

**CITY OF GUSTAVUS
Ordinance FY18-09**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE
REVISIONS OF CITY ORDINANCE TITLE 6,**


BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLWWS:

- Section 1. Classification. This ordinance is of general and permanent nature and shall become a part of the City of Gustavus Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and its application to other persons, or circumstances shall not be affected thereby.
- Section 3. Enactment. Now therefore, it is enacted by the Gustavus City Council that this revision of Title 6 deletes Title 6 in its entirety and adopts the new Title 6 attached.
- Section 4. Effective Date. This ordinance becomes effective upon its adoption by the Gustavus City Council.

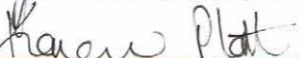
Date Introduced: January 15, 2018

Date of Public Hearing: February 12, 2018

PASSED and APPROVED by the Gustavus City Council this 12th day of February, 2018



Jake Ohlson, Vice Mayor



Attest: Karen Platt City Clerk

City of Gustavus, Alaska Municipal Code

Title 6

City Departments and Contracted Service

Chapter: 6.01 Gustavus Public Library

Sections:

- 6.01.010 Library Established**
- 6.01.020 Management**
- 6.01.030 Library Advisory**
- 6.01.040 Staff**
- 6.01.050 Statement of Library Policy**
- 6.01.060 Use of the library**
- 6.01.070 Failure to Return Library Property**

Section 6.01.010 Library Established

There shall be a library in and for the City of Gustavus known as the Gustavus Public Library, owned and operated by the City of Gustavus as a City Department.

Section 6.01.020 Management

The City Council of the City of Gustavus shall have overall authority over and responsibility of the library.

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.

Section 6.01.040 Staff

The librarian(s), under the supervision of the mayor, or chief administrative officer, shall direct the services and perform all administrative tasks necessary for efficient and economical operation of the library.

Section 6.01.050 Statement of Library Policy

- (a) The library shall be operated in conformance with applicable federal and state laws and regulations including but not limited to:
- (1) AS 09.25.140, Confidentiality of Library Records.
 - (2) AS 14.56.030, State Library Programs.
 - (3) 4 AAC 57.020-33, Annual Report Library Operations.

- (b) The City of Gustavus adopts the American Library Association Library Bill of Rights and Freedom to Read. These documents will be maintained for reference in the Gustavus Public Library.

Section 6.01.060 Use of the library

- (a) All persons shall be extended the privilege of using the library, subject to Policy on Rules of Conduct - Exclusion, as amended.
- (b) A librarian, or librarian designee, may prohibit any person from using the library who willfully or persistently violates any rule or whose demeanor is deemed dangerous or offensive to other persons, as described in Policy on Rules of Conduct - Exclusion.

Section 6.01.070 Failure to Return Library Property

- (a) The librarians shall set and fix any overdue fees and materials replacement charges and may suspend library privileges for delinquent or non-returned library materials.
- (b) Any person who, after notice is provided under Section 6.01.060(a) does not return library material for sixty (60) days, shall be billed for the full replacement cost of the material(s) plus administrative fees and shall be subject to suspension of library privileges.

City of Gustavus, Alaska Municipal Code

Title 6

City Departments and Contracted Service

Chapter: 6.02 Fire Department and Emergency Medical Services

Sections:

- 6.02.010 Fire Department Established**
- 6.02.020 Service Area**
- 6.02.030 Fire Chief**
- 6.02.040 Provisions for Support of the Volunteer Fire Department**
- 6.02.050 Equipment**
- 6.02.060 Authorization**
- 6.02.070 Charges**

Section 6.02.010 Fire Department Established

There shall be a fire department in and for the City of Gustavus, Alaska, to be known as the Gustavus Volunteer Fire Department (GVFD), that shall comply with all rules and regulations pertaining to fire and emergency medical services (EMS) as set forth in 13 AAC 52.030, Standards of Organization and Services of a Fire Department. It shall consist of a fire chief, supervised by the mayor or chief administrative officer, and as many other officers, firefighters, EMS, hazmat and search and rescue (SAR) responders as the chief deems appropriate for the effective operation of the department. Members of the fire department may include both paid and unpaid individuals.

