be served from the extended service connection, and the customer shall pay the total actual cost for installation of the extended service connection. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 4.1)

13.04.040 Main extensions-Provided when.

Water mains may be extended pursuant to a formal agreement. The customer will be responsible under the agreement to pay all costs of the system required to serve the property and which is actually installed. The system installed shall comply with city's specifications as provided in this Chapter. (Ord. 91-2 (part), 1990: Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 4.2)

13.04.050 Easements for facilities-City rights.

The city will construct, own, operate, and maintain water facilities only in the right-of-way of public roads which it has a legal right to occupy or on public or private property across which easements or rights-of-way have been obtained. As a condition of service, the city may require the execution of an easement or easements providing suitable right-of-way for the construction and maintenance of the water service pipelines and fire hydrants as determined by the city to be necessary to serve the customer's premises. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 4.5)

13.04.060 Facilities and connections property of city-Tampering prohibited.

A. The water service box, meters, remote reading devices, valves and other facilities provided by the city are the property of the city and may be removed by the city at any time, consistent with this Chapter, for the customer's failure to comply with the terms of the water service application agreement and this Chapter. The customer is responsible for the full protection of the city's property located on the customer's premises and shall take all reasonable precautions against unlawful interference with city facilities.

B. The customer may not connect to or permit connection or alteration of the meters, valves or other mechanical components of the service installation by any person other than an authorized agent or employee of the city. The customer shall pay for the full cost of any damage to city property caused or permitted by the customer. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 3.1)

13.04.070 Location of existing facilities-City assistance.

Any person or company construction or excavation which might damage or obstruct the water facilities must request the city to point out the location of main or service line. This service will be provided at no extra charge for the first half-hour during regular working hours. After the first half-hour a charge shall be assessed in accordance with the schedule of rates and charges. If the service is requested to be performed at a time other than regular working hours, a charge shall be made in accordance with the schedule of rates and charges. A customer will not be found liable for damages if they dig outside of the existing easement. (Ord. 99-2 (part), 1998: Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 9.1)

13.04.071 Penalty for noncompliance of Section 13.04.070.

The city reserves the right to cite any person or company who causes damage to the city water system, or obstructs city access to the system for repair or maintenance, because of their disregard of Section 13.04.070 of the City Code. The amount of the fine is not to exceed three hundred dollars. This fine shall be in addition to the cost to repair the damage done to the water system. If the violator is found guilty and has caused damage to the person or property of another, the violator may be required to make restitution, in whole or in part, for said damage. (Ord. 07-06, 2006, Ord. 99-2 (part), 1998)

13.04.080 Inspection of residential connections.

Water service will not be provided to any property unless the city has performed an inspection of the on-site service connection to the premises in order to ascertain the compatibility of the premises

to the city system, as well as other aspects necessary to ensure delivery of the proper volume of uncontaminated water under sufficient pressure. No charge will be made for initial inspection of residential connections; any subsequent inspections, shall be charged in accordance with the schedule of rates and Charges. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 4.10)

13.04.090 Plumbing facilities-Compliance required.

The customer's plumbing facilities shall conform to and be installed in compliance with state statutes and regulations. The customer's water service connections and repairs, modifications, or disconnections shall be made only under the terms and conditions as set forth by the Uniform Plumbing Code (1970) and such other regulations as set forth by the city under this Chapter. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 2.3)

13.04.100 Plumbing facilities-Construction and installation specifications.

A. Water service extensions and connections shall be constructed and installed in compliance with the standard construction specifications of the city. New water connections and extension designs, as well as repairs to existing extensions, must be approved by an authorized agent of the city, at no cost to the city, prior to submitting an application to begin construction. Such approval must be in writing and must accompany the application to begin construction.

B. Water service will not be provided to any premises or property unless the city has performed on-site inspection of the water lines, as constructed, to ascertain compliance with city specifications, the relation of the water service lines to the system of waste disposal, and other aspects necessary to ensure delivery of the proper volume of uncontaminated water under sufficient pressure. An inspection fee, in an amount set forth in the schedule of rates and charges, shall be paid at the time of the application to begin construction. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 5.1)

13.04.110 Meters-Required-Installation and inspection.

Water service will not be provided by the city to any commercial or residential premises unless the service is metered. Meters required under this chapter shall conform to the specifications of the city. Meters shall be installed at the customer's sole expense. The city shall retain the right to inspect the meter and meter installation in order to verify specification compliance. Initial inspection shall be at no cost to the customer. Any subsequent inspection shall be at the applicable rate set forth in the schedule of rates and charges. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 8.1)

13.04.120 Meter-Standards and testing.

Water meters provided by the city will conform to the specifications and tolerances established by the American Water Works Association for meters. The city will test a water meter upon the request of a customer who questions the accuracy of the meter. If the test results demonstrate that the meter varies from the standard tolerance (two percent variance), the city will repair or replace the meter and the cost of the test will be borne by the city. If the meter does not vary from the standard tolerance, a charge will be made to the customer requesting the test in accordance with the schedule of rates and charges. The meter test will be conducted during normal business hours at the city's water plant in the presence of the customer or other representatives appointed by the customer if requested by the customer. Meters larger than the standard residential size may be tested on the customer's premises. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 8.3)

13.04.130 Meter-Maintenance.

The city will maintain and repair meters and remote reading devices as required, at its expense, but will not maintain or repair any part of the plumbing apparatus connected to the meter. Damage to a meter caused by freezing shall be repaired by the city at the customer's expense. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 8.4)

13.04.140 Access to premises and facilities required.

A. Authorized agents and/or employees of the city shall have access to the premises of a customer at all reasonable times for the purpose of turning the water service on or of, reading meters, testing or inspecting the customer's facilities or equipment, or installing or repairing, removing or exchanging facilities or equipment belonging to the city. If reasonable access is not provided and a return visit is necessary, the customer may be charged a fee, in accordance with the schedule of rates and charges, for each return visit where access is denied or obstructed. Customers are requested to notify the city when access will be denied due to vacation or other absences.

B. The customer shall keep the service box exposed and free of obstruction and shall maintain a clear path of access to the water meter. If access to the service box is obstructed, the customer will be responsible to reimburse the city for all costs necessarily incurred in order to obtain access to the service components. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 4.7)

13.04.150 Special permits required-Customer responsibility.

The customer shall obtain all special permits and licenses for the city which are not normally held or acquired by water utilities in order to install and maintain its service facilities and carry out its contract or service obligations with the customer. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 4.8)

13.04.160 Permits required by governmental authority.

The developer, owner, or contractor shall acquire all permits and pay all fees established by any governmental unit as a condition for the installation and/or construction of a water service extension or connection. If the governmental unit requires the city to obtain the permit and owner, or contractor shall reimburse the city for all costs incurred to obtain the permit and to provide a two-year guarantee secured by a bond to the city sufficient to cover possible damages or liabilities. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 6.1)

13.04.170 Maintenance and repairs-City responsibility-Limitations.

The city will maintain and repair all water service pipelines and service connections which have been accepted for maintenance and operation by the city and as otherwise provided for in this chapter. The city will not be responsible for damages produced or costs incurred resulting from service connections inside the premises or prior to acceptance of the system for operation and maintenance. The city will be responsible for thawing frozen main and service lines, but the customer is responsible for thawing frozen plumbing connections from the service line to the premises. (Ord. 91-2 (part), 1990: Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 4.6)

13.04.180 Cold weather maintenance.

The customer shall take all reasonable precautions to protect all water facilities, the customer's and the city's, against cold weather to prevent freeze up on the premises. The customer shall notify the city if the premises will be vacated for five or more consecutive days during periods of potential

freeze-up. If requested, the city will assist each customer at each service location, once without charge, to adequately protect against cold weather. A charge will be levied thereafter in accordance with the schedule of rates and charges. The customer shall pay for any damages to city water facilities incurred directly or indirectly by the customer. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 3.2)

13.04.190 Initial service-Application requirements.

Initial applications for service must be made in writing for each lot by the property owner, otherwise referred to as the "customer," on the city's standard forms obtainable at the Cap'n Snow building. The standard application form shall contain an agreement by the property owner to abide by and accept all of the provisions of this chapter, all subsequent amendments, and all regulations adopted pursuant to this chapter, as well as a waterline easement for construction and maintenance purposes. The city will not provide a new water service connection to any property owner whose current bills are delinquent, until the delinquency has been paid in full. (Ord. 89-7 (part), 1989: Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 4.3)

13.04.200 Application for additional services or equipment.

Applications for additional services, equipment, tenant billings, etc. must be made in writing by the property owner. The city will not provide additional services to any property owner whose current bills are delinquent, until the delinquency has been paid in full. Any property owner whose initial application or application for additional services has been denied or conditionally approved may appeal to the water service committee at its next regularly scheduled meeting. In the event the customer is dissatisfied with the decision of the committee, the customer may appeal to the city council at its next regularly scheduled meeting. (Ord. 89-7 (part), 1989)

13.04.210 Deposit-Required

To ensure the payment of all charges due for services, the property owner shall make a cash deposit with the city in an amount listed in a fee schedule set by the council through resolution. (Ord. 15-03 § 3, 2015; Ord. 89-7 (part), 1989: Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.1)

13.04.220 Deposit - Credit conditions.

A deposit made according to 13.04.210 will be credited to a customer's account when the customer demonstrates good credit by having made required monthly utility payments on time and in full for a period of 12 months.

