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Section 1.01.020 Definitions.

The following definitions apply to this Code and all city ordinances unless the plain meaning requires otherwise:

Administrator: The city administrator.

Alaska resident: A person who is physically present in the state with the intent to remain in the state indefinitely, as demonstrated through the establishment and maintenance of customary ties indicative of Alaska residence defined in 15 AAC 23.143.

City: The City of Gustavus, Alaska, or the area within the territorial limits of the City of Gustavus, Alaska.

Clerk: The city clerk.

Clerk/treasurer: The city clerk or city treasurer.

Code: The Code of Ordinances, City of Gustavus, Alaska; Gustavus City Code.

Council: The City Council of Gustavus, Alaska.

Domicile: The single permanent residence of a person from which the person has no intention of moving. There can only be one (1) domiciled residence.

Law: Applicable federal law, the Constitution and statutes of the State of Alaska, the ordinances of the city, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

Person(s): A corporation, joint venture, joint stock company, company, partnership, firm, club, association, organization, business, trust, or society, as well as a natural person.

Publish: To post a notice within the city in three (3) locations open to the public, one (1) of which shall be the city office(s), for a period of not less than five (5) days.

State: The State of Alaska.

Treasurer: The city treasurer.

Voter: A United States citizen who is qualified to vote in state elections, has been a resident of the City of Gustavus for thirty (30) days immediately preceding the election, is registered to vote in state elections, and has not been convicted of a felony involving moral turpitude unless that person's civil rights have been restored.

(Ord. No. FY18-01 , § 3, 8-14-2017)

Section 2.10.020 Qualifications.

- (a) The mayor shall be a qualified city voter who is a domiciled resident of the city.
- (b) If the mayor ceases to be eligible to be a city voter domiciled in Gustavus, he or she is no longer mayor or council member.

Section 2.20.020 Qualifications of council members.

- (a) ~~A c~~Council members shall be a qualified city voters who is a domiciled city resident.
- (b) A council member who ceases to be eligible to be a city voter domiciled in Gustavus immediately forfeits his or her office.
- (c) In order to serve as a council member, a person must be a domiciled resident of the City of Gustavus for one (1) year immediately prior to the date of the election.

Section 6.01.030 Library advisory committee.

There may be created a library advisory committee, that supports the librarian(s) in the operation of the library.

(Ord. No. FY18-09, § 3, 2-12-2018)

Section 6.03.050 Staff.

- (a) The DRC paid staff shall consist of:
- (1) A department head/(DRC) manager responsible for administration, planning, budgeting, public relations, agency contacts, permitting, regulatory compliance, supervision of DRC employees and volunteers and general operation of DRC facilities. The department head/manager shall be supervised by the mayor or chief administrative officer.
 - (2) A (DRC) operator responsible for all duties and activities to provide DRC services and to maintain the DRC facilities and equipment. The manager and operator duties may be combined into one (1) regular position or divided between two (2) regular positions. If the positions are divided between two (2) individuals, the manager is the supervisor for the operator.
 - (3) One (1) or more temporary DRC assistant operators, whose duties shall include labor and activities to support the DRC operator. The temporary DRC assistant operator(s) are supervised by the DRC operator.
- (b) The DRC is authorized to accept the labor of unpaid volunteers for DRC operations at the landfill site under the supervision and training of DRC paid staff.
- (c) The DRC is authorized to accept the labor of unpaid volunteers for the acceptance, processing, and resale of donated reusable items at the community chest site under the supervision of the ~~community chest advisory subcommittee~~ DRC manager/operator or designee.
- (d) The DRC manager/operator has the authority to negotiate, but not enter into, mutual aid agreements and contracts with other agencies, with review by the city attorney.

(Ord. No. FY18-09 , § 3, 2-12-2018; Ord. No. FY23-01 , § 3, 8-8-2022)

Section 6.04.030 Roads advisory committee.

~~(a) There may be created a standing roads advisory committee that supports the administration in directing road maintenance projects and contracts. The board will have guidelines and objectives specified in policy and procedure. The board shall provide a quarterly report to the city council. Members of the city council may serve on the board as specified in Section 2.40.150, but may not serve as chair.~~

~~(b) In the absence of a standing committee the mayor or chief administrative officer shall be responsible for the committee's duties.~~

~~(c) *Special projects.* The road committee is authorized by the city to submit funding proposals to the State of Alaska, the federal government, or the Gustavus City Council for special road improvement projects that fall outside those activities considered as routine maintenance.~~

~~{Ord. No. FY18-09, § 3, 2-12-2018}~~

~~Section 6.08.040 Environmental advisory committees.~~

~~The City of Gustavus may establish an environmental services advisory committee or subject-specific environmental advisory committees to advise the mayor and the council on general or specific environmental issues that generally impact the community. If the council establishes any committee or committees under this section, the council shall establish the number of persons on the committee, the scope of the committee's authorized work, the length of the term of the committee, and appoint persons to the committee. The council may, in its discretion, terminate any committee created under this section at any time.~~

~~{Ord. No. FY19 21, § 3, 4 & 2019}~~

Section 8.02.040 Marine facilities advisory committee.

