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IN THE HOUSE

BY MR. RHODE

HOUSE BILL NO. 118

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to fourth class cities;  
amending Sec. 6, Ch. 150, SLA 1957 as  
amended by Ch. 79, SLA 1959."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. Sec. 6, Ch. 150, SLA 1957 as amended by Ch. 79,  
SLA 1959 is amended to read:

Sec. 6. POWERS OF THE COUNCIL. a. The Council shall  
have the following powers:

(1) To provide suitable rules governing their own  
body and to elect one of their members president of the  
Council.

(2) To provide for necessary water supply,  
electricity, sewerage, and fire protection.

(3) To provide for the impounding and disposal of  
dogs.

(4) To levy and collect a sales tax not to exceed  
two percent in accordance with the procedure set forth in  
Sec. 7 of this Act, and to prescribe the manner of collecting  
said taxes.

(5) To adopt and enforce ordinances relating to  
intoxicating beverages.

(6) To appoint such officers and employees as may  
be deemed necessary.

(7) To make and perform contracts and agreements,

1 not inconsistent with law, with any person, association, or  
2 corporation, with the Federal Government or any agency thereof,  
3 and with any agency or political subdivision of the Territory  
4 of Alaska, including agreements with the Territory for the  
5 rendition of public services.

6 (8) To provide for a curfew.

7 (9) To provide for the construction, maintenance  
8 and operation of roads, trails, and community buildings.

9 (10) To provide through zoning for reasonable  
10 control of land uses.

11 (11) To provide rules for annual and special  
12 elections.

13 (12) OFFENSES: DISPOSITION OF MONEY FROM FINES:  
14 MAGISTRATE. To prohibit drunkenness, gambling, houses or  
15 places of ill fame, disorderly conduct, or conduct endangering  
16 the public peace, public health, or public safety, and define  
17 such offenses, and to prescribe the punishment therefor, but  
18 such punishment shall not exceed in any case a fine of \$25.00  
19 or imprisonment in the village jail not exceeding five days,  
20 which may be set aside if the payment of \$5.00 per day is  
21 made in lieu thereof, or both such fine and imprisonment.  
22 All fines and costs imposed and collected for violation of  
23 village ordinances shall belong to the village and be paid  
24 over to the proper village officer. The village magistrate  
25 shall have jurisdiction of all actions for violations of  
26 village ordinances, and appeals shall lie from his judgment  
27 to the United States District Court for the Division in which  
28 such village is situate, in the same manner as appeals from  
29 the judgment of the ex-officio justices of the peace to the

1 District Court. Proceedings before the village magistrate  
2 shall be in substantial conformity with those proceedings  
3 generally held in a magistrate's court of a second class  
4 city.

5 (13) To make provision for the maintenance of a  
6 village jail and to provide the same with a jailer or to  
7 enter into any contract or agreement not inconsistent with  
8 law, with the Federal government or any agency thereof, or  
9 the State of Alaska, for the incarceration of prisoners.

10 (14) To appoint a clerk, a treasurer who shall be  
11 bonded in an amount not to exceed \$10,000.00 as determined  
12 by the council, an assessor, a village magistrate, a chief  
13 of police, and such other officers or employees as may be  
14 necessary, and receive such compensation as may be provided  
15 by ordinance, but none of such officers or employees shall  
16 be appointed for a term longer than one year nor beyond the  
17 term for which members of the council are elected; provided,  
18 however, that the council may, if it so elects, select such  
19 a clerk, treasurer and municipal magistrate from among its  
20 own number, but no member of the said village council shall  
21 receive compensation for performing duties of any of the said  
22 offices.

23 (15) To take such action by ordinance, resolution,  
24 or otherwise, as may be necessary to protect and preserve the  
25 lives, the health, the safety, and the well-being of the  
26 people of the village and to publish all ordinances.

27 (16) Whenever 35% of the total number of voters in  
28 the last general municipal election held in any incorporated  
29 village shall petition the village council so to do, the

1 council shall cause to be placed upon a separate ballot, at  
2 the next village election, the following question: "For the  
3 sale of intoxicating liquors.....".(yes or no). It  
4 shall be the duty of the regular election officers to canvass  
5 the said ballots and to report the results thereof to the  
6 village council, who shall cause the results to be published.  
7 If, upon receipt of the certificate of election, the village  
8 council finds that a majority of the voters are in favor of  
9 the sale of intoxicating liquors in said incorporated village,  
10 notice thereof shall be forwarded to the office administering  
11 liquor licenses and all applications for licenses within the  
12 said village shall be processed in accordance with the law  
13 herein; and if the village council finds that a majority of  
14 the voters are against the sale of intoxicating liquor in  
15 said incorporated village, notice thereof shall be forwarded  
16 to the office administering liquor licenses and all applica-  
17 tions for licenses within the said village shall thereafter  
18 be denied and no further licenses shall be issued therein for  
19 a period of one year, nor shall the office administering  
20 liquor licenses issue a new beverage dispensary or retail  
21 license for premises located within five (5) miles of said  
22 village; provided, however, if a majority of the voters at a  
23 subsequent election conducted for the purpose and in accord-  
24 ance with the provisions hereof favor the sale of intoxicating  
25 liquor in said village, the office administering liquor  
26 licenses shall, upon application, issue a license to the  
27 same or other premises within said village as were in exist-  
28 ence on the date of the last election, at which a majority of  
29 the voters prohibited the sale of intoxicating liquor, and a

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1 priority shall be given to those applicants who were licensees  
2 and whose licenses were not renewed by reason of the last  
3 election conducted under the provisions of this Act, said  
4 license shall be issued irrespective of any resulting restric-  
5 tion which arose subsequent to the prohibiting election;  
6 provided, however, at the next general election following the  
7 enactment of this Act, there shall be placed upon a separate  
8 ballot the question: "For the sale of intoxicating liquors...  
9 ..... " (yes or no). The election and the recording of  
10 the results thereof shall be conducted in accordance with the  
11 procedure set forth above.

12 (17) To increase by ordinance the number of village  
13 councilmen from five to seven.

14 b. All meetings of the Council shall be open to the  
15 public, and the Council shall post notice of each meeting in  
16 N at least three public places within the city. The notice  
17 E shall be made at least 15 days before any meeting and shall  
18 W state the time, date, and place of the meeting. If the  
19 Council holds meetings regularly, a general notice may be  
20 kept posted in at least three public places within the city  
21 stating the time, day of the week, and place of the regular  
22 meeting, and no other notice is required.

23 (1) By initiative the qualified voters of a fourth  
24 M class city may provide that in order for any ordinance of the  
25 A Council to be effective, it must be approved by a majority of  
26 T a quorum of the qualified voters present at the Council  
27 T meeting at which it was enacted.

28 E (2) The initiative shall be enacted in accordance  
29 R with the provisions of Ch. 137, SLA 1959 and shall state what

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N percent of the qualified voters of the city constitutes a  
E quorum for voting on Council ordinances. The quorum may not  
W be smaller than 20 percent of the qualified voters who voted  
in the last city election.

(3) In the absence of a quorum of the qualified voters, the meeting may adjourn from time to time until a quorum for voting on Council ordinances enacted at the meeting is obtained.

(4) The President of the Council is the chairman of the meeting. He shall conduct the meeting in accordance with the rules established by the Council, and he may expel from the meeting persons who conduct themselves in a disorderly manner or who refuse to abide by the rules. In the absence of Council rules, the meeting shall be conducted substantially in accordance with Robert's Rules of Procedure.