(Ord. 15-03 § 3, 2015; Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.2)

13.04.230 Deposit does not change regular billing procedure.

A cash deposit does not relieve an applicant or customer from the obligation to pay bills promptly on or before the due date, nor does it constitute a waiver or modification of the city's requirement providing for the discontinuance of service for nonpayment of any sum due the city. The city may discontinue service to any customer failing to pay past due bills without regard to the fact that the customer has made a deposit. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.3)

13.04.240 Term of service considered permanent-Exemptions.

Upon acceptance by the city of the initial service application, as indicated by the city administrator's signature on the application or by the installation of service, the term of service shall

be considered permanent except as otherwise provided by this chapter. Applications for exemption from permanent service shall be made in writing to the water service committee which shall make a recommendation to the city council regarding that service. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 4.4)

13.04.250 Irregularity or failure of service-City not liable.

The city will exercise reasonable diligence to furnish and deliver a regular and continuous supply of water at a constant pressure, but will not be liable for damages caused by interruptions, shortages, irregularities or failures due to accidents, interference by third parties, or conditions beyond the control of the city. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 2.1)

13.04.260 Suspension of service for repairs - Notice.

The city reserves the right to temporarily suspend the delivery of water service when necessary for the purpose of making a repair, modification or improvement to the system. If not prevented by emergency conditions, the city will make a reasonable effort to give notice to the customers, either through the use of public media or individual communications. Repairs or improvements will be completed as quickly as possible and, whenever possible, the work will be performed at a time that will cause the least inconvenience to the customer. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 2.2)

13.04.270 Revenues and expenditures - Accounting procedures.

All revenues collected for Water services shall be used for the operation, maintenance, extension, repair, capital improvement, or other requirements of the water system. The city administrator will assure the separate accounting of water system funds and will provide a monthly financial report to the city council. The city council shall approve and adopt the annual budget and disbursement policies in accordance with this code. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 1.3)

13.04.290 Unauthorized use of premises-Access for inspection.

If the city believes that a residential premises is being utilized for commercial or other home occupation that produces a substantial increase in the demand for or consumption of water on the premises, the city may inspect the premises and notify the customer concerning the rate or rates to be applied on future billings. A customer desiring to dispute the city's rate determination may follow procedures provided for in Section 13.04.510 of this Chapter. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 8.2)

13.04.280 Change of ownership-Notice to city.

No property owner shall be held responsible for the unpaid metered charges or unpaid minimum monthly charges of the previous property owner at the same location. The property owner listed on the city records as the legal owner of the premises receiving water services must notify the city, in writing, of a change in property ownership. The written notice must contain the name and mailing address of the new owner and must specify the date on which billing is to be transferred. Notice must be provided at least five days prior to the change in ownership. If no notice is received by the city, the property owner of record will be responsible for payments until the city has been notified. (Ord. 91-2 (part), 1990: Ord. 89-7 (part), 1989: Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.13)

13.04.300 Cross-connections prohibited when.

A cross-connection may not be constructed between any portion of the city water facilities or any portion of the customer water facilities and any possible source of contaminated water. This prohibition shall apply, but not be limited to, fire sprinkler systems. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 9.4)

13.04.310 Resale or redistribution of water prohibited.

City water is provided only for the benefit of the premises actually connected and billed. A customer may not sell the water furnished by the city unless the customer has executed a contract with the city for the wholesale supply of water. A customer may not furnish or provide water with or without charge to another premises located in an area where a service connection could be applied for, nor to the occupants of such premises. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 4.9)

13.04.320 Service discontinuance-Connections to other systems.

A. The city will deny service to or disconnect its service from any premises connected to another water system, including a private well, or which has service from another system readily available to it. Water service from an onsite well formerly serving the property will be considered as readily available unless connection pipes have been severed. Before connecting to the city system, the owner of property formerly served by an on-site well is required to cut and cap all pipes between the well and the city system or to otherwise modify the facilities as may be necessary to protect the integrity of the city water system.

B. If a customer connects or reconnects a premises to another source of water service while still connected to the city system, the city will discontinue its service until the well has been totally abandoned or other satisfactory assurances are provided that the alternate system cannot be utilized again. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 3.4)

13.04.330 Service discontinuance-Wasting water.

Customer facilities and equipment shall be maintained and utilized in a manner that will avoid unnecessary waste of water. If substantial quantities of water are being wasted due to disrepair of customer facilities, the city may, thirty days after notice to the customer concerning the required repair, discontinue water service to the premises. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 4.11)

13.04.340 Service discontinuance-Procedures-Interference prohibited.

A. If a customer intentionally prevents the city from discontinuing service by interfering with access to the service box or its components, or by turning the water on after the city has discontinued service, the city may, after ten days notice to the customer, excavate and turn off the water supply by closing the service valve on the main line. If, during the ten-day period following notice, the customer provides adequate assurances to the city that access will be available and that the facilities or access to them will not be again tampered with, the city will not utilize the main shutoff.

B. If the city closes the service valve on the main line as provided in this section, the valve will not be reopened until the customer pays for all outstanding billings as well as the costs incurred by the city to close and reopen the valve. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 9.3)

13.04.350 Rates-City council authority.

A. Water will be sold only at rates established by the city council according to the terms defined in 13.04.360 will become effective immediately after adoption by the city council.

B. A current file of all rates adopted by the city council under this chapter shall be available for public inspection during regular business hours at the city offices. (Ord. 15-03 § 3, 2015; Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.4)

13.04.360 Schedule of rates and charges.

A. Water usage shall be the responsibility of the property owner and charged according to a rate schedule approved by the city council through resolution.

B. Each property owner furnished with any additional water utility-related services shall pay for those services at the rates outlined in a fee schedule approved by the city council through resolution.

C. The property owner may request additional water utility services on city forms. An initial payment of an amount approved by the city council through resolution must accompany the initial request for water utility connection. These additional services shall be provided at the rate approved by the city council through resolution. If heavy equipment is required to perform the requested work, the city will bill at the city's published equipment rental rates, as set by the city council through resolution. Materials required to construct any additional services, and related shipping costs, shall be billed at the actual cost, and shall be paid for in full by the customer prior to being ordered. Labor and construction costs shall be paid by the customer within thirty days of completion of the construction; the additional services made available to the customer with this construction will not be provided to the customer until such payment is made.

D. Unless restricted by special third party funding agreements, the city may sell public water system materials, which meet standard city specifications, at the city's actual delivered cost plus twenty-five percent for overhead.

E. A customer may utilize water for non-domestic uses provided the water is metered by a separate in-line meter installed at cost to the customer and the water does not enter the city's wastewater collection system. (Ord. 15-03 § 3, 2015; Ord. 07-11, 2007, Ord. 01-07 (part A); Ord. 99-16, 1999; Ord. 99-4, 1998; Ord. 96-6, 1996; Ord. 95-2 (part), 1995; Ord. 91-9, 1991; Ord. 91-2 (part), 1990; Ord. 89-7 (part), 1989; Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 10)

13.04.370 Billing procedure.

Customers will be billed by the city at intervals approximating thirty days. Each meter will normally be read on or about the same date each month, and bills will be prepared based on the meter reading or (change to "and") applicable flat rate basic charge. The length of the actual billing period may vary for metered customers due to work load, intervening weekends or holidays, or other circumstances. No adjustments will be made to the billings to compensate for minor variations in meter reading dates. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.5)

13.04.380 Billing schedule.

Bills will be mailed on a monthly basis to the address of the owner of the premises supplied by water or to another address specified by the owner. Bills will be mailed on approximately the same date each month. The failure to receive a billing, however, does not relieve the customer of the obligation to pay for the service rendered. A customer who has not received a bill for a period of forty-five days shall notify the city administrator. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.6)

13.04.390 Payment of bills-Time limit Delinquency.

Bills for water services rendered by the city will specify the date that payment is due, which may not be less than fifteen days after the date of mailing. A bill that is not paid in full on or before the due date is delinquent. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.7)

13.04.400 Estimated billing when.

If the city is unable to read a meter at the usual or scheduled time due to locked premises, weather conditions, road conditions, obstructed access, or other preventing circumstances, the city will bill the customer based upon the estimated consumption and adjust the account in accordance with the next subsequent meter reading. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.10)

13.04.410 Adjustment of bills for meter errors.

If a meter test conducted by the city reveals that a meter is deviating more than the standard tolerance (two percent variance), the city will submit adjusted billings for the period the meter was in use, not exceeding three months, to reflect actual consumption based on adjusted meter readings. If the cause for the meter error can be attributed to an act or event for which the date can be fixed, adjusted billings will be prepared back to, but not beyond, that date. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.11)

13.04.420 Disputed bills-Complaint procedure.

A customer who is unable to obtain an informal adjustment of a billing that he or she believes is incorrect may file a written complaint with the city as provided in Section 13.04.5 10 of this chapter. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.12)

13.04.430 Billing for unauthorized service.

A person or firm who appropriates or otherwise accepts a water service extension or connection from the city, with or without applying for service, shall be billed at the applicable rates from the date of the turn on or from the date of the construction of the water connection. The customer will be billed a penalty in an amount set forth in the schedule of rates and charges for any unauthorized turn on. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.15)

13.04.440 Delinquent bills-Consequences-Collection procedures.

A. If a customer permits a bill to become delinquent, the city may discontinue water services at any premises where he or she receives water services from the city. If discontinuance is contemplated, the city will notify the customer, either verbally or in writing, at least twenty-four hours prior to discontinuance of services. The city shall discontinue water services to each customer whose bill remains unpaid for a period of sixty days after the bill is mailed.

B. Delinquent bills are subject to an interest rate of one and one half percent per month. If litigation is commenced by the city to collect an account that has become delinquent, a sum equal to five percent of the outstanding balance of the account will be added as a penalty and the account balance, including penalty, will accrue interest at the rate of one and one half percent per month from the due date to collection of the account.

C. Any charge imposed under this chapter for water service which remains unpaid for a period of ninety days after the bill has been mailed may become subject to a lien upon the real property to which the services were provided. Such a lien shall become effective upon the recording by the city of a "Notice of Lien" with the district recorder's office. The notice of lien shall identify the real property by legal description, the name(s) of the water service customer(s), and the date upon

which each charge was originally billed to the customer(s). After a notice of lien has been recorded, the lien shall secure payment of all water services charges which formed the original basis for the lien. A lien under this section shall be a first lien prior and paramount to all liens except municipal real property tax liens and special assessments imposed by the municipality, and shall be of the same character, effect, and duration as a lien for municipal real property taxes. The lien may be collected, foreclosed, and otherwise enforced in accordance with the procedures provided by law for the collection, foreclosure, and enforcement of municipal tax liens on real property. (Ord. 89-3, 1988; Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.8)

13.04.450 Payment of bills-Property owner responsible.

The property owner is responsible for all water service payments on billings. (Ord. 91-2 (part), 1990; Ord. 89-7 (part), 1989; Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.14)

13.04.460 Water Service discontinuance-Request by owner

A. On a form provided by the city, the property owner may request that service be discontinued on a short-term basis of up to six months or on a longer-term basis. The method of service discontinuance shall be at the sole discretion of the city's water plant operator. The monthly Service Fee shall accrue during the period of discontinuance. Reinstatement of water service shall be billed in accordance with Section 13.04.360(C) and (D).

