

Title 8

Health and Safety

Chapters:

- 8.04 Board of Health
- 8.06 Abandoned Property
- 8.08 Solid Waste Disposal
- 8.12 Garbage Disposal
- 8.16 Unlawful Disposal Practices
- 8.20 Food Service
- 8.24 Penalties

Chapter 8.04 Board of Health

Sections:

- 8.04.010 Created--Composition.
- 8.04.020 Title.
- 8.04.030 Duties and powers.
- 8.04.040 Quarantine--Infectious diseases.
- 8.04.050 Regulations adoption.

8.04.010 Created--Composition. For the purpose of caring for the public health of the people of the City, and enforcing regulations, rules and ordinances, regarding or concerning public health, and such other rules and regulations as the Board of Health may deem it advisable to enact, a Board of Health for this City is created consisting of the Mayor, who shall be *ex officio* chairman, the members of the City Council, the Chief of Police; and, whenever practicable, a licensed physician and/or a registered nurse shall be a member of such board. (Prior code Sec. 6.010)

8.04.020 Title. For the purposes of this title, the Board of Health shall hereinafter be referred to as the Board. (Prior code Sec. 6.010)

8.04.030 Duties and powers. A. The Board shall see that all health ordinances, regulations and rules are enforced, and from time to time, make and promulgate, and enforce such further orders, rules and regulations, within reason, for the protection of the general health of this city. The Board shall aid and assist in the enforcement of the laws of the State of Alaska concerning public health.

B. A majority of the Board shall have the power to direct the entry upon or in any premises within the city, by a designated person, at all reasonable hours, when they have reasonable cause to believe that there exists filth to such a degree as to constitute a menace to public health, or where they have knowledge of a contagious or infectious disease, for the purpose of seeing that ordinances or rules, orders or regulations of the Board are duly observed, and for the purpose of enforcing such ordinances, or rules and regulations and to take such other reasonable measures as may be necessary to prevent the spread of disease. (Prior code Sec. 6.015)

8.04.040 Quarantine--Infectious diseases. The Board shall establish and enforce such quarantine regulations to control infectious diseases as may be necessary to safeguard the public health. For the purpose of this chapter infectious diseases shall include the following: Amoebic dysentery, bacillary dysentery, plague, cholera, smallpox, yellow fever, typhus fever, leprosy, typhoid fever, malaria, scarlet fever, puerperal septicemia, measles, diphtheria, infantile paralysis, cerebrospinal meningitis, erysipelas, whooping cough, glanders, mumps, epidemic influenza, or other epidemics. Cases of pulmonary tuberculosis, trachoma, gonorrhea, syphilis, lympho-granuloma vereneum, granuloma inguinal, or chancroid, where the usual precautions to prevent the spread of the disease to others are neglected and where other persons may become infected because of this negligence are also considered contagious or infectious diseases. (Prior code Sec. 6.020)

8.04.050 Regulations adoption. The Board may make such regulations regarding protection of the public health as it deems necessary, said regulations to be approved by the Council, and, except in an emergency declared by the Council, posted for not less than ten days in three public places within the City before becoming effective. (Prior code Sec. 6.045)

*For statutory authorization for advisory, administrative, technical or quasi-judicial boards see AS Sec. 29.20.320.

Chapter 8.06 Abandoned Property

Sections:

- 8.06.010 Purpose.
- 8.06.020 Wrecked, junked or abandoned property declared public nuisance.
- 8.06.030 Acts prohibited.
- 8.06.040 Notice to owner of property of violation of Ordinance and demand for removal.
- 8.06.050 Failure to remove property after notice constitutes violation.

- 8.06.060 Removal of property by city: Action to recover removal costs.
- 8.06.070 Notice of removal - Redemption.
- 8.06.080 Sale of property removed under this ordinance-- Authorized.
- 8.06.090 Sale and hearing notice requirement.
- 8.06.100 Contents of sale notice.
- 8.06.110 Sale.
- 8.06.120 Impound fees.

