

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2011-13

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA REPEALING SITKA GENERAL CODE CHAPTER 4.16 ENTITLED "FUEL FLOW TAX" AND CHAPTER 11.58 ENTITLED "FOR HIRE VEHICLES AT THE SITKA AIRPORT"

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become part of the Sitka General Code ("SGC").

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. **PURPOSE.** The purpose of this ordinance is to repeal SGC Chapter 4.16 entitled "Fuel Flow Tax" and Chapter 11.58 entitled "For Hire Vehicles at the Sitka Airport." These chapters were put in place when the City and Borough of Sitka operated the airport. However, on June 1, 1997, the City and Borough of Sitka entered into a new lease agreement with the State of Alaska in which the City and Borough of Sitka only owns and operates the terminal building while leasing the terminal building land from the State of Alaska. The City and Borough of Sitka no longer operates the airport or any other functions of the airport except the terminal building. Therefore, both these code chapters are no longer enforceable and should be repealed.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC Chapter 4.16 entitled "Fuel Flow Tax" and Chapter 11.58 entitled "For Hire Vehicles at the Sitka Airport" are repealed (new language underlined; stricken language deleted):

Title 4 REVENUE AND FINANCE

Chapters:

- 4.04 Budgetary Organization
- 4.05 Marine Passenger Fee Fund
- 4.06 Allocation of Revenues from Sale of Water
- 4.09 Sales Tax
- 4.12 Property Tax
- 4.16 ~~Fuel Flow Tax~~
- 4.17 Driver Facility Charge
- 4.19 Sitka Permanent Fund
- 4.20 Miscellaneous Fees
- 4.24 Hotel, Motel and Bed and Breakfast Transient Room Tax
- 4.26 Excise Tax on Cigarettes and Tobacco Products
- 4.28 Investment Policy
- 4.32 Debt Service Priority

- 4.35 Delinquent Accounts**
- 4.40 Uncollectable Accounts and Bad Debt Write-Offs**
- 4.42 Small Business Guaranteed Loan Program**
- 4.44 Southeast Economic Development Fund**

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Chapter 4.16 FUEL FLOW TAX

Sections:

~~4.16.010 Sitka Airport fuel flow tax.~~

~~4.16.010 Sitka Airport fuel flow tax.~~

~~A. A tax is levied on all motor fuel as defined in AS 43.40.100(a), and all other aviation petroleum products which are dispensed into aircraft at the Sitka Airport.~~

~~B. The tax is two cents per gallon.~~

~~C. The distributor shall be responsible for collecting the tax from the consumer. If the distributor has reasonable cause to believe that fuel sold is ultimately destined to be dispensed to an aircraft at the Sitka Airport, he shall require the customer to pay the tax at the time of the sale or cause the customer to sign a statement that the fuel is not going to be dispensed into an aircraft at the Sitka Airport.~~

~~D. It shall be a misdemeanor to falsely sign or cause to sign, such a statement or to do so with false intent. The maximum fine shall be five hundred dollars.~~

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Title 11 VEHICLES AND TRAFFIC

Chapters:

- 11.04 Definitions**
- 11.08 Enforcement**
- 11.12 Administration**
- 11.13 Alaska Administrative Code Adopted**
- 11.16 Obedience to Regulations**
- 11.17 Vehicle Weight and Load Limitations**
- 11.24 Traffic-Control Devices**
- 11.28 Alaska Statutes Adopted**
- 11.32 Turning Movements**
- 11.36 One-Way Streets and Alleys**
- 11.40 Stopping, Standing and Parking**
- 11.44 Miscellaneous Driving Rules**
- 11.48 Miscellaneous Offenses**
- 11.52 Vehicle Safety and Accessory Equipment**
- 11.54 Truck Routes**

11.56 Taxicabs
11.58 ~~For Hire Vehicles at the Sitka Airport~~
11.60 Impounding Vehicles
11.64 Pedestrians
11.68 Bicycles
11.70 Helmet Requirements for Young Persons Riding Certain Vehicles

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Chapter 11.58
~~FOR HIRE VEHICLES AT THE SITKA AIRPORT~~

Sections:

~~11.58.010~~ Permit and fee.

~~11.58.020~~ Penalty.

~~11.58.010 Permit and fee.~~

~~Section 3 and Section 4.d of the rules and Regulations for Operation of Air Terminals shall govern use of the airport by taxis, limousines, and buses including fees for such use.~~

~~11.58.020 Penalty.~~

~~A. Operation of "for hire" vehicles at the Sitka Airport without a permit is a violation which shall be punished by a five hundred dollar fine.~~

~~B. Failure to pay the monthly fee shall result in forfeiture of the violating company's permit for one year.~~

5. **EFFECTIVE DATE.** This ordinance shall become effective the day after the date of passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this ____ day of _____, 2011.

Cheryl Westover, Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk