Title 11

HEALTH AND SAFETY

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Chapter 11.04

(RESERVED)

Chapter 11.08

Sections:

11.08.010 Yakutat Community Health Center.

11.08.010 Yakutat Community Health Center.

A. Each fiscal year, the Assembly shall determine the amount of money, up to an annual maximum of One Hundred Twenty Five Thousand Dollars and No Cents ($125,000.00), to be provided by the Borough for the operations of the Yakutat Community Health Center. Any money provided under this section shall be expended by the Center only on direct program costs, such as the salaries of Center staff and medical supplies and equipment used at the Center. No money provided under this section shall be spent by the owner/operator of the Center on "indirect" costs, such as the salary or other benefits of persons who are not members of the Center staff, expenditures for the board of directors of the owner/operator of the Center or other similar administrative costs. This limitation of spending extends to third party funds received by the Center, specifically funds from private insurance companies or the federal or state Medicare or Medicaid programs, which are based upon the services provided by those health care providers whose salaries are paid, in whole or part, under this section.

B. On or by the 31st day of March of each year, and at any other time as directed by the Assembly or the Borough Manager, the owner/operator of the Center shall present a written report to the Assembly detailing the finances of the Center, including all sources and amounts of revenue, and amounts and recipients of expenditures. Any such report shall be in the format, and contain such information, specified by the Assembly or the Borough Manager. At the request of the Assembly or the Borough Manager, the owner/operator of the Center shall present him or herself before the Assembly to respond to any inquiry.

C. The Assembly may, at any time, terminate and/or withdraw any and all Borough funding of the Center, if the funding is used for anything other than what is stated in paragraph A of this section.

D. Prior to receipt of any funds under this section, the owner/operator of the Center shall enter into an agreement with the Borough in which the owner/operator of the Center, and all employees, agents or representatives thereof, agrees to abide by the provisions of this section. Such agreement may also contain

any other provision or requirement which the Borough deems necessary.

Chapter 11.12

NUISANCES

Sections:

11.12.010 Nuisances Declared Unlawful.
11.12.020 Enumeration of Nuisances.
11.12.030 (repealed).
11.12.040 (repealed).
11.12.050 Emission of Dense Smoke.
11.12.060 Escape of Soot, Cinders, Noxious Acids, Fumes and Gas.
11.12.070 Fireworks.
11.12.080 Service Area Only.

11.12.010 Nuisances Declared Unlawful.

A. Public nuisances. "Public nuisances" include, but are not limited to, whatever is forbidden by any provision of this Chapter.

B. Violations. It is unlawful for any person to commit, create or maintain any public nuisance.

11.12.020 Enumeration of Nuisances. Each of the following acts or conditions constitutes a public nuisance:

A. Maintaining stables, kennels or livestock pens in a filthy or malodorous condition;

B. Making or causing to be made any unnecessary or unusual noise which annoys, injures or endangers the comfort, repose, health or safety of the public; or making or causing any such noise within one hundred fifty feet of any hospital or other institution reserved for the sick;

C. Using, playing or practicing upon any bugle, hand organ, barrel organ, barrel accordion, hurdygurdy or other musical instrument upon any street, alley or public place, without a written permit from the police chief;

D. Using, for the purpose of attracting the attention of the public, any radio, recording music or sound amplifying device of any kind, the sound from which is cast directly upon a street, alley or public place. This Subsection shall not apply to devices officially used by governmental units. The Mayor shall have the authority, on written application to him, to permit the broadcast by use of sound amplifying devices;

E. Operating or using any pile driver, power shovel, pneumatic hammer, sawmill or other apparatus, the use of which

is attended by loud or unusual noise, between the hours of ten p.m. and seven a.m., except by written permission of the Assembly;

F. Operating any noise-creating blower or power fan, or any internal combustion engine, the operation of which causes noise due to explosion of operating gasses or fluids, unless the noise made thereby is so muffled as not to cause annoyance to the public;