8.06.010 Purpose. The purpose of this ordinance is to control the unauthorized parking, storage or abandonment of vehicles, equipment or other property on city-owned land. (Ord. 87-19 Sec. 2, 1987)

8.06.020 Wrecked, junked or abandoned property declared public nuisance. A vehicle, trailer, equipment or other property in a wrecked or junked condition left on city land in excess of seventy-two (72) hours whether attended or not shall constitute rubbish, unsightly debris and a public nuisance detrimental to the health, safety and welfare of the inhabitants of the City. A vehicle, trailer, equipment or other property left on city land in excess of thirty (30) days shall be considered abandoned and a public nuisance detrimental to the health, safety and welfare of the inhabitants of the City. (Ord. 87-19 Sec. 2, 1987)

8.06.030 Acts prohibited. No person shall park, store or leave a vehicle, trailer, equipment or other property, without authorization from the City Manager, in a wrecked or junked condition on city land in excess of seventy-two (72) hours or in an abandoned condition in excess of thirty (30) days. (Ord. 87-19 Sec. 2, 1987)

8.06.040 Notice to owner of property of violation of ordinance and demand for removal. The City Manager shall give written notice to the owner, if known, of the property that is in violation of this ordinance demanding that the property be removed from city land within seventy-two (72) hours. Such notice may be given by personal service, or by registered mail with return receipt requested. (Ord. 87-19 Sec. 2, 1987)

8.06.050 Failure to remove property after notice constitutes violation of ordinance. If the notice is given as provided in Section 8.06.040 and the person upon whom such notice and demand is made shall fail to remove the property, then such person shall be in violation of this ordinance and subject to the fine established in Section 1.08.040 of the Seldovia City Code (Ord. 87-19 Sec.2, 1987; Ord. 16-06)

8.06.060 Removal of property by City: Action to recover removal costs. The City Manager may after giving the notice required by Section 8.06.050 and after waiting seventy-two hours, have the property removed by a city truck or by a commercial garage to any suitable place for the disposal of rubbish and unsightly debris for disposal or for storage and impounding. If the owner is

unknown, the property in violation of the ordinance may be removed immediately. The City Manager may file an action in the name of the City in the appropriate court, against any person upon whom he served the demand required by Section 8.06.050, for the purpose of recovering the cost of removing and storing such property, together with costs of court, in the event the proceeds of any sale shall be insufficient to recover such costs. (Ord. 87-19 Sec. 2, 1987)

8.06.070 Notice of removal - Redemption. If abandoned property is removed, the City Manager shall give notice to the owner, if known and lienholders of record, if any, within thirty (30) days of removal, of the grounds for removal and the location of the place of impoundment. This notice shall be sent by certified mail, with return receipt, on the legal owner. A person who presents satisfactory proof of ownership or right to possession may redeem property removed under this ordinance at any time before sale under Section 8.06.110 of this ordinance by paying the charges of removal, storage, notice and other costs of impoundment. (Ord. 87-19 Sec. 2, 1987)

8.06.080 Sale of property removed under this ordinance - Authorized. Any property as described in Section 8.06.020 of this ordinance that is removed as set forth in Section 8.06.060 hereof may be sold to recover the costs of such removal. (Ord. 87-19 Sec. 2, 1987)

8.06.090 Sale and hearing notice requirement. If the property as described herein remains unclaimed for a period of 30 days, the City shall give the owner notice of a right to a hearing to be held by the City Manager no less than 10 days after service of the notice. The notice shall state that the City proposes to sell the property in violation of this ordinance 20 days after the hearing date is set and that the owner will have the opportunity to object to the proposed sale at the hearing. Personal notice of the sale shall be forwarded to the owner at his last known address by certified mail. If the owner cannot be ascertained after diligent inquiry, then said notice of sale shall be posted on the property and in three public places within the City of Seldovia. Notice of sale shall also be published at least once in a newspaper of local distribution not less than 15 days prior to the date set for the sale. (Ord. 87-19 Sec. 2, 1987)

8.06.100 Contents of sale notice. Each notice of sale as described in section 8.06.080 of this ordinance shall contain a description of the property including its license number, serial number and manufacturer, if any, together with the time and place of sale and the name and address of the last known legal owner. If owner is not known, the words "Owner Unknown" shall appear on the notice. (Ord. 87-19 Sec. 2, 1987)

8.06.110 Sale. Sale of the property shall be made to the highest bidder on the date set for sale and a bill of sale, without warranty of title shall be given by the City to any purchaser. If there are no other bids, the City may bid on the property

at a nominal figure and dispose of the property at its discretion. (Ord. 87-19 Sec. 2, 1987)

8.06.120 Impound fees. The City Council shall establish impound and storage fees and the definition of abandoned personal property, by resolution. (Ord. 87-19 Sec. 2, 1987)

Chapter 8.08 Solid Waste Disposal

Sections:

- 8.08.010 Transfer of responsibility to Borough.
- 8.08.020 Effective date of transfer.