13.04.470 Service turn on and turnoff requirements.

Service may be turned on or off at the request of the customer only if the customer, or his or her authorized representative, is present at the premises to observe or respond to inquiry. Water may be turned on or off only by authorized city personnel. A charge will be levied by the city as specified in the schedule of rates and charges. (Ord. 89-7 (part), 1989; Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 9.5)

13.04.480 Service discontinuance-Notice to customer.

The city may discontinue water service and remove its equipment or facilities from the premises and property if the property owner fails or refuses to comply with any of the provisions of this chapter and its subsequent amendments. The city will give notice of discontinuance of service and the reasons for discontinuance. Except as otherwise provided in this chapter, notice will be mailed not less than ten days prior to discontinuance. (Ord. 89-7 (part), 1989; Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 9.2)

13.04.490 Disconnection of service-Conditions.

The city may discontinue water service if the customer fails to protect city facilities or equipment or if the customer tampers or interferes with the facilities or equipment, or permits or allows another person to tamper or interfere with it. If equipment or facilities of the city are damaged or removed under this section, the city may discontinue service until such time as satisfactory assurance has been provided that the equipment or facilities will be protected from future damage or interference. The customer shall reimburse the city for any damages or loss of the equipment or facilities and for the estimated loss of revenue prior to reconnection. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 3.3)

13.04.500 Reconnection of service.

If a property owner has had services discontinued for cause, the city may refuse to furnish any additional services to the customer at the same or any other location until all charges due the city, including applicable reconnection charges and deposits specified in the schedule of rates and charges, have been paid and satisfactory assurance is given the city that future bills will be paid promptly. (Ord. 89-7 (part), 1989: Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.9)

13.04.510 Complaint procedure.

A. A customer desiring affirmative action by the city may file a complaint with the city administrator concerning the adequacy of the water service provided or the failure of the city to comply with this chapter. A complaint may be filed only by a customer who is directly affected by the action or inaction that is the subject of the complaint, or by his or her authorized representative.

B. A service complaint may be verbal or in writing unless requested by the city to be in written form. The complaint shall state the nature of the complaint, supporting facts and dates and the remedy requested. The city will investigate the complaint and respond to the customer within ten days. Complaints that are not resolved by the city administrator to the satisfaction of the customer may be presented to the water service committee at its regular monthly meeting. If still unresolved to the customer's satisfaction, the matter will be referred to the city council at its next regular meeting. Every effort will be made by the city to resolve the issue within thirty days from the date of the complaint. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 9.1)

13.04.520 Additional regulations.

The city council shall adopt such additional regulations, provisions and procedures as it deems necessary, legal and proper. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 1.4)

Chapter 13.05

MCGRATH PUBLIC SEWER UTILITY

Sections:

- 13.05.010 Conditions of regulatory compliance.
- 13.05.020 Public sewer connections-Application.
- 13.05.030 Conditions-Ownership and maintenance.
- 13.05.040 Service interruptions.
- 13.05.050 Control of wastewater.
- 13.05.060 Prohibitions.
- 13.05.070 Sewer and septic pumping and disposal service rates and charges.
- 13.05.080 Service deposits and conditions.
- 13.05.090 Billing procedures.
- 13.05.100 Payment of bills-Due date.
- 13.05.110 Delinquent accounts-Discontinuance of service.
- 13.05.120 Service complaint procedures.
- 13.05.130 Change of property ownership.
- 13.05.140 Accounting policies.
- 13.05.150 Violations and remedies.
- 13.05.160 Violation-Penalty.

13.05.010 Conditions of regulatory compliance.

Wastewater disposal systems constructed and installed after July 1, 1992 must comply with the regulations of the Alaska Department of Environmental Conservation (ADEC) as promulgated in 18 AAC 72. After July 1, 1992, the city may require that the property owner submit proof of regulatory compliance. If proof of regulatory compliance is not submitted by the date requested, the city may notify the nearest office of the ADEC and discontinue water service to the property until such proof is submitted. (Ord. 92-4 § 2(part), 1992)

13.05.020 Public sewer connections-Application.

A. The property owner shall submit an application for a public sewer connection on a form provided by the city. The application, together with all provisions deemed necessary by the city, shall constitute a formal agreement between the property owner and the city. Such provisions shall include, but may not be limited to, the following agreements by the property owner:

1. To pay all service fees, charges and costs of the public sewer utility in accordance with the terms and conditions of this chapter,
2. To grant a property easement to the city for the sole purpose of constructing, operating and maintaining the public sewer system. Such easement shall be contained on a separate document for recording at the Mt. McKinley Recording District;
3. To abide by the terms and conditions governing the public sewer utility as set forth in this chapter, including any and all subsequent legally adopted amendments;
4. To provide any additional information and allow such inspections as the city deems necessary to determine whether the property owner's private wastewater plumbing and piping is satisfactory and compatible with the sewer equipment and facilities provided by the city;

5. To correct any existing private system deficiencies, at his or her own expense, prior to connection of the structure to the public sewer system.
- B. If the sewer connection being applied for is outside the preexisting public sewer service area, the city or the property owner may request a formal extension agreement with the city. The property owner shall be responsible under the extension agreement for the payment of all costs, including the city's costs, associated with development of the extension agreement and for the costs of the sewer extension as actually installed. The city's costs may include, but- are not limited to, plan review and approval, engineering services, legal services and inspections. The extension agreement may also contain reimbursement provisions for the property owner's expenses in extending the sewer line piping to expand the service area in the event additional sewer connections are purchased and provided as a result of the sewer line extension.
1. Extension agreement provisions shall be calculated on a pro rata basis as follows: the width of the additional purchaser's property located adjacent to the extended main pipeline divided by the total length of the extended main pipeline and multiplied by the total cost of the main pipeline extension, which shall equal the reimbursement amount to be paid by the additional purchaser.
 2. The city shall include the calculated pro rata reimbursement amount as part of the connection costs charged to additional purchasers whose subsequent connections will be provided from the sewer main line extension. The city shall collect these costs from the additional purchaser and shall reimburse the property owner at whose expense the sewer extension was initially provided.
- C. In granting authorization for connection to the public sewer system, the city reserves the right to give preference to property owners whose private sewage disposal systems are not in compliance with 18 AAC 72 and who are also served by the city water utility. (Ord. 92-4 § 2(part), 1992)

13.05.030 Conditions-Ownership and maintenance.

- A. Except as otherwise stipulated by intergovernmental agreement, all public sewer equipment and facilities provided by the city shall be the property of the city.
- B. The city shall be responsible for the operation and maintenance, including septic pumping and disposal services, of the public sewer system in accordance with the ADEC permit to operate, 18 AAC 72, and all else as stipulated by intergovernmental agreement.
- C. The city shall provide the property owner with a list of instructions regarding the septic tank effluent pump, the alarm system, the service line heat trace and any other instructions as deemed necessary by the city. It shall be the property owner's responsibility to ensure adherence to the instructions as provided. Failure to abide by the printed instructions shall constitute an action in violation of this Chapter.
- D. Except as otherwise provided by this chapter, the city shall be responsible for the repair and replacement of all sewer system components, inclusive of the septic lift tank and its components, provided the repair or replacement is not a result of the property owner's, or his or her occupants', negligence or action in violation of this chapter.
- E. The property owner shall be responsible for providing and maintaining, including all costs, a separate electrical circuit for both the septic tank effluent pump and the septic tank alarm system.
 1. The electrical costs necessary to operate the septic tank effluent pump, the alarm system and the service line heat trace shall be the responsibility of the property owner.

F. Except for the system control panel, the city shall not be responsible for the operation or maintenance of any portion of the wastewater system inside the premises or prior to the septic lift tank.

G. The city shall not be liable for any loss or damage of any nature whatsoever caused by any defect in manufacture or installation of sewer system equipment or facilities or in the property owner's plumbing or equipment, nor shall the city be responsible for any damages caused by freezing of the sewer service lines resulting from the property owner's failure to activate the service line heat trace. (Ord. 92-4 § 2(part), 1992)

13.05.040 Service interruptions.

A. Sewer service may be interrupted at any time for emergency repairs, extensions or other necessary purposes. The city shall give reasonable notice whenever feasible. In the event of service interruption, the city shall not be liable for any loss or damage, whether direct, indirect or consequential.

B. Interruption or failure of sewage service, for any period of time, shall not constitute a breach of contract or warranty on the part of the city, nor shall it relieve the property owner from performing his or her obligations under the terms of the application agreement or this chapter and any subsequent legally adopted amendments. (Ord. 92-4 § 2(part), 1992)

13.05.050 Control of wastewater.

A. No person shall cause any of the following described wastes or waters to be discharged into any sewer equipment or facilities provided, operated or maintained by the city:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas or any waters or wastes containing these substances;
2. Any waters containing toxins or poisonous solids, liquids or gases in sufficient concentration, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater facilities;
3. Any waters or wastes having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities;
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, manure, hair, flesh, entrails, paper or plastic dishes, plastic bags, disposable diapers or other plastic products, ceramic dusts or particles or other abrasive substances, paint, ink or chemical residues;
5. Any water received through infiltration;
6. Any waters such as surface or ground waters, stormwater, roof or other runoff, subsurface drainage or other unpolluted waters. (Ord. 92-4 § 2(part), 1992)

13.05.060 Prohibitions.

A. No person shall negligently, willfully or maliciously break, damage, destroy, uncover, deface or tamper with any structures, appurtenances or equipment which are part of the sewage facilities provided, operated or maintained by the city including, but not limited to, the sewage lagoons, septage disposal sites, sewage pipelines or septic tanks.