G. Disposing of any refuse, garbage, manure, waste or other materials, except in the manner provided by the ordinances or regulations of the Borough;

H. Dumping, abandoning, throwing, scattering, or trans porting anything in such manner as to cause the littering of any street, alley, public place, or public or private beach or the obstruction of any ditch, drain or gutter;

I. Knowingly or wantonly operating or causing to be operated any machine, device, apparatus or appliance of any kind within the Borough between the hours of ten a.m. and twelve midnight, the operation of which shall cause reasonably preventable electrical interference in the operation of any radio or television receiving set or with radio or television reception within the Borough, provided that x-ray examinations or treatment may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio or television reception, and are not negligently operated;

J. Any well, swimming pool or other dangerous excavation (including but not limited to a gravel pit) in the earth kept, maintained or permitted in an uncovered, unprotected, unfenced or inadequately fenced or otherwise dangerous or unsafe condition within the Borough;

K. Buildings which are unoccupied and open to ingress and egress and which should be locked up, boarded up or otherwise secured from ingress or egress;

L. (REPEALED);

M. (REPEALED);

N. (REPEALED);

O. (REPEALED);

P. (REPEALED);

Q. (REPEALED);

R. (REPEALED);

S. (REPEALED);

T. (REPEALED);

U. (REPEALED);

V. Building exteriors which are maintained in such condition as to become so defective, unsightly or in such

condition of deterioration or disrepair that the same causes appreciable diminution of the property values of surrounding property or is materially detrimental to the value of proximal properties and improvements. This includes but is not limited to the keeping, disposing or scattering over the property or premises of any of the following:

1. Lumber, junk, trash or debris, or

2. Abandoned, discarded or unused objects of equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers, or

3. Stagnant water or excavations, or

4. Any device, decoration, design, fence, structure, clothesline or vegetation which is unsightly by reason of its condition or its inappropriate location;

W. Emitting or discharging any lint or other waste from any laundry or dry cleaning premises.

11.12.030 Abandoned Vehicles -- Removal. (repealed)

11.12.040 Junk Vehicles. (repealed)

11.12.050 Emission of Dense Smoke.

A. It is unlawful for any person, firm, corporation or any other entity to permit the emission of any smoke, from any source whatever, of a density equal to or greater than that density described as No. 2 on the Ringlemann Chart. The emission of any such dense smoke is a public nuisance and may be summarily abated by the abatement official. This section does not apply to:

1. The circumstance when a fire-box, furnace, boiler, locomotive or other fuel consuming device is being cleaned out and a new fire is being built therein, in which event the smoke of a density greater than that described on the Ringlemann Chart shall be permitted for a period of not to exceed six minutes in any single period of sixty minutes; or

2. Smoke from fires set by or permitted by an official if such fire is set or permission given in the performance of the official duties of such officer, and such fire, in the opinion of such officer, is necessary:

a. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

b. The instruction of public employees in the methods of fighting fire.

B. Ringlemann Chart.

1. The "Ringlemann Chart" is a chart which is described in the U.S. Bureau of Mines Information Circular 6888,

and on which are illustrated graduated shades of gray for use in estimating the light obscuring smoke density.

2. The Ringlemann number is the number appearing on the Ringlemann Chart ascribed by the observer to the density of smoke emission.

3. The use of the chart will be made by placing it at such distance from the observer so that the squares appear as even shades of coloring or when no white spaces between the lines are visible. Measurements shall be taken at the point of greatest density, which will usually be at the point of emission. Comparison of the smoke and observation with the various shades of the chart will then indicate the density of the smoke. Observation distances shall be not less than one hundred feet nor more than one quarter mile from the smoke observed.

4. Where the density or opacity of the smoke as observed falls between two consecutive Ringlemann numbers, the lower Ringlemann number shall be considered the density of the smoke observed.