8.08.010 Transfer of responsibility to borough. All of the powers of the City to select and procure sites for solid waste disposal facilities and to establish and maintain such disposal facilities are hereby transferred to the Kenai Peninsula Borough. (Ord. 74-39 Sec. 1, 1974)

8.08.020 Effective date of transfer. The ordinance codified herein shall be effective on the effective date of an ordinance of the Kenai Peninsula Borough accepting the transfer of powers made herein. (Ord. 74-39 Sec. 2, 1974)

Chapter 8.12 Garbage Disposal

Sections:

- 8.12.010 Purpose
- 8.12.020 Definitions.
- 8.12.030 Collection— and disposal.
- 8.12.040 Unauthorized transport prohibited.
- 8.12.050 Delivery to disposal site.
- 8.12.060 Collection—Schedule.
- 8.12.070 Containers--Specifications
- 8.12.080 Fees
- 8.12.090 Fees—Harbor Refuse.
- 8.12.100 Collection—Harbor Refuse Fees.
- 8.12.110 Billing—Deposit for new customers.

- 8.12.120 Dumping on public property.
- 8.12.130 Fish and sea offal on beach
- 8.12.140 Penalties
- 8.12.150 Severability.

8.12.010 Purpose. The purpose of this chapter is declared to make proper provision for the collection and removal of garbage and refuse within the corporate limits of the City for the protection of the health and well-being of the inhabitants of the city. (Ord. 96-16)

8.12.020 Definitions. The following terms are, for the purpose of this chapter, defined as follows:

- A. "Ashes" means the residue from fires used for cooking, heating buildings or from burn barrels.
- B. "Authorized collector" means a person, firm or corporation whom the City has contracted and/or licensed for the collection and disposal of refuse.
- C. "Bag" means refuse bags constructed of either polyethylene or paper approved by the City Manager or his authorized agent for indoor and/or outdoor storage of dry, wet, or flammable refuse.
- D. "Business establishments" means retail establishments, restaurants, hotels, offices, wholesale establishments, canneries, processors, Bed and Breakfasts and other establishments engaged in commercial enterprise.
- E. "Customer" means any person paying to the City the fee set out in this chapter for the collection and disposal of refuse.
- F. "Garbage" means animal or vegetable wastes which arise from the use, preparation or storage of food for human or animal consumption or offal, dead fish, fowl or other putrescent material, but not including wastes from industrial processes and manufacturing operations.
- G. "Hazardous waste" means waste that is capable of causing injury, disease or impairment of health or property damage, including, but not limited to, poisons, pesticides, acids, caustics, infectious or pathological waste, radioactive materials, explosive or highly flammable materials, oil and petroleum products, batteries and burning or smoldering materials, or any item which, when disposed of into landfill, will cause contamination of groundwater or cause the groundwater to not meet state drinking water standards.
- H. "Holidays" means and includes all holidays recognized by the City.

I. "Industrial solid waste" means any waste substance or combination thereof resulting from the operation of or from any process of industry, manufacturing, trade or businesses, or resulting from the development of any agricultural or natural resources; junked vehicles and equipment, material and debris resulting from construction or demolition projects and abandoned or decaying structures.

J. "Nonprofit organization" means all fraternal orders and other organizations established under existing nonprofit laws, rules and/or state regulations.

K. "Refuse" means all solid wastes including garbage and rubbish.

L. "Rubbish" means tin cans, glass, papers, tree limbs (which shall not exceed three feet in length or fifty pounds), grass and weed cuttings, broken crockery, rags, boxes, small light wood or crafting materials, and sweepings of dust and dirt.

M. "Rubble" means brushwood, heavy yard trimmings which cannot be conveniently cut into three-foot lengths, discarded fence posts, ashes, cinders, street sweepings, catch basin muck, concrete, mortar, stones, bricks, scrap metal or other similar construction materials, trees or materials resulting from the erection or destruction of buildings.

N. "Putrescible waste" means material capable of being decomposed so as to cause a nuisance or obnoxious odors. (Ord. 96-16)

8.12.030 Collection and disposal. A. The City shall provide refuse collection and disposal within the City subject to and in accordance with the provisions of this chapter. An individual or business wishing to haul their own refuse to the disposal site may do so.

B. All rubble, except ashes, within the City shall be collected and disposed of by duly approved and licensed collector, or by the owner of such rubble. Rubble such as lumber greater than four feet or any object larger in dimension than may be placed in a pick-up truck shall be hauled by the individual or licensed contractor.