1. Any person who negligently causes any of the above-described acts shall be responsible for the payment of all repairs or replacements caused or necessitated by the negligent acts causing the damage, including legal fees.
 2. Any person who willfully or maliciously causes any of the acts described in subsection A of this section shall be responsible for the payment of treble damages, including legal fees.
- B. Without first obtaining written permission from the city, no person shall build any structure over a sewer equipment or facility easement area, and the property owner shall be held responsible, including all costs, for any damage, repairs, removal or replacement caused or necessitated as the result of the structure.
- C. Without first obtaining written permission from the city, no person shall excavate within a sewer easement area. The property owner and the person conducting the excavation shall be responsible jointly and severally for any damage, repairs, removal or replacement, including all costs, caused or necessitated by the excavation. (Ord. 92-4 § 2(part), 1992)

13.05.370 Sewer and septic pumping and disposal service rates and charges.

- A. Public sewer rates shall be the responsibility of the property owner and billed at rates established by the city council through resolution and billed to the property owner(s) and/or occupants of the domiciles and/or buildings from which wastewater is discharged into the sanitary sewer collection and treatment system. Excepting subsection E of this section, public sewer rates shall be those listed in a fee schedule approved by the city council through resolution.
- B. The property owner may request additional sewer utility services on city forms. An initial payment of an amount listed in a fee schedule approved by council resolution must accompany the initial request for sewer utility connection. Should heavy equipment be required to perform the requested work, the city will bill at the city's published equipment rates, as set by the city council through resolution. Materials required to construct any additional services, and related shipping costs, shall be billed at the actual cost, and shall be paid for in full by the customer prior to being ordered. Labor and construction costs shall be paid by the customer within thirty days of completion of the construction; the additional services made available to the customer with this construction will not be provided to the customer until such payment is made.
- C. Unless restricted by special third party funding agreements, the city may sell public sanitary sewer system materials, which meet standard city specifications, at the city's actual delivered cost plus twenty five percent for overhead.
- D. The city shall charge for providing septic tank pumping and disposal services according to a fee schedule approved by city council resolution.
- E. There shall be no sanitary sewer charges for the customer(s) utilizing water that is metered by a separate in-line meter installed at the cost of the customer and which does not enter the city's wastewater collection system.
- (Ord. 15-03 § 3, 2015; Ord. 07-11, 2007, Ord. 99-13,1999; Ord. 96-7, 1996; Ord. 95-3,1995: Ord. 924 § 2 (part), 1992)

13.05.80 Service deposits and conditions.

- A. Except as otherwise stipulated herein, applicants for service shall apply for the service on forms provided by the city and shall pay a service deposit, of an amount listed in a fee schedule approved by council resolution, the city clerk/treasurer prior to receiving sewer service.
1. A property owner who has continuously occupied a structure already provided with public sewer service shall not be required to make an application for service under this section.

2. A property owner who has established and maintained credit with the city by promptly paying water service billings for the previous period of twelve months shall not be required to pay a service deposit.

B. In the event that sewer service is discontinued, the service deposit may be applied to the closing bill. Any amount in excess of the closing bill will be refunded to the depositor. The deposit will be refunded if, after twelve consecutive months, the customer has no record of late payment.

C. The service deposit shall be forfeited if the customer's account becomes delinquent and service is discontinued, and the full amount shall be applied to the unpaid balance. Sewer service will not be restored to the property until all sewer service fees, Charges and penalties due have been paid and the deposit replaced.

D. The service deposit does not relieve a customer from the obligation to pay bills promptly on or before the due date, nor shall it constitute a waiver of the city requirement to discontinue service for past due accounts.

E. As a condition for continued service, the city may require a customer to increase the amount of the deposit at any time if the city determines that the charges billed warrant the increase. (Ord. 15-03 § 3, 2015; Ord. 92-4 § 2(part), 1992)

13.05.090 Billing procedures.

A. Sewer service billings will be mailed to the address of the property owner or the occupant or, if requested by the property owner, to both the owner and the occupant. The failure to receive a monthly billing shall not constitute a waiver of the payment obligation.

B. The city will issue billings at intervals approximating thirty days. The length of the actual billing period may vary due to work load, intervening weekends or holidays or other circumstances. No adjustments will be made to billings to compensate for minor variations in meter reading dates.

C. If the city is unable to read a meter at the usual or scheduled time due to locked premises, weather conditions, road conditions, obstacles or other preventing circumstances, the city may prepare the billing based upon estimated water consumption and adjust the account in accordance with the next subsequent meter reading.

D. Each customer shall give the city written notice of his or her intention to discontinue sewer service at least two working days prior to the desired date of sewer service discontinuance; otherwise, the customer shall be responsible for sewer service charges until the city receives notice of such discontinuance. Upon discontinuance of sewer service, a bill shall be computed and such bill shall be payable immediately. In no case will the bill be less than the monthly minimum specified in Section 13.05.070(B)(1).

E. A customer who believes that a sewer service billing may be incorrect may contact the city clerk/treasurer to request a billing adjustment. (Ord. 92-4 § 2 (part), 1992)

13.05.100 Payment of bills--Due date.

Billings for sewer service will specify the date that payments are due, which may not be less than fifteen days after the date of mailing for current accounts. A bill that is not paid in full on or before the due date is delinquent. (Ord. 92-4 § 2(part), 1992)

13.05.110 Delinquent accounts-Discontinuance of service.

A. Delinquent bills are subject to an interest rate of one and one-half percent per month. If the city refers the account to a collection agency or commences with litigation in order to collect a delinquent account, a sum equal to five percent of the outstanding balance of the account will be

added as a penalty, and the account balance, including the penalty, will accrue interest at the rate of one and one-half percent per month from the due date to collection of the account.

B. The city shall send a notice of account delinquency to each customer, as previously identified by the property owner under Section 13.05.090(A), on or after ten days after the account becomes delinquent.

C. On or after fifteen days after an account becomes delinquent, a notice of service discontinuance will be sent to the customer, provided the account has remained unpaid. The notice shall state the date on or after which the sewer service will be turned off if the delinquent account is not paid in full prior to the date specified. Such date will not be less than five nor more than fifteen days from the date of the notice. Mailing to the address of record or delivery to the premises served shall be considered a delivery to the customer.

D. On or after the discontinuance date, an authorized agent of the city shall discontinue the sewer service. A sewer turn-off notice shall be placed on the structure in a prominent place and notification made to the nearest office of the ADEC. Sewer service shall not be restored to the property until all amounts due the city, including interest and penalties, have been paid in full. (Ord. 92-4 § 2(part), 1992)

13.05.120 Service complaint procedures.

A. A property owner or occupant who desires corrective action for sewer services rendered by the city may file a formal complaint with the city administrator during regular business days and hours by explicitly stating to the administrator that he or she wishes to file a formal complaint.

B. A formal service complaint may be verbal unless required by the administrator to be in written form. The customer shall state the nature of the complaint, supporting facts and the remedy requested. The administrator, or his or her delegates, will investigate the complaint and respond to the complainant within ten business days. Complaints that are not resolved by the administrator to the satisfaction of the complainant, or such complaint resolution as would require a legally adopted amendment to this chapter, may be referred by the administrator to the water and sewer committee of the city council at its next regularly scheduled meeting. If the complainant is not satisfied with the committee's decision, he or she may appeal the decision to the city council at its next regularly scheduled meeting. In the event the water and sewer committee does not convene for the next regular meeting and the complainant desires to pursue the matter, the administrator shall bring the complaint to the city council at its next regular meeting. The decision of the city council shall be final and shall be stated in writing, briefly setting out the reasons for its decision, and shall be mailed to the complainant within five business days of its decision. (Ord. 92-4 § 2(part), 1992)

13.05.130 Change of property ownership.

A. Either the current property owner or the purchaser must notify the city, in writing, of a change in property ownership. The property owner identified on city records will be responsible for sewer payments until the city has been properly notified as set forth below.

1. The written notice must contain the name and mailing address of the new owner and must specify the date on which ownership and billing are to be transferred. The notice must also contain a completed and signed application for public sewer service and documentation proving the change of property ownership.

B. Transfer of property ownership will not relieve the previous owner of obligations under this chapter if ownership has been transferred to a parent, spouse or child. (Ord. 92-4 § 2(part), 1992)

13.05.140 Accounting policies.

All revenues collected for sewer service shall be used for the operation, maintenance, extension, repair, capital improvement or other requirements of the sewer system. The mayor, or his or her delegate, will assure the separate accounting of sewer system funds and will provide a monthly financial report to the city council. The city council shall approve and adopt the annual budget and disbursement policies in accordance with this code. (Ord. 92-4 § 2(part), 1992)

13.05.150 Violations and remedies.

A. If any person refuses or fails to comply with the terms of Section 13.05.010, conditions of regulatory compliance, or Section 13.05.030, conditions of ownership and maintenance, or Section 13.05.050, control of wastewater, or Section 13.05.060, prohibitions, the mayor, or his or her delegate, may issue a notice of violation and order to comply to such person by certified mail, return receipt requested, or by hand delivery. Such person shall immediately take such action as may be necessary to comply with such order and with this chapter, all at the expense of such person.

1. If such person fails to correct such condition within thirty days after receipt of such notice, the mayor, or his or her delegate, may order the discontinuance of sewer service.

B. Notwithstanding the provisions of Section 13.05.150(A)(1) above, at the city's discretion, public sewer and water service to any property may be discontinued immediately and without notice at the city's discretion upon a determination that there is being discharged from such property any material deemed to be dangerous, injurious to the treatment process or hazardous to any person, structure or treatment process.

C. Public sewer and water service shall not be restored until the cause of service discontinuance has been eliminated or corrected to the satisfaction of the city, and all expenses, including those for repair, replacement, removal, restoration, legal fees and other expenses incurred by the city, have been paid to the city by the property owner. (Ord. 92-4 § 2(part), 1992)

13.05.160 Violation-Penalty.

A. Persons convicted of violations within this chapter are subject to fines not to exceed the sum of three hundred dollars.