Section 6.02.020 Service Area

- (a) The Gustavus Volunteer Fire Department shall serve as the primary emergency response agency within Gustavus city limits, except where within Federal jurisdiction.
- (b) The fire chief has the authority to negotiate mutual aid agreements and memorandums of agreement or understanding, for signature by the mayor after approval by the city council.

Section 6.02.030 Fire Chief

- (a) The department shall be supervised by the fire chief, who shall be appointed by the mayor or chief administrative officer, with input from GVFD volunteers and search committee, which search committee would be appointed by the city council, and with confirmation by the city council. The fire chief shall be a person who is technically qualified by training and who has the managerial experience and leadership skills to administer and command the fire department.

- (b) The fire chief shall determine the number and kind of divisions and companies of which the fire department shall be composed; and shall determine the response of these units to alarms.
- (c) The fire chief shall appoint all other officers and firefighters/EMS/hazmat/SAR responders. Such appointments will follow fair and impartial evaluations. All paid positions within the department shall be established by the council and shall be staffed in accordance with City of Gustavus employment ordinances and policies and procedures. All officers shall report to and be supervised by the fire chief or to the fire chief's representative as designated by the fire chief.
- (d) The fire chief shall at least twice each month provide for suitable drills or instruction in the operation and handling of equipment, in the area of EMS, rescue work, salvage, preplans, fire prevention, water supplies, and all other matters generally considered essential to good fire suppression and safety of life and property.
- (e) The fire chief shall assist the proper authorities in suppressing the crime of arson by investigating or initiating the investigation of the cause and origin of fires within the city limits as required by 13 AAC 52.030(b-4).
- (f) The fire chief shall see that complete records are kept of all apparatus, equipment, personnel, training, fires, preplans, and other department activities.
- (g) Reports.
 - (1) The fire chief shall make periodic reports to the city council, as scheduled by the council, providing updates on the volunteer roster, participation in drills, frequency and type of call-outs, the status of equipment, grant and training opportunities, the budget, and other items considered pertinent by the fire chief.
 - (2) Incident reports will be filed with the state fire marshal as requested and scheduled by the state fire marshal.
- (h) The fire chief shall arrange for the services of a medical director and shall coordinate with the medical director to provide for safety, effectiveness, and legal compliance in responses to medical emergencies.
- (i) The fire chief shall prepare, submit, and administer the fire department budget.
- (j) The fire chief is authorized in accordance with city policy and procedures to develop and submit applications for grant funding to support the fire department and is responsible to recommend to the city council capital investments and purchases for the effective operation of the department.
- (k) The fire chief is responsible to safeguard and maintain all property of the fire department.
- (l) The fire chief shall develop, maintain, and enforce a comprehensive set of operating procedures or guidelines governing the discipline, training, and operation of the fire department. The fire chief shall have the authority to carry out the enforcement of these rules and regulations and is authorized to suspend or remove from service any officer, employee, member or volunteer.
- (m) The fire chief is responsible for the enforcement within the City of Gustavus of State of Alaska laws as authorized under AS 18.70.090, Enforcement Authority, and AS 18.70.075, Authority of Fire Department Officers; Penalty.
- (n) The fire chief shall perform duties incident to the office and such other reasonable duties as the mayor and/or city administrator may assign.

Section 6.02.040 Provisions for Support of the Volunteer Fire Department

- (a) *Insurance and workman's compensation.* The City of Gustavus will maintain liability insurance and workman's compensation covering the volunteers on all responses and training. Compensation shall be based on the guidelines set forth in 13 AAC 52.040, Workers Compensation for Volunteer Firefighters.
- (b) *Private vehicles of volunteers.* Each member of the department driving a private vehicle may be issued a suitable insignia to be attached to the vehicle designating him or her as a member of the department.
- (c) *Volunteer Association.* The Gustavus Volunteer Fire Department may sponsor a volunteer association to be established as a separate NGO to support programs benefiting and recognizing department volunteers.
 - (1) The volunteer association may conduct fund-raising activities to support its programs and activities.
 - (2) The City Council is authorized to appropriate funds within the Fire Department budget for volunteer association programs and activities as proposed by the volunteer association and accepted by the Council.