C. Refuse collection--Contracts. The City Council may award contracts for the collection and disposal of garbage, refuse and ashes or any of them for periods not to exceed one year, upon such terms and following such schedules as it deems proper. (Ord.66-5 Sec. I(part), 1966: prior code Sec. 6.060; Ord. 96-16)

8.12.040 Unauthorized transport prohibited. It is unlawful for any person except the City or its authorized collectors to haul, convey or carry garbage

through the streets or alleys of the City for compensation for such services. (Ord. 96-16)

8.12.050 Delivery to disposal site. All refuse transported through any street or alley of the City shall be delivered to the approved disposal site maintained by the Kenai Peninsula Borough or to a designated recycling collection point. (Ord. 96-16)

8.12.060 Collection--Schedule. The City or its authorized collector shall collect and remove refuse from customer premises according to the following schedule, unless an approved bulk storage is in use:

A. From dwellings and apartments a minimum of once weekly. When a holiday is observed on the normal day of collection, the collection will be made the following day that the disposal site *is* open.

B. From business establishments, a minimum of once weekly, except Sundays and legal holidays, or as is determined to be necessary by owner and/or the City Manager.

C. Additional pick-ups or special haul services are available upon request as set in the fee schedule.

D. The City or its authorized collector will not be required to collect refuse, garbage or rubble where there are obstructions such as excessive snow in pathway to containers, vicious dogs, excessive liquid in containers, parked vehicles, etc. (Ord. 96-16)

8.12.070 Containers--Specifications. A. It shall be the duty of every person in possession, charge or control of any premises, business establishment or industrial establishment where garbage and refuse are created or accumulates, at all times, to keep or cause to be kept dumpsters or portable metal or plastic containers for the deposit therein of garbage and refuse; and to deposit or cause to be deposited the same therein. Residential and business nondumpster containers shall be watertight and of not more than 32-gallons capacity and shall have two handles at the sides thereof and tight-fitting lids. Such lids shall remain on the containers at all times, except when necessary to place garbage and refuse in the containers. City receptacles for general public use may be 55-gallon barrels without lids that are lined with refuse bags. Such containers shall be kept in a sanitary condition, free from accumulating grease and decomposing material. Such containers shall be kept in a place accessible to the collector of garbage and refuse. The weight of any such container shall not exceed seventy-five pounds with contents.

B. Waste paper or office supplies, brush, grass, leaves and cuttings from trees, lawns and gardens may be deposited in containers or other suitable

receptacles, and shall be covered or otherwise contained so as to prevent the contents from being scattered by the wind or other causes. (Ord. 96-16)

8.12.080 Fees. A. Each owner, occupant, tenant or lessee within the city limits may receive refuse pickup service and shall pay such fees for refuse service as are set forth in this section.

B. It shall be unlawful for any owner, occupant or lessee using or occupying a building, house structure or apartment as a separate unit, to utilize the garbage containers of another owner, occupant, tenant or lessee for the disposal of his own refuse or garbage for the purpose of avoiding payment of the fees levied by this section.

C. Fees shall be set by resolution of the City Council. (Ord. 96-16)

8.12.090 Fees--Harbor Refuse. A fee of \$5.00 per bag shall be paid for all refuse or rubbish deposited in the harbor garbage receptacle that was not taken directly from the harbor. (Ord. 96-16)

8.12.100 Collection-Harbor Refuse Fees. All fees paid in accordance with Section 8.12.090 shall be paid to the Harbormaster or his appointee. Payment shall be made at the time of disposal and those not paying at the time of disposal shall be guilty of an infraction and subject to the general penalties of this code. (Ord. 9616)

8.12.110 Billing--Deposit for new customers. A. The service fees provided for in this chapter shall be billed and collected by the City or its authorized representative. Should any charge for refuse collection become delinquent, service shall be discontinued. All bills shall be paid within thirty days of the billing date on the billing statement. Interest on unpaid bills shall accrue at the rate of (1 1/2%) one and one-half percent per month.

B. A refundable deposit equal to two months' fees shall be required for all new customers. Customers that become delinquent shall be required to pay a two month deposit to be reinstated to service. All deposits in excess of one hundred dollars made by customers under this chapter shall accrue interest at the minimum rate allowed by law. (Ord. 96-16)

8.12.120 Dumping on public property. It is unlawful for any person to dump, throw or place, on any public property or right of-way, or allow to remain on any premises occupied, owned or subject to the control of such person, any refuse, including garbage, rubbish or ashes, unless the same shall be kept in containers of a type suitable to the refuse in question and unless the disposal of such refuse has been provided for. (Ord. 96-16)

8.12.130 Dead water fowl, dead sea life and sea offal on beach. A. Any person or business which permits, suffers or allows any dead water fowl or sea life, parts thereof, or gurry to fall or spill onto the beach or in waters adjoining the beach of this City and fails to clean up and remove same from that part of the beach where it has fallen or been deposited thereon in any manner shall be guilty of an infraction and shall be punishable by the fine established in Section 1.08.040 of this code.