B. The enforcement of any right or remedy in this chapter shall not be deemed a waiver of any other right or remedy available to the city. If the violator is found guilty and has caused damage to the person or property of another, the violator may be required to make restitution, in whole or in part, for said damage. (Ord. 07-06, 2006, Ord. 924 § 2(part), 1992)

Chapter 13.08**PUBLIC USE OF SOLID WASTE DISPOSAL SITE****Sections:**

- 13.08.010 Waste disposal permit required by city.
- 13.08.020 City responsibilities-Compliance with permit regulations.
- 13.08.030 Waste disposal fees-User permit required when-Exceptions.
- 13.08.040 Hauling and disposal requirements-Prohibited activities and materials.
- 13.08.050 Dumping permitted where-Exceptions-Special permit required.
- 13.08.060 Violation-Penalty.

13.08.010 Waste disposal permit required by city.

The city, as the legal owner and operator of the solid waste disposal site, shall maintain and keep current at all times the required state of Alaska, Department of Environmental Conservation, waste disposal permit. (Ord. 90-7 § 1, 1990)

13.08.020 City responsibilities-Compliance with permit regulations.

- A. The city shall maintain substantial compliance with the terms and conditions of the state waste disposal permit insofar as its resources allow.
- B. The city shall report its resource and other limitations to the Alaska Department of Environmental Conservation and shall seek permit modifications where necessary.
- C. The city shall endeavor to upgrade and improve the waste disposal site and shall make every effort within its power to protect the public health and prevent environmental damage. (Ord. 90-7 § 2, 1990)

13.08.30 Waste disposal fees – User permits required when - Exceptions.

- A. All residential households in McGrath shall be charged a monthly user fee for the waste disposal site operations according to a fee schedule approved by council resolution, except as described in subsection B of this section. No permit shall be required for private households.
- B. All persons sixty-five years of age and over are exempt from the payment of user fees as described in this section. Starting from the first bill after the City is informed and verifies their date of birth.
- C. All public and commercial enterprises utilizing the solid waste disposal site at a rate exceeding one load of one hundred twenty-eight cubic feet per month shall be required to obtain annual permits from the city. The user fee will be that established by the city council through resolution in listed in the rate schedule. Permits may be reviewed by the city at any time, and the user fee may be adjusted as appropriate.
- D. All public and commercial enterprises utilizing the septage waste disposal area are required to obtain a user permit from the city. A user fee detailed in a fee schedule approved by the city council through resolution shall be due and payable by the septage disposal enterprise. (Ord. 15-03 § 3, 2015; Ord. 92-2, 1991; Ord. 90-7 § 3, 1990) (McGrath 2-92)

13.08.040 Hauling and disposal requirements-Prohibited activities and materials.

A. All users shall be required to completely contain all trash, refuse, sewage or septage by covering, containing, sealing or otherwise preventing the escape and littering caused in the transportation of waste materials.

B. All persons or entities shall be required to make a thorough inspection of the waste disposal area after disposing of waste materials in order to ensure that every piece of waste material has been deposited into the assigned disposal area and not left in, on or around the drive-up area.

C. All unauthorized burning and shooting at the waste disposal facility is prohibited. The city mayor or his/her designate can authorize burning or shooting at the waste disposal facility in protection of public health and/or safety. Person(s) who knowingly violate this burning and shooting section are subject to potential class B misdemeanor charges and penalties.

D. The following hazardous and special waste materials are prohibited from disposal at the site: asbestos, chemical waste, acids, radioactive materials, pesticides, explosives, oily waste, solvents and pathogenic waste. Instructions regarding the legal and proper disposal of these materials must be received from the Alaska Department of Environmental Conservation. (Ord. 96-1 (part), 1995; Ord. 90-7 § 4, 1990)

13.08.050 Dumping permitted where-Exceptions Special permit required.

A. It is unlawful to dispose of waste materials except within the designated waste disposal site and except as noted in subsection B of this section.

B. Any person who desires alternative waste disposal methods shall be required to obtain a special permit from the city prior to utilizing such methods. (Ord. 90-7 § 5, 1990)

13.08.060 Violation-Penalty.

Person(s) convicted of violations within this chapter are subject to a fine of three hundred dollars. Person(s) convicted of knowingly setting or starting an unauthorized fire at the McGrath city landfill are subject to a civil fine not to exceed the sum of one thousand dollars per incident. If the violator is found guilty and has caused damage to the person or property of another, the violator may be required to make restitution, in whole or in part, for said damage. (Ord. 07-06, 2006, Ord. 96-1 (part), 1995; Ord. 90-7 § 6, 1990)

Chapter 13.10

UTILITY BILL FEES

Sections:

- 13.10.010 Emergency vehicle support service fees
- 13.10.020 Streetlight fee.
- 13.10.030 City Service Fee
- 13.10.040 Annual review of City Expenses and Charges

13.10.010 Emergency vehicle support service fees

All persons receiving a utility bill shall pay a monthly fee for emergency vehicle support as set in a fee schedule approved by the city council through resolution.

(Ord. 15-03 § 3, 2015; Ord. 00-5, 1999)

13.10.020 Streetlight fee.

A. A fee of three dollars per month shall be charged each household to pay the cost for streetlights. Billing shall be added to the monthly utility billing.

B. No changes may be made to this section unless ratified by a majority of the voters. (Ord. 01-3, 2000)

13.10.30 City Service Fee

A. All residential, commercial and public properties, not currently billed for City Water Service under section 13.04.360, within the McGrath City service area, defined in section B, shall pay a monthly fee for City services as set in a fee schedule approved by the city council through resolution.

B. McGrath city service area being defined as the area city services are able to be accessed and covering the roads that are maintained year round.

C. "Residential" property is defined as real property whose primary purpose is to provide housing such as a single family dwelling, multi-family dwellings in one building, and apartments.

1. The owner of multiple dwellings and multiple residences on a shared lot is responsible for all City Service payments on billings. (Ord. 17-03 (part) 2017; Ord. 15-03 § 3, 2015)

D. "Commercial" property is defined as real property that produces income.

E. "Non-profit" property is defined as real property owned by a not-for-profit agency or organization granted tax-exempt status by the Internal Revenue Service (IRS).

F. "Public" property is defined as real property owned by the government or one of its agencies, divisions or entities.

G. Real Property is defined as the land and its attached buildings and structures.

H. The City Service Fee will be applied to properties, described above, with a standing building or structure comprised of a roof and supporting walls that, in case of emergency, require fire and emergency response.

13.10.31 Billing procedure.

Customers will be billed by the City at intervals approximating thirty days.

13.10.32 Billing schedule.

Bills will be mailed on a monthly basis to the address of the property owner or to another address specified by the owner. Bills will be mailed on approximately the same date each month. The failure to receive a billing, however, does not relieve the customer of the obligation to pay for the

service rendered. A customer who has not received a bill for a period of forty-five days shall notify the City office.

13.10.33 Payment of bills-Time limit Delinquency.

Bills for City Services rendered by the City will specify the date that payment is due, which may not be less than fifteen days after the date of mailing. A bill that is not paid in full on or before the due date is delinquent. (Ord. 87-10 (part), 1987: prior code Ch. 11.1 § 7.7)

13.10.34 Delinquent bills-Consequences-Collection procedures.

A. Delinquent bills are subject to an interest rate of one and one half percent per month. If litigation is commenced by the city to collect an account that has become delinquent, a sum equal to five percent of the outstanding balance of the account will be added as a penalty and the account balance, including penalty, will accrue interest at the rate of one and one half percent per month from the due date to collection of the account.

B. Charges imposed under this chapter for City Services which remains unpaid for a period of ninety days after the bill has been mailed may become subject to legal action to place a Lien against property owner until payment is received.

13.10.35 Payment of bills-Property owner responsible.

The property owner is responsible for all City Service payments on billings. (Ord.17-03 2017)

13.10.40 Annual Review of City Expenses and Charges

The council will conduct a yearly review of the utilities costs of services. The council will base any revised service fees upon advisory reports from the Public Works Department and Public Works Committee. Proposed changes will be posted for public inspection in the U.S. Post Office building in McGrath, Alaska for five consecutive days. A community comment period will be advertised in three (3) community buildings five days prior to an increase/decrease in water rates being adopted by the city council. The comment period may be held at a regularly scheduled or special council meeting. (Ord. 15-03 § 3, 2015)

TITLE 14 (RESERVED)

TITLE 15 BUILDINGS AND CONSTRUCTION (RESERVED)

Title 16 LAND USE AND SUBDIVISIONS

Chapters

16.04 LAND USE AND SUBDIVISIONS

16.05 NATIONAL FLOOD INSURANCE PROGRAM

16.04

LAND USE AND SUBDIVISIONS

Sections:

- 16.04.010 Purpose of provisions.
- 16.04.020 Definitions.
- 16.04.030 Applicability of provisions.
- 16.04.040 Plat approval required-Exceptions.
- 16.04.050 Preliminary consultation Required.
- 16.04.060 Preliminary consultation Information required.
- 16.04.070 Preliminary plat-Preparation specifications.
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- 16.04.090 Utilities and improvements Information required.
- 16.04.100 Abbreviated plats permitted when.
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- 16.04.250 Variances.
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- 16.04.270 Appeals process.

16.04.010 Purpose of provisions.

The purpose of this chapter is to promote and improve the health, safety and general welfare of the citizens of the city. These regulations are designed to further the orderly layout and use of land, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of the land and to facilitate the further subdivision of larger tracts into smaller parcels of land. (Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 1)

16.04.020 Definitions. As used in this Chapter.

"Alley" means a minor way, dedicated to public use, which is used primarily for vehicular access to the back or the side of properties otherwise abutting on a street.

"Block" means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroads, rights of-way or a combination thereof.

"City" means the city of McGrath.

"Cul-de-sac" means a street having one end open to traffic and terminated at the other end by a vehicle turnaround.