Section 6.02.050 Equipment

- (a) The fire chief shall be responsible to the city council for recommending such apparatus or other firefighting equipment as may be required to maintain fire department efficiency, and for providing suitable equipment for reporting fires or emergencies, and for notifying all members of the department to assure prompt response to such incidents.
- (b) All property used by the fire department is and remains the property of the City of Gustavus, and all expenses of the fire department shall be paid according to current purchase order policy and/or ordinance.
- (c) The fire chief or the fire chief's representative shall have the power to assign equipment for the response 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 of the City of Gustavus.

Section 6.02.060 Authorization

The fire department of the city is authorized to operate and maintain an ambulance for the purpose of providing emergency transportation to those individuals in need of emergency medical care. The department ambulance shall be considered an authorized emergency vehicle. (Ord. of 4-14-201-1-HI)

Section 6.02.070 Charges

The charges for use of, and the services provided by each city ambulance shall be set forth in resolution by, the Gustavus City Council. It is the responsibility of the patient or individual transported to pay the charges for ambulance service provided by the city.

- (a) The Chief will develop a policy and procedure for Council approval, for emergency medical response services including basic life support, advanced life support, and transport.

- (b) If more than one patient is transported, mileage or delay charges only shall be apportioned between them equally. Each patient shall be individually responsible for the un-shared charges related to his or her acuity level.
- (c) Active members of the volunteer fire department and their immediate families may be exempted from emergency medical response charges.

City of Gustavus, Alaska Municipal Code

Title 6

City Departments and Contracted Service

Chapter: 6.03 Waste Disposal and Recycling

Sections:

- 6.03.010 Disposal and Recycling Center Established**
- 6.03.020 Reserved (Service Area)**
- 6.03.030 Mode of Operation and Mission Statement**
- 6.03.040 Services Provided**
- 6.03.050 Staff**
- 6.03.060 Fees, Prices, and Standards, and Hours of Operation**

Section 6.03.010 Disposal and Recycling Center Established

A Disposal and Recycling Center (DRC) is hereby established to serve the community of Gustavus, Alaska and to be managed as a department of the City of Gustavus, Alaska. The purpose shall be to provide means for residents and businesses to process the community waste stream efficiently, responsibly, and in compliance with all applicable City, State and Federal laws and regulations. The DRC absorbs the functions and facilities of the pre-City Gustavus Landfill and the Gustavus Community Chest. The Community Chest shall continue as a unit of the DRC responsible for the acceptance, processing and resale of reusable items.

Section 6.03.020 Reserved (Service Area)

Section 6.03.030 Mode of Operation and Mission Statement

The mission of the Gustavus Disposal & Recycling Center and Community Chest is to reuse locally or to recycle as much material from the community's waste stream as possible. What cannot be reused or recycled is disposed of in a safe and environmentally responsible manner.

The DRC shall be managed as an Integrated Resource Recovery and Waste Disposal Facility (IRRWDF).

Operating funds shall be generated from user fees, the sale of reusable items, the sale of DRC generated products such as compost, the sale of recyclable commodities such as minimum, fundraising and donations. All revenue generated by the DRC shall be returned to the City's general fund except as provided in 06.03.040(h).

Capital and special project funds may be raised through grants from public and private agencies, and from donations.

Section 6.03.040 Services Provided

The DRC shall provide the following integrated services:

- (a) Acceptance and resale of donated reusable items;
- (b) Acceptance, processing and shipping of recyclable materials, such as glass, metal, plastic, and paper products;
- (c) Acceptance of organic materials such as food and yard waste for composting;
- (d) Acceptance of household and business waste and construction and demolition debris for land-filling;
- (e) Acceptance, processing, and shipping of selected household and business hazardous wastes;
- (f) Contracted waste pick-up for business and government facilities;
- (g) Resale of reusable items within the community with proceeds to support DRC operation or to fund special community humanitarian needs as approved by the DRC advisory committee;
- (h) Sale of landfill-generated products such as compost, wood chips, crushed and pulverized glass with proceeds to support DRC operations.