11.12.060 Escape of Soot, Cinders, Noxious Acids, Fumes and Gas. It is unlawful for any person to permit or cause the escape of such quantities of soot, cinders, noxious acids, fumes and gases in any place, or manner as to:

A. Be detrimental to any person or the public;

B. Endanger the health, comfort or safety of any person or of the public; or

C. Cause or have a tendency to cause injury or damage to property or business.

The escape of such matter is a public nuisance and may be summarily abated by the abatement official.

11.12.070 Fireworks.

A. It is unlawful for any person to offer for sale, expose for sale, sell, use, explode or possess fireworks within the corporate limits of the Borough, except pursuant to a permit issued by the Borough.

B. With the approval of the Assembly, the Borough Manager may issue a permit authorizing the sale, possession, use, or exploding of fireworks by the permittee, subject to such limitations as to time and place, and subject to such further limitations and conditions as may be set out in the permit.

C. This section does not apply to highway or other warning flares or ammunitions for firearms, unless used for other than their intended purposes.

D. "Fireworks" means any explosive or incendiary device, including but not limited to, firecrackers, Roman candles, skyrockets, stench bombs, or other explosive or incendiary devices, used or intended for use for recreational or exhibition purposes.

11.12.080 Service Area Only. The provisions of this Chapter are applicable only in the Service Area defined in Chapter 1.16 of this Code.

Chapter 11.16

ABATEMENT OF NUISANCES

Sections:

11.16.010 Abatement Official.
11.16.020 Abatement of Nuisances -- Summary Abatement.
11.16.030 Notice to Abate -- When Notice not Required.
11.16.040 Service of Notice to Abate.
11.16.050 Method of Service.
11.16.060 Proof of service of Notice and Order.
11.16.070 Abatement by Borough.
11.16.080 Method of Abatement.
11.16.090 Appeal to Borough Assembly.
11.16.100 Enforcement.
11.16.110 Extension of Time.
11.16.120 Interference Prohibited.
11.16.130 Recovery of Costs.
11.16.140 Legal Remedies.
11.16.150 Service Area Only.

11.16.010 Abatement Official. The Borough Manager, chief of police, fire chief, Borough building official, or Borough health officer may take action to abate any public nuisance that is prohibited by this Code. When used in this Title, "abatement official" includes any of these officers or their designated representatives.

11.16.020 Abatement of Nuisances -- Summary Abatement.

A. It shall be the duty of the abatement official, upon discovery of any public nuisance prohibited by this Code, or upon receipt of a complaint of a public nuisance and upon verifying the complaint and confirming the existence of the public nuisance, to immediately notify the offender to abate or remove the nuisance within a time limit specified by the abatement official.

B. Summary abatement. The abatement official may abate any public nuisance without notice to the offender where the nuisance causes a life-threatening or health-threatening public emergency requiring immediate action to abate or remove the nuisance.

C. Except for the requirement of notice, all abatement proceedings provided for in this Chapter apply to a nuisance

summarily abated, including the recovery of the costs of the summary abatement.

11.16.030 Notice to Abate -- When Notice not Required.

A. Unless a nuisance has created an emergency situation which requires immediate abatement, the abatement official shall issue an abatement notice and order direct to:

1. The record owners of the affected property;

2. The person committing, creating or maintaining the public nuisance; or

3. The occupant of the affected property.

The notice shall contain:

a. The street address and legal description sufficient for identification of the affected property;

b. The statement that the abatement official has found the property affected with a public nuisance, with a brief and concise description of the public nuisance as defined in this Title;

c. A statement of the action required to be taken, as determined by the abatement official, to abate the public nuisance by rehabilitation, repair, demolition or other action sufficient to cause the nuisance to be wholly abated;

d. A statement advising that if any required abatement is not commenced or completed within the time specified the abatement official may proceed to cause the necessary work to be done and charge the cost thereof against the property or its owner; and

e. Statements advising:

i. That any person having record title or legal interest in the property may appeal from the notice and order of any action of the abatement official to the Borough Assembly by filing with the Borough Clerk within fifteen days from the date of service of such notice and order an appeal in writing in accordance with the appeal procedure as provided in Section 11.16.090, and

ii. Failure to appeal will constitute a waiver of all right to contest the order.