"Easement" means a grant by the property owner to the public of the use of a strip of land for specific purposes.

"Lot" means a portion of a subdivision, or other parcel of land, intended as a unit for transfer of ownership.

"Plat" means and refers to the map prepared for the purpose of recording subdivisions of land as provided herein.

"Street" means a way for vehicular traffic other than an alley, dedicated to public use.

1. Major streets and highways are those which serve as the principal arteries for through traffic movement or collect traffic from minor streets.

2. Minor streets are those which are used primarily for access to the abutting properties.

3. A half street is any street less than the prescribed right-of-way widths found in this section or as established by the planning commission.

"Subdivider" means the owner or owners of land which is being divided pursuant to this chapter.

"Subdivision" means the division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale, lease or building development, where the act of division creates two or more parcels or building sites of one and one-half acres each or less in area, or where the act of division creates four or more parcels of five acres each or less.

"Subdivision, private" means one in which the roads and other common use facilities are not dedicated to public use. (Ord. 87-3 (part), 1986; Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 3)

16.04.030 Applicability of provisions.

No construction may be permitted on a lot which did not exist as a described and recorded parcel prior to the date of the ordinance codified in this chapter, or was not created by recorded subdivision pursuant to state statute or by a recorded plat pursuant to provisions of this chapter. (Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 11)

16.04.040 Plat approval required-Exceptions.

A. Platting of Subdivision Required. Any division of land within the city which results in a subdivision as defined herein shall be surveyed and a plat thereof approved by the planning commission and city council and recorded with the district recorder, pursuant to the provisions of this chapter and Title 40, Chapter 15, Alaska Statutes, as amended from time to time.

B. Exceptions. The provisions of this chapter shall not apply to:

1. Transfers of interests in land pursuant to court order,

2. Leases for a total term not to exceed ten years, including possible renewal terms, mortgages or easements;

3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances. (Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 2)

16.04.050 Preliminary consultation-Required.

Before submitting a preliminary plat, the subdivider shall meet with the planning commission to discuss the general character, layout and location of the proposed subdivision. (Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 4(A))

16.04.060 Preliminary consultation-Information required.

The following information shall be provided to the planning commission by the subdivider at the time of the preliminary consultation:

A. General. Information including data on existing covenants, land characteristics and available community facilities and utilities, and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, business areas, playground, park areas and other public areas, tree planting, proposed protective covenants and proposed utilities and street improvements.

B. Location Map. A location map showing the relationship of the proposed subdivision to existing community facilities which serve or would be influenced by it.

C. A sketch plan showing in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey. (Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 5(A))

16.04.070 Preliminary plat-Preparation specifications.

The preliminary plat shall be drawn with waterproof non-fading black ink or legibly drawn with pencil at scale of one hundred feet to an inch and shall show accurately on its face:

A. The date, scale and north point;

B. The proposed subdivision name, which shall not be so similar to the name of any plat previously recorded in the area as to cause confusion;

C. The name and address of the owner, the subdivider and the engineer, planner or surveyor preparing the plat;

D. The exact length and bearing of the exterior boundaries of the subdivision. (Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 5(B))

16.04.080 Preliminary plat-Presentation and commission action.

A. Required. In order that general agreement may be reached on the layout and arrangement of streets and lots before a final plat is prepared, the subdivider shall submit a preliminary plat and a request for placement on the agenda to the city administrator at least five days prior to the date of the meeting at which the subdivider intends to present the preliminary plat. Upon timely receipt of the plat and request, the administrator will schedule a public hearing on the appropriate commission agenda. The agenda shall then be released to the local news media and posted publicly for a minimum of three full days at the U.S. Post Office and two other public locations.

B. Commission Action. Once a plat is filed, the commission shall approve or disapprove the plat within sixty days or return it to the applicant for modification or correction. If the commission fails to act within the sixty days, the preliminary plat is considered approved unless the applicant has consented to a time extension. (Ord. 89-5 (part), 1989: Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 4(B))

16.04.090 Utilities and improvements-Information required.

Following approval of the preliminary plat and prior to submittal of a final plat, the subdivider shall, upon request, furnish to the planning commission the following engineering data pertaining to utilities and improvements in the preliminary plat:

- A. Plan and profiles showing existing and established grades for all streets, alleys and public rights-of-ways.
- B. Plan and profiles of all drainage facilities, culverts, sewers, water distribution lines and any other underground utilities.
- C. Power and telephone poles. (Ord. 89-5 (part), 1989; Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 4(C))

16.04.100 Abbreviated plats permitted when.

The planning commission shall waive the preparation, submission for approval and recording of a plat on satisfactory evidence that each lot created by the subdivision is five acres or larger and meets the following requirements for a plat that will:

- A. Subdivide a single lot into not more than four lots;
- B. Provide legal and physical access to a public highway or street for each lot created by the subdivision;
- C. Not contain or require a dedication of a street, right-of-way or other area;
- D. Not require a vacation of a public dedication of land or a variance from any subdivision regulation. (Ord. 89-5 (part), 1989)

16.04.110 Final plat-Request for placement on agenda.

Before submitting a final plat for approval to record under AS Sections 40.15.010 through 40.15.020, the subdivider shall file a request for placement on the agenda with the city administrator at least five days prior to the date of the meeting at which the subdivider intends to present the final plat. The final plat will be scheduled on the appropriate commission agenda, which shall be released and posted as identified in 16.04.080(A). (Ord. 89-5 (part), 1989)

16.04.120 Final plat-Information required.

- A. Certificates and Affidavits. A certificate of ownership and the affidavit of the surveyor who surveyed and mapped the parcel shall be submitted with the final plat giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. public land survey or some corner providing reference to a corner marked and established in the U.S. public land survey. Such affidavit shall include the statement of the surveyor to the effect that he has fully complied with the requirements of this section.
- B. Engineering Standards. The final plat shall be drawn in ink and shall show accurately on its face:
 1. The date, scale and north point;
 2. The exact length and bearing of the exterior boundaries of the subdivision;
 3. The dimensions of all lots;
 4. The layout, width and bearing of all streets and rights-of-way, such as alleys, highways, easements for sewers, water mains and other public uses;
 5. The radius of all curves and length of tangents;
 6. An identification system for all lots and blocks and a legal description of all property being subdivided;
 7. Certifications and dates of approval by the planning commission, signed by its chairman, and the Alaska Department of Environmental Conservation;

8. The name of the subdivision and name and address of the subdivider,
9. All private subdivision plats shall indicate that the common use facility on the plat shall be marked as private. (Ord. 89-5 (part), 1989; Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 5(c))

16.04.130 Final plat-Commission action.

The commission shall approve or disapprove the final plat within sixty days after it is filed, or shall return it to the applicant for modification or correction. Unless the applicant for plat approval consents to an extension of time, the plat is considered approved and a certificate of approval shall be issued by the commission on demand if the commission fails to act within sixty days. The commission shall state in writing its reasons for disapproval of a plat. If the commission approves a plat, the plat shall be acknowledged and filed in accordance with AS Sections 40.15.010 through 40.15.020. (Ord. 89-5 (part), 1989)

16.04.140 Design standards and regulations.

The proposed subdivision shall conform to:

- A. The provisions of Title 40, Chapter 15, Alaska Statutes, as amended from time to time, and all other relevant laws and regulations;
- B. All applicable ordinances of the city;
- C. The master plan of the city if applicable;
- D. The regulations of the department of environmental conservation relating to lot size and lot elevation if the subdivision is not served by a public sewer and provision for such service has not been made;
- E. The regulations of the state Department of Transportation and Public Facilities relating to safety of access and the preservation of the public interest and investment in streets and highways if the subdivision or any lot contained therein abuts on a state highway. (Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 6(A))

16.04.150 Dedications for public use-Access for private subdivisions.

- A. All streets, alleys and easements shown on the plat not previously dedicated to public use but intended for public use shall be so dedicated.
- B. Private subdivisions will be considered for approval upon presentation of a plat that provides for adequate access for the resident users. At such time that a private subdivision desires to have city maintenance of public facilities, those facilities will have to meet city subdivision standards. (Ord. 87-3 (part), 1986; Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 6(B))

16.04.160 Street design and construction.

A. General Considerations.

1. Design Criteria. The streets shall be designed and located in relation to
 - a. Existing and planned streets;
 - b. Topographical conditions and natural terrain features such as streams and existing tree growth;
 - c. Public convenience and safety; and
 - d. The proposed uses of the land to be served by such streets.
2. Construction Standards. Construction standards of all streets shall conform to the current standards as established by this chapter.

B. Arrangement.

1. Major streets shall be properly integrated with the existing and proposed system of major streets and highways.
 2. Minor streets shall be laid out to conform as much as possible to topography, to permit efficient drainage and sewer systems and to require the minimum amount of street necessary to provide convenient, safe access to property.
- C. Width. The right-of-way of all streets shall be at least the width specified below, unless prohibited by unusual topographic, physical or design features:
1. Major streets and highways, right-of-way one hundred feet;
 2. Minor streets, right-of-way sixty feet.
- D. Grades. The grade of major streets shall not exceed six percent and the grade of other streets shall not exceed ten percent unless a steeper grade is necessitated by exceptional topography and approved by the planning commission.
- E. Street Names. New street names shall not be so similar to the names of existing streets so as to cause confusion, but streets that are continuations of others already in existence and named shall bear the name of existing streets.
- F Cul-de-sac or Dead-end Streets. Streets designed to have one end permanently closed shall not exceed five thousand feet in length and shall terminate with a turnaround having at least one hundred feet in diameter of right-of-way and a roadway at least seventy-five feet in diameter.
- G. Half-streets. Where a half-street is adjacent to the subdivision, the other half of the street within the proposed subdivision shall be dedicated by the subdivider. (Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 6(C))

16.04.170 Intersections.

- A. Right Angles. Streets shall intersect as nearly as possible at right angles and not more than two streets shall intersect at one point unless approval is granted by the planning commission.
- B. Rounded. Property lines at street intersections shall be rounded with a radius of at least twenty feet.
- C. Jogs. Street jogs with centerline offsets of less than one hundred twenty-five feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous. (Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 6(D))

16.04.180 Alleys.

- A. Commercial and Industrial. Alleys shall be provided in all commercial and industrial districts. The planning commission may waive this requirement where other definite and assured provision is made for service access such as off-street loading and parking consistent with and adequate for the uses proposed.
- B. Width. The width of alleys shall be at least twenty feet.
- C. Dead End. Dead-end alleys are prohibited. (Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 6(E))

16.04.190 Easements.

- A. Utilities. Easements shall be provided along rear and side lot lines and shall be at least ten feet wide.
- B. Drainage. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.