Section 6.03.050 Staff

- (a) The DRC paid staff shall consist of:
 - (1) DRC Manager/Operator, serves as the department head and is responsible for administration, planning, budgeting, public relations, agency contacts, permitting, regulatory compliance, supervision of DRC employees and volunteers and general operation of DRC facilities. Operating duties shall include labor and activities to provide DRC services and to maintain the DRC facilities and equipment. The DRC Manager/Operator shall be supervised by the Mayor or chief administrative officer.
 - (2) One or more part-time DRC Assistant Operators, supervised by the DRC Manager/Operator, whose duties shall include labor and activities to provide DRC services and to maintain DRC facilities and equipment.
- (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.
- (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.

Section 6.03.060

Fees, Prices, and Standards, and Hours of Operation

- (a) The DRC shall set user fees and product prices for all DRC landfill site services and products with approval of the City Council by resolution. Temporary price changes or one-time material sales may be permitted by the DRC Manager/Operator with the approval of the mayor or chief administrative officer.
- (b) The Community Chest volunteers shall set prices for donated reusable items with the oversight of the DRC Manager/Operator.
- (c) The DRC is authorized to establish reasonable standards for the receipt of waste stream materials and to refuse to accept materials that do not meet posted standards. The DRC specifically may require customers to segregate recyclables from wastes and to deposit them in designated bins or locations.
- (d) The DRC shall set hours and days of operation to reflect seasonal demand and budget constraints. Temporary changes or closures are subject to approval by the mayor or chief administrative officer and permanent changes are subject to approval by the City Council.

City of Gustavus, Alaska Municipal Code

Title 6

City Departments and Contracted Service

Chapter: 6.04 Road Maintenance

Sections:

- 6.04.010 Road Maintenance Powers Adopted**
- 6.04.020 Scope of Services**
- 6.04.030 Roads Advisory Committee**
- 6.04.040 Road Maintenance Standards**
- 6.04.050 Contracting of Services**
- 6.04.070 Gustavus Road Map**
- 6.04.080 Use of Forest Receipts Funds**
- 6.04.110 Limitation of Obligations**
- 6.04.120 Limitation of Road Service**
- 6.04.150 Parking During Maintenance and Snow Removal**

Section 6.04.010 Road Maintenance Powers Adopted

The City of Gustavus hereby adopts road maintenance powers for the benefit of residents of the city.

Section 6.04.020 Scope of Services

The City of Gustavus shall provide maintenance services, by contract to outside firms or individuals, within the city limits for all constructed, publicly dedicated roadways except those maintained by the State of Alaska Department of Transportation and Public Facilities or by the U.S. Department of the Interior, National Park Service. Maintenance services may include improvements-such as widening, ditching, culvert installation, and embankment improvements- to constructed roadways within publicly dedicated rights-of-way. The city shall not be responsible for road construction nor for the maintenance of rights-of-way for subdivision roads that were left unconstructed by the subdivider or by subsequent owners, or that were not constructed to City minimum road standards.

Section 6.04.030 Roads Advisory Committee

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 2.40.150, but may not serve as chair.

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

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 .

Section 6.04.040 Road Maintenance Standards

Road maintenance standards shall be maintained and posted on the city web site.

Section 6.04.050 Contracting of Services

A road main tenance contractor shall be selected in accordance with City purchasing policy and procedures. A request for quotation (RFQ) and contract documents shall be prepared by the city clerk, with selection and award to be made in accordance with city purchasing policies and procedures. The City may contract with any qualified firm for special projects or services following City purchasing policies and procedu res.

Section 6.04.070 Gustavus Road Map

A map of roads within the City of Gustavus shall be maintained according to a plan and standards set out in policy and procedure. Roads can be added or deleted from the map following appropriate policy and procedure and approval by the city council.

Section 6.04.080 Use of Forest Receipts Funds

The City of Gustavus is obligated to use funds received through the U.S. Forest Service Forest Receipts program only for the maintenance of city roads but the Council may appropriate road maintenance funding from its savings accounts or general revenue stream as needed to meet road maintenance requirements, or to complete capital improvement road projects.

Section 6.04.110 Limitation of Obligations

The adoption of this power by the city in no way obligates the city to maintain all of the aboꝑe-mentioned roads nor keep them free of snow at all times.

Section 6.04.120 Limitation of Road Service

The City of Gustavus is obligated to maintain roads and remove snow only to the extent that thre are sufficient funds within the budget to do so.