B. Any person or business which allows any gurry, scow, boat, raft or receptacle containing dead water fowl or sea life, parts thereof, or gurry, belonging to, operated or controlled by him or them, within twenty-four hours after such offal has been spilled, deposited or left on the beaches or in the water so that the tide may deposit same on the beach shall be guilty of an infraction and shall be punishable by the fine established in Section 1.08.040 of this code.

C. Any person or business which fails to empty or dispose of contents aforesaid of gurry, scows, boats, or other receptacle shall be deemed guilty of an infraction and shall be punishable by the fine established in Section 1.08.040 of this code.

D. Any person or business polluting the beaches of this City in any manner as to endanger public health or cause offensive odors and smells prejudicial to public health is guilty of an infraction and shall be punishable by the fine established in Section 1.08.040 of this code. (Ord. 89-12, Prior code Sec. 6.035; Ord. 96-16; Ord. 16-06)

08 .12.140 Penalties. Any violation of the provisions of this Title or failure to comply with its requirements, including a violation of any condition placed on any permit or approval issued under this Title, and including the willful violation of any citation or enforcement order issued hereunder, is an infraction and punishable by the fine schedule in Section 1.08.040. If not listed on the fine schedule in Section 1.08.040, such offense is punishable under the general penalty provision of Section 1.08.010. (Ord. 96-16; Ord. 16-06)

08. 12.150 Severability. If any provision of this ordinance or its application to any person and circumstance is held by a competent court to be invalid, the remainder of the ordinance or the application of the provisions to other persons or circumstances is not affected. (Ord. 96-16)

*For statutory provisions authorizing municipalities to establish, operate and maintain a system of garbage and solid waste collection, see AS Sec. 29.35.050.

Chapter 8.16

Unlawful Disposal Practices

Sections:

- 8.16.010 Dumping on public property.
- 8.16.020 Fish and sea offal on beach.

8.16.010 Dumping on public property. (Ord. 66-5 Sec. 2, 1966: prior code Sec. 6.030; deleted by Ord. 16-06 duplicate language in 8.12.120)

8.16.020 Fish and sea offal on beach. (Ord. 89-12, Prior code Sec. 6.035 deleted by Ord. 16-06 duplicate language in 8.12.130)

Chapter 8.20 Food Service

Sections:

- 8.20.010 Inspection of serving premises.
- 8.20.020 Closure for noncompliance.
- 8.20.030 Employee medical examinations.
- 8.20.040 Serving condemned food--Penalty.

8.20.010 Inspection of serving premises. It shall be the duty of the Board to inspect all restaurants, lunch counters, bake shops, meat markets, fish markets, food stores and other place where food is prepared, served or sold to the public. (Prior code Sec. 6.040(A))

8.20.020 Closure for noncompliance. The Board shall order closed, all such places where food is prepared, served or sold, which are not kept constantly clean and wholesome, until such place or places comply with the order of the Board and the Board shall condemn all articles of food or drink, whether prepared or otherwise, found to be impure, unwholesome, dangerous to health or otherwise unfit for human consumption. (Prior code Sec. 6.040(B))

8.20.030 Employee medical examinations. Any person working who does or may in any manner come in contact with food or food products or beverages for sale to the public is required to have an adequate medical examination prior to employment and a medical examination annually thereafter. (Ord. 74-29 Sec. 1, 1974: prior code Sec. 6.040(D))

8.20.040 Serving condemned food--Penalty. Any person or persons who shall, after his, her or their place is ordered closed for cleaning, or any person

who sells, serves, exhibits or offers for sale for the purpose of human food, any articles of food or drink, condemned by the Board, shall be guilty of an infraction and shall be subject to the general penalty designated in Section 1.08.010 of this code. (Ord. 8912, Prior code Sec. 6.040(C))

Chapter 8.24 Penalties

Sections:

8.24.010 Designated.

8.24.010 Designated. Any person, or persons, who obstructs or hinders any member of the Board or person authorized by a majority of the Board, in the exercise of his or her official duties, or who breaks quarantine or permits a minor child or ward to break quarantine, or violates any duly promulgated regulations of the Board; or violates, neglects or refuses to carry out or obey such rules or orders as may be promulgated by the Board, or who violated any of the provisions of this title shall be deemed guilty of an infraction and are subject to the general penalty provisions codified in Chapter 1.08. (Ord. 81-5 Sec. 4, 1981: prior code Sec. 6.050)