C. All above ground utility easements located on the rights-of-way shall be located within five feet from the edge of said rights-of-way. (Ord. 89-5 (part), 1989; Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 6(F))

16.04.200 Blocks.

The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated. (Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 6(G))

16.04.210 Lots.

A. In General. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated.

B. Lot Dimensions.

1. Lot dimensions shall comply with Department of Environmental Conservation requirements for on-site sewer, unless piped sewer is provided to the subdivision.
2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
3. Residential lots abutting on major streets and highways shall be platted with sufficient depth to permit adequate separation between the buildings and such traffic ways.
4. Lots should be designed with a suitable proportion between width and depth. Normal depth should not exceed two and one-half times the width, nor be less than one hundred feet.

C. Comer Lots. Comer lots should be designed to permit a setback on both streets.

D. Access to Public Streets. Every lot shall front or abut on a dedicated public right-of-way. Lots with an access only to private drives or roads shall not be permitted unless a permanent easement has been granted and properly recorded.

E. Lots at Right Angles. Lots at right angles to each other should be avoided wherever possible, especially in residential areas.

F. Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.

G. Large Lots. Where lots are created of a size larger than normal for the area, the planning commission may require that the plat be so designed as to allow for the possible future re-subdivision of such lots into sizes normal for the area.

H. Municipal Boundaries. Lots shall follow municipal boundary lines wherever practicable rather than cross them.

I. Double Frontage. Lots abutting a street at both front and rear shall be avoided except where necessary to provide separation of residential development from traffic or to overcome specific disadvantages of topography and orientation. (Ord. 87-3 (part), 1986; Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 6(H))

16.04.220 Improvements-Subdivider's responsibilities.

A. Utilities.

1. Water. The subdivider shall prove that connections to public water mains may be obtained, if available. If no such connections are available, the subdivider shall show that a safe water source is available.
2. Sanitary Sewers. The subdivider shall provide connections to public sanitary sewer systems if available.
3. All regulations of the Department of Environmental Conservation pertaining to water and sewage disposal shall apply when no public or other sanitary sewer and water service is available.

B. Streets.

1. The subdivider shall, at his own expense and along a dedicated street, grade and surface a roadway at least twenty-four feet in width to provide access to any property he wishes to sell or otherwise convey to another person where the intent is to develop the property, before such dedication will be accepted by the city.
2. Sufficient and adequate drainage shall be provided for all streets.

(Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 6(I))

16.04.230 Monuments.

All corners of the subdivision shall be marked by permanent monuments set in the ground. Minimum monumentation shall be five-eighths inches diameter rebar, twenty-four inches long. Aluminum caps placed on the rebar and stamped with lot and block information shall appear on the aluminum cap. (Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 6(J))

16.04.240 Public sites and open spaces.

In order that adequate open spaces and sites for public uses may be properly located and preserved as the community develops, and in order that the cost of providing the public facilities necessary to serve the additional families brought into the community by subdivision development may be most equitably apportioned, the following provisions are established:

A. Design Consideration. In the design of the plat, consideration shall be given to the adequate provision of and correlation with such public sites or open areas.

B. Reservation May Be Required. Where it is determined by the planning commission that a portion of the plat is required for such public sites or open spaces, the subdivider may be required to reserve such area for a period not to exceed three years, after which the city shall either acquire the property or release the reservation. (Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 7)

16.04.250 Variances.

When, in the judgment of the planning commission, it would be inappropriate to apply literally a provision of this chapter, the commission may waive or vary such provisions so that substantial justice may be done and the public interest secured. However, with the exception of Section 16.04.100 regarding abbreviated plats, in no other event shall the requirements of filing and recording the plat be waived. (Ord. 89-5 (part), 1989: Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 8)

16.04.260 Violation-Penalty.

The owner or agent of the owner of land located within a subdivision who transfers, sells or agrees or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved and recorded in compliance with this chapter shall be guilty of a misdemeanor

and upon conviction thereof shall be fined not more than one hundred dollars. The city may enjoin a transfer or sale or agreement to sell and may recover the penalty by appropriate legal action. If the violator is found guilty and has caused damage to the person or property of another, the violator may be required to make restitution, in whole or in part, for said damage. (Ord. 07-06, 2006, Ord. 85-4 (part), 1985: prior code Ch. 10.2 § 9)

16.04.270 Appeals process.

A. An administrative decision made by a municipal employee, board or commission in the enforcement, administration or application of a land use regulation adopted under A.S. 29, Chapter 40, shall be subject to appeal before the city council. The council may appoint an ad . hoc appeals committee which shall recommend a means of resolution to the council.

B. An aggrieved party shall present his or her appeal, in writing, to the city clerk who shall place the appeal on the agenda of the next regularly scheduled city council meeting.

C. A municipal officer or person aggrieved by the decision of the council shall have the right to judicial review and may appeal to the superior court. An appeal to the superior court is an administrative appeal heard solely on the record established by the council. (Ord. 86-14 (part), 1986: prior code Ch. 10.5 §§ 1, 2)

Chapter 16.05**NATIONAL FLOOD INSURANCE PROGRAM**

Sections

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16.05.010 Statutory Authorization, Findings of Fact

The Legislature of the State of Alaska has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of McGrath does ordain as follows:

- A. The flood hazard areas of McGrath are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

16.050.011 Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To
- C. minimize expenditure of public money and costly flood control projects;
- D. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- E. To minimize prolonged business interruptions;
- F. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- G. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

H. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,

I. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

16.05.012 Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas. (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

16.05.020 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

A. "ACCESSORY STRUCTURES" mean low cost buildings such as detached garages, boathouses, small pole barns and storage sheds (that are considered a minimum investment), not to be used for human habitation, shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters; shall be anchored to prevent floatation which may result in damage to other structures; service utilities such as electrical and heating equipment shall be elevated or flood-proofed.

B. "APPEAL" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

C. "AREA OF SHALLOW FLOODING" means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

D. "AREA OF SPECIAL FLOOD HAZARD" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

E. "BASE FLOOD" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

F. "BASEMENT" means any area of the building having its floor subgrade (below ground level) on all sides.

G. "BREAKAWAY WALL" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

H. "CRITICAL FACILITY" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

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

J. "ELEVATED BUILDING" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

K. "EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

L. "EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

M. "FLOOD" OR "FLOODING" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

N. "FLOOD INSURANCE RATE MAP (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

O. "FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

P. "FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Q. "LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 5.2-1(2).

R. "MANUFACTURED HOME" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

S. “MANUFACTURED HOME PARK OR SUBDIVISION” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

T. “NEW CONSTRUCTION” means structures for which the “start of construction” commenced on or after the effective date of this ordinance.

U. “NEW MANUFACTURED HOME PARK OR SUBDIVISION” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

V. “RECREATIONAL VEHICLE” means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

W. “START OF CONSTRUCTION” includes substantial improvement, and means the date that the building permit was issued provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

X. “STRUCTURE” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

Y. “SUBSTANTIAL DAMAGE” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Z. “SUBSTANTIAL IMPROVEMENT” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions
- or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Z-1. "VARIANCE" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

Z-2. "WATER DEPENDENT" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

16.05.30 General Provisions

A. Lands to which this Ordinance applies

1. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of McGrath, Alaska.

B. Basis for establishing the areas of special flood

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of McGrath, Alaska," dated October 4, 2011, and any revisions thereto, with accompanying Flood Insurance Maps, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the offices of the City of McGrath located in the Cap'n Snow Center, Takotna & F Streets. The best available information for flood hazard area identification as outlined in Section 4.3-2 shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under section 4.3-2.

C. Penalties for noncompliance

1. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of McGrath from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and greater restrictions

1. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit or repeal any other powers granted under State statutes.

F. Warning and Disclaimer of Liability

1. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood

hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of City of McGrath, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder. (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

16.05.040 Administration

Development Permit Required

- A. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the “DEFINITIONS,” and for all development including fill and other activities, also as set forth in the “DEFINITIONS.”
- B. Application for a development permit shall be made on forms furnished by the City of McGrath and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
 1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 2. Elevation in relation to mean sea level to which any structure has been floodproofed;
 3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and
 4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

16.05.041 Designation of the Local Administrator

The Public Works Foreman is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

16.05.042 Duties and responsibilities of the Public Works Foreman

Duties of the Public Works Foreman shall include, but not be limited to:

- A. Permit Review
 1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
 3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the *encroachment provisions of Section 5.3(1) are met.*
- B. Use of Other Base Flood Data (In A and V Zones)

When base flood elevation data has not been provided (A and V Zones) in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD

HAZARD, the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, *in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.3 FLOODWAYS.*

C. Information to be Obtained and Maintained

1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 4.3-2, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 2. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 4.3-2:
 - a. Verify and record the actual elevation (in relation to mean seal level), and
 - b. Maintain the floodproofing certifications required in *Section 4.1-2(3).*
- Maintain for public inspection all records pertaining to the provisions of this ordinance.