B. No notice is required for abatement of a public nuisance occurring on the public streets and rights-of-way, Borough properties and parks or for summary abatement when permitted.

11.16.040 Service of Notice to Abate.

A. The abatement notice and order and any amended or supplemental notice and order shall be served upon the record owner and posted on the property affected by the public

nuisance, and one copy thereof shall be served on each of the following, if known to the abatement official:

1. The holder of any mortgage or deed of trust or other lien or encumbrance of record;

2. The owner or holder of any lease of record;

3. The owner of any other estate or legal interest of record in or to the property affected with the public nuisance;

4. The person in possession of the property.

B. The failure of the abatement official to serve any person required to be served shall not invalidate any proceedings herein as to any other person duly served or relieve any such person from any duty or obligation imposed on him by the provisions of this Title.

11.16.050 Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by registered or certified mail, postage prepaid return receipt requested, to each such person at his address as it appears on the last equalized assessment roll of the Borough or as known to the abatement official. If no address of any such person so appears or is known to the abatement official, any copies of the notice or order shall be so mailed addressed to such person at the address of the property involved in these proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this Chapter. Service by certified or registered mail in the manner herein provided shall be effective on the date of mailing.

11.16.060 Proof of Service of Notice and Order. Proof of service of the notice and order shall be certified to at the time of the service by written declaration under penalty of perjury executed by the person effecting service, declaring the date and manner in which service was made. The declaration, together with any receipt card returned as acknowledgment of receipt by certified or registered mail, shall be affixed to the copy of the notice and order.

11.16.070 Abatement by Borough. After the time limit specified in the abatement notice for the abatement of a nuisance has expired, the abatement official shall proceed to abate the nuisance at the expense of the Borough, unless:

A. The nuisance has already been abated to the satisfaction of the abatement official, or,

B. An appeal from the order of abatement has been filed with the Borough Assembly.

11.16.080 Method of Abatement.

A. The abatement official, and the Assembly if an appeal is taken, shall order the means best calculated to abate wholly the nuisance with the least cost of abatement, and demolition shall not be ordered if repair or removal may accomplish the abatement.

B. When any abatement of a public nuisance is to be done pursuant to Section 11.16.070, the abatement official shall have the work accomplished by Borough personnel or by private contractor.

11.16.090 Appeal to Borough Assembly.

A. Any person entitled to service under Section 11.16.040 may appeal from any notice and order or any action of the abatement official concerning abatement of a public nuisance by filing at the office of the Borough Clerk within fifteen days from the date of service of such notice and order a written appeal to the Borough Assembly.

B. Upon receipt of any appeal filed pursuant to this Section, the Borough Clerk shall present it at the next regular or special meeting of the Assembly.

C. As soon as practicable after receiving the written appeal, the Assembly shall fix a date, time and place for the hearing of the appeal by the Assembly. Such date shall be not less than ten days nor more than sixty days from the date the appeal was filed with the Borough Clerk. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant by the Borough Clerk, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal.

D. Failure of any person to file an appeal in accordance with the provisions of Subsections (A), (B) and (C) of this Section shall constitute a waiver of his right to the Assembly hearing and any adjudication of the notice and order, or any portion thereof.

E. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

F. Enforcement of any notice and order of the abatement official issued under this Chapter shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

G. At the hearing, the appellant may appear in person or by agent or attorney. The presiding officer of the Assembly may administer oaths and compel the attendance of witnesses. Record shall be kept of the proceedings by the Borough Clerk or a competent stenographer under his direction. The Assembly shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in the order of findings of the abatement official, or any order, requirement, decision or determination made by him or his agent;

2. To hear and decide requests for exceptions to the terms of this Chapter;

3. To authorize upon