Section 6.04.150 Parking During Maintenance and Snow Removal

City residents m ust park off city main tained roads during maintenance and snow removal and may not store equipment, materials , vehicles , vessels, trailers or other items in the road easement such that maintenance access is hindered. This requirement does not preclude temporary vehicle parking along roadsides at tim es when maintenance is not scheduled or expected .

City of Gustavus, Alaska Municipal Code

Title 6

City Departments and Contracted Service

Chapter: 6.06 Social Services

Sections:

- 6.06.010 Reserved**
- 6.06.020 Preschool and/or Child Care Programs**
- 6.06.030 Management**
- 6.06.040 Mandatory Minimum Qualifications of the Contracted Organization**
- 6.06.050 Financial Support**
- 6.06.060 Other Assistance**

Section 6.06.010 Reserved

Section 6.06.020 Preschool and/or Child Care Programs

The City of Gustavus hereby adopts powers to provide monetary and other assistance to a qualified organization which provides preschool and/or child care programs. The City may contract with a qualified service provider, in the sole discretion of the City Council.

Section 6.06.030 Management

The qualified provider shall have overall authority over and responsibility for all its program.

Section 6.06.040 Mandatory Minimum Qualifications of the Contracted Organization

- a) The provider currently meets all State licensing requirements.
- b) The provider shall not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or on any other basis that is prohibited by federal, state, or local law.
- c) The provider admits students of any race, color, national origin, and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the public school.
- d) The provider must supply insurance for property, workers compensation and general liability as specified by the City with the City of Gustavus designated as an additional insured.

Section 6.06.050 Financial Support

The Gustavus City Council shall annually consider the needs of preschool and/or child care programs and may obligate funds to supplement the provider's operating budget, in the sole discretion of the City Council, provided that:

- a) The qualified provider applies for funds during the City's budget cycle as directed by the City's Policy and Procedures.
- b) The City's operating budget has sufficient revenue to provide this funding.
- c) The mandatory minimum requirements listed in Section 6.06.040 above are met.
- d) The provider is in compliance with the City's reporting requirements as outlined in policy and procedure.
- e) The amount obligated annually shall not exceed 20% of the service provider's operating budget; the operating budget considered for this funding cap shall not include in-kind or donated funds and/or goods and services.

Nothing herein precludes the provider from applying for separate City funding or the City appropriating funds for capital projects or non-operational expenses.

Nothing in this Section obligates the City to provide any funding to any provider even if the provider is qualified under this Section.

Section 6.06.060 Other Assistance

The City of Gustavus may consider assisting the provider as a partner on grant proposals and/or as a pass-through funder on a case-by-case basis.

City of Gustavus, Alaska Municipal Code

Title 6

City Departments and Contracted Service

Chapter : 6.07 Economic Development

Sections:

- 6.07.010 Reserved**
- 6.07.020 Gustavus Visitors Association**
- 6.07.030 Minimum Requirements**
- 6.07.040 Financial Support**

Section 6.07.010 Reserved

Section 6.07.020 Gustavus Visitors Association

A request to provide funding for economic development services provided by the Gustavus Visitor Association was included in the 2003 petition to incorporate a city government in Gustavus. This authority was codified in Section 04.14.220 of this code which provides authority for the use of room tax for general expenses of the city and tourism enhancement activities. The City of Gustavus hereby clarifies the use of room tax revenue for tourism enhancement; this revenue, when allocated may be used by the Gustavus Visitor Association for all activities that enhance the City of Gustavus as a visitor destination; including personnel, advertising, materials, contracted services and reserve funds in accordance with GVA's annual marketing and/or business plan and approved budget. Additional tourism enhancement services, not provided by GVA, may also be funded with room tax revenue.

Section 6.07.030 Minimum Requirements

The Gustavus Visitor Association shall:

- a) Retain its 501(c)3 status.
- b) Report to the Gustavus City Council as outlined in policy and procedure.

Section 6.07.040 Financial Support

The Gustavus City Council shall annually consider the needs of economic development services and may obligate funds to supplement the Gustavus Visitor Association's operating budget, provided that:

- a) The City's operating budget is sufficient to provide this funding.
- b) The GVA applies for funds during the City's budget cycle as outlined in policy and procedure.
- c) The mandatory requirements listed in Section 6.07.030 above are met by GVA.