D. Alteration of Watercourses

1. Notify adjacent communities and the Alaska Dept of Commerce, Community, & Economic Development (DCCED), Division of Community and Regional Affairs
2. Prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
3. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries

1. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in *Section 4.4.* (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

16.05.043 Variance Procedure

A. Appeal Board

1. The city council sitting as the “Board of Appeals” shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Public Works Department in the enforcement or administration of this ordinance.
3. Those aggrieved by the decision of the city council or any taxpayer, may appeal such decision to the Superior Court, as provided in Alaska Statutes 29.40.060.
4. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (i) The danger that materials may be swept onto other lands to the injury of others;
 - (ii) The danger to life and property due to flooding or erosion damage;
 - (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- (iv) The importance of the services provided by the proposed facility to the community;
 - (v) The necessity to the facility of a waterfront location, where applicable;
 - (vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) The compatibility of the proposed use with existing and anticipated development;
 - (viii) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Upon consideration of the factors of **Section 4.4-1(4)** and the purposes of this ordinance, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
 6. The city administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)
- C. Conditions for Variances
1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing **items (i-xi) in Section 4.4-1(4) have been fully considered.** As the lot size increases the technical justification required for issuing the variance increases.
 2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
 3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 5. Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in **Section 4.1-4(4), or conflict with existing local laws or ordinances.**

6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 4.4-2(1), and otherwise complies *with Sections 5.1-1 and 5.1-2 of the GENERAL STANDARDS.*
8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

16.05.050 Provisions For Flood Hazard Reduction

General Standards

In all areas of special flood hazards, the following standards are required:

- A. Anchoring
 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 2. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
- B. AH Zone Drainage
 1. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.
- C. Construction Materials and Methods
 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. Utilities
 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- E. Subdivision Proposals
1. All subdivision proposals shall be consistent with the need to minimize flood damage;
 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
 4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).
- F. Review of Building Permits
1. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (*Section 4.3-2*), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- G.** In all areas of special flood hazards where base flood elevation data has been provided. (Zones A1-30, AH, and AE) as set forth *in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 4.3-2, Use of Other Base Flood Data (In A and V Zones), the following provisions are required:* (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

16.05.51 Residential Construction

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet above the base flood elevation. [340 feet]
- B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 2. The bottom of all openings shall be no higher than one foot above grade.
 3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- C. To comply with the “Lowest Floor” criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area.

- D. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- E. For crawlspace foundation types, construction must follow the guidelines in FEMA TB 11-01, Crawlspace Construction for Structures Located in Special Flood Hazard Areas: National Flood Insurance Program Interim Guidance, specifically:
 1. Below grade crawlspaces are prohibited at sites where the velocity of floodwaters exceed 5 feet per second;
 2. Interior grade of the crawlspace below the BFE [338 feet] must not be more than 2 feet below the lowest adjacent exterior grade (LAG);
 3. Height of the below grade crawlspace, measured from the lowest interior grade of the crawlspace to the bottom of the floor joist must not exceed 4 feet at any point;
 4. Contain an adequate drainage system that removes floodwaters from the interior area of the crawlspace. (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

16.05.052 Nonresidential Construction

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(2);
 4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5.2-1(2);
 5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below).
- B. Manufactured Homes
 1. All manufactured homes to be placed or substantially improved on sites:
 - a. Outside of a manufactured home park or subdivision,
 - b. In a new manufactured home park or subdivision,
 - c. In an expansion to an existing manufactured home park or subdivision, or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood;
 - i. shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately designed foundation system to resist

flotation, collapse and lateral movement.

2. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:

- a. The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation, or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

C. Recreational Vehicles

1. Recreational vehicles placed on sites are required to either:
 - a. Be on the site for fewer than 180 consecutive days,
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the requirements of **5.2-3 above** and the elevation and anchoring requirements for manufactured homes. (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

16.05.060 Before Regulatory Floodway

A. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

16.05.070 Floodways

- A. Located within areas of special flood hazard established in **Section 3.2 are areas designated as floodways**. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 2. If **Section 5.4(1)** is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions **of Section 5.0, PROVISIONS FOR FLOOD HAZARD REDUCTION**. (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

16.050.080 Critical Facility

- A. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above highest adjacent grade or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. (Ord. 12-02 (part) 2011; Prior Code 03-02 (part) 2003)

STATUTORY REFERENCES FOR ALASKA CITIES

The statutory references direct the code user to those portions of the state statutes that are applicable to the laws of the municipality. This reference list is up-to-date through July, 2001. As the statutes are revised, these references will be updated by Matthew Bender & Co., Inc.

General Provisions Personnel system authorized AS 29.20.410

Local government

Alaska Const. Art. X Municipal executive and administrator AS 29.20.220 et seq.

Classification of municipalities

AS Ch. 29.08 Governing bodies 29.20.050 et seq. Municipal enactments

AS 29.25.010 et seq. Manager plan

AS 29.20.460 et seq.

Codification of ordinances

AS 29.25.050 Appointment of officers AS 29.20.360

Home rule

AS Chs. 29.10 and 29.13 Municipal attorney AS 29.20.370 General powers

AS 29.35.010 et seq. Municipal clerk AS 29.20.380 Extraterritorial jurisdiction

AS 29.35.020 Oaths of office AS 29.20.600 Penalties for ordinance violations

AS 29.25.070 Combining offices AS 29.3 5.010 Administration and Personnel

Bonding of offices and employees Elections AS 29.20.6 10

AS 29.26.010-29.26.070

Compensation of elected officers Conflict of interest AS 29.20.620

AS 29.20.010

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STATUTORY REFERENCES

Vacancies in office Sales and use taxes

AS 29.20.170 AS 29.45.700-29.45.710

Open public meetings Municipal debt
 AS 44.62.3 10 AS Ch. 29.47
 Local civil defense organizations Special assessments
 AS 26.20.060-26.20.070 AS Ch. 29.46
 Emergency Disaster Powers Budget and capital program
 AS 29.35.040 AS 29.35.100
 Utility boards Investment pools
 AS 29.20.3 10 AS 29.35.015
 Local health administration Business Licenses and Regulations AS 18. 10.010 et seq.
 Alcoholic Beverages School districts and boards AS 29.35.080 AS 14.12.010 et seq.
 Franchises and permits Local Administration of Schools AS 29.35.060 AS 14.14.020 et seq.
 Animals
 Planning commissions
 AS 29.40.020 Vicious dogs AS Ch. 3.55
 Boards of adjustment
 AS 29.40.050 Health and Safety
 Revenue and Finance Food and drink AS Ch. 17.05 Annual audit
 AS 29.35.120 Garbage and solid waste AS 29.35.050 Acquisition and disposal of property
 AS 29.35.090 Hazardous Waste and Hazardous Materials AS 29.35.500 et seq.
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 AS 29.45.010-29.45.250 Air quality control programs AS 29.35.055
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STATUTORY REFERENCES

Public Peace, Morals and Welfare Public Services
 Enforcement of ordinances Municipally owned utilities
 AS 29.25.070 AS 29.35.070
 Offenses against the person Franchises and permits
 AS 11.41.100-11.41.530 AS 29.35.060
 Offenses against property Public utilities rates
 AS 11.46.100-11.46.990 AS 29.35.070
 Offenses against family Garbage and solid waste services
 AS 11.51.100-11.51.140 AS 29.35.050
 Offenses against public administration Buildings and Construction AS 11.56.100-11.56.900
 Trailer camps
 Offenses against public health and decency AS 18.3 5.010 et seq. AS 11.66.100-11.66.300
 Subdivisions
 Curfew
 AS 29.35.085 Subdivisions and dedications AS Chs. 29.40 and 40.15 Drugs
 AS Chs. 11.71 and 17.30 Zoning
 Weapons
 AS 29.35.145
 Zoning

AS 29.35.180; Ch. 29.40
 Vehicles and Traffic Environment
 Local regulation of traffic Air Quality Control
 AS 28.01.010 AS 29.35.055
 Snow vehicles AS Ch. 5.30
 Streets, Sidewalks and Public Places
 Special assessments and service areas AS Ch. 29.46
 Extraterritorial jurisdiction AS 29.35.020
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CROSS-REFERENCE TABLE

CROSS-REFERENCE TABLE

This table provides users with the current disposition of the sections in the McGrath, Alaska prior municipal code.

Thus, prior code Section 1 of Chapter 1.1 originated in the Code of Ordinances of the City of McGrath, Alaska and currently appears in this code as Section 1.04.0 10.

The prior code section information was derived from the Code of Ordinances of the City of McGrath, Alaska, adopted June 21, 1977.

Prior

Code § Herein Ch. 1.1	1	1.04.010 2	1.04.020 3
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Amends prior code Ch. 9.1, bidding procedures (3.16) Amends prior code Ch. 8.1, dogs (6.04)

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Adds Ch. 10.2 to prior code, subdivisions (16.04)

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Amends prior code § 6 of Ch. 4.1, real property (3.20) Amends prior code § 3 of Ch. 2.3, city council (2.04)

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Amends prior code Ch. 10.1, planning commission (2.60) Amends prior code Ch. 2.16, community health board (Repealed by 91-1)

Amends prior code Ch. 2.19, department of health services (Repealed by 91-1)

Repeals prior code Ch. 11.1 and Ords. 84-5,86-3 and §§ 2, 3, 6-16 of 87-1, water utilities (13.04)

Amends prior code § 10 of Ch. 4.3, real property sales (3.28) Lottery land sale (3.32) Repeals and replaces prior code Chs. 5.1 and 5.2, city election procedures (2.84) Amends prior code § 1 of Ch. 7.1, motor vehicles (10.04) Repeals prior code Chs. 2.18 and 2.24 (Repealer)

Amends prior code § 9 of Ch. 2.20; repeals prior code Ch. 2.13, administration and finance committee (2.52)

Amends prior code § 2 of Chs. 2.20, 2.21, 2.22, 2.23 and 2.26, administration and personnel (2.52, 2.64, 2.68, 2.72)

Amends Ord. 88-2, lottery land sale (3.32)

Adds Ch. 7.6 to prior code, motor vehicle parking (10.20) Amends § 7.8 of Ch. 11.1 of 164

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Amends §§ 2(10), 5(A) of prior code Ch. 1.1; repeals § 9 of prior code Ch. 1.1, general provisions (1.04, 1.20) Amends prior code Chs. 2.2, 2.3, 2.23; repeals prior code Chs. 2.6 § 2(4), 2.23, administration and personnel (2.04, 2.80)

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