- (a) There is established the marine facilities advisory committee, which shall consist of at least four (4) members appointed by the Gustavus City Council. To the extent possible, appointments to the marine facilities advisory committee shall include persons having marine, engineering, financial, and other skills relevant to harbor facility affairs. Appointments shall be for three (3) years, after which a former member is required to wait at least one (1) year before applying for re-appointment. Initial appointments shall be for staggered terms of two (2) and three (3) years.
- (b) Each committee member shall be a qualified voter residing in the City of Gustavus.
- (c) The marine facilities advisory committee shall meet at least quarterly, or as needed.
- (1) At least one (1) member of the marine facilities advisory committee shall be physically present at the designated meeting place in Gustavus for each meeting.
- (2) Marine facilities advisory committee member(s) physically absent from Gustavus may participate by teleconference or other internet platform being utilized by the city.
- (3) If the marine facilities advisory committee falls below three (3) members, the Gustavus City Council shall assume the responsibilities of the committee while recruiting members.
- (d) *Duties.* The marine facilities advisory committee shall review with the harbormaster harbor facility operations, management, administration, ordinances, policies, fees and charges, and shall recommend changes to the harbormaster and city council as necessary or appropriate. The chair of the marine facilities advisory committee shall report to the Gustavus City Council as necessary, but not less than once each calendar quarter.
- (e) *Vacancies.* A vacancy in the marine facilities advisory committee shall exist under the following conditions:
- (1) If a person appointed to membership fails to qualify and take office within thirty (30) days of appointment;
- (2) If a member departs from the City of Gustavus with the intent to remain away for a period of one hundred twenty (120) or more days;
- (3) If a member submits his or her resignation to the Gustavus City Clerk;
- (4) If a member fails to attend three (3) consecutive marine facilities committee meetings.
- (f) *Vacancies declared and filled by Council.* A vacancy shall be declared if one of the conditions in (e) prevails. The vacancy shall be filled according to provisions in Title 2.
- (Ord. No. FY13-20, § 3, 7-11-2013; Ord. No. FY20-12, § 3, 4-13-2020; Ord. No. FY21-14, § 3, 1-11-2021)

Chapter 10.01 DEFINITIONS

Section:

Section 10.01.010 Definitions.

For the purpose of this title, unless the context otherwise requires:

Abstract of title: A condensed history of the title to land together with a statement of all liens, charges, or liabilities to which the land may be subject.

Abandoned property: Those objects which no one claims and which after reasonable search and notice, the mayor or the mayor's designee can find no one to claim, or can find definite evidence some person has abandoned.

Appraisal: An estimation of value of property by a qualified appraiser.

Building inspector: Reserved.

Casual use: The temporary, safe, non-exclusive, non-surface-disturbing and non-commercial use of city land and includes but is not limited to such uses as:

- (1) Hiking;
- (2) Hunting;
- (3) Fishing;
- (4) Short-term camping;
- (5) Picnicking;
- (6) Skiing;
- (7) Snow machining;
- (8) Berry picking;
- (9) Bicycling.

City boundaries: The city limits, established when the city is incorporated, inside which all city ordinance are enforceable.

Competitive disposal: A disposal of property wherein no preference is shown to any prospective bidder or group of bidders.

Condition subsequent: An event that occurs after transfer of title which will act to restore title to the maker of the condition.

Contract of sale: A contract between a willing seller and a willing buyer to transfer title to property.

Deed of trust: An instrument, taking the place and serving the uses of a mortgage, by which legal title to real property is placed in a trustee, to secure the repayment of a sum of money or the performance of other conditions.

Disposal: The act of giving away or selling; the transfer of interest in property.

Disputed claims: Claim for property that is protested by another, or for property which is also claimed by another.

Domiciled resident: One who ~~has resided~~ in the City ~~for at least the thirty (30) days previous~~, maintains an address in the City, and intends to make the City his/her permanent residence~~et~~. There can only be one (1) domiciled residence.

Easement: A right of privilege in another's land, such as the right to cross for a specific purpose. Easements allow passage across real property without granting any other ownership rights in that property.

Eminent domain: The power of a municipality to convert private property to a public use.

Equitable interest: A claim (in property or other) which should be recognized in the interest of fairness or equity.

Evaluate: To judge the quality of.

Fair market value: The highest price, described in terms of money, which the property would bring if exposed for sale for a reasonable time in the open market, with a seller, willing but not forced to sell, and a buyer, willing but not forced to buy, both being fully informed of all the purposes for which the property is best adapted or could be used.

Federal entity: The federal government or an agency thereof.

Hazardous use: A use involving danger; perilous; risky to human health and well-being.

Interest: In property: A right, claim, title, or legal share in that property. Refers to the "bundle of rights," which may be transferred or conveyed separately or in total. Methods of transfer include deed, lease, or easement.

Inventory: A list of property, containing a description of each article of property.

Land: Includes all real property and all rights in real property of whatever kind or nature and under the jurisdiction of the municipality.

Lease: Leases are used to dispose of specific interests in real property without transferring ownership of that property. A contract for exclusive possession of lands for a determinate period.

Legal description: That part of a conveyance document which identifies the land or premises intended to be affected by that conveyance.

Litigation: Contract in a court of justice for the purpose of establishing a right.

Lottery: A plan whereby the right to obtain interest in property, either by purchase or gift, is decided by luck or chance through some type of drawing of names.

Mean high tide: The tidal datum plane of the average of all the high tides as would be established by the National Oceanic and Atmospheric Administration for Gustavus.

Mean high tide line: The intersection of the datum plane of mean high tide with the shore.

Mean low tide: The tidal datum plane of the average of the low tides as established by the National Oceanic and Atmospheric Administration for Gustavus.

Mean lower low tide: At any place subject to tidal influence shall be interpreted as the tidal datum plane of the average of the lower of the two (2) low tides of each day as established by the National Oceanic and Atmospheric Administration for Gustavus.

Miscellaneous property: Any tangible property or items owned by the city and used for municipal purposes which is not land or permanently attached to land and more particularly as defined in AS 29.78.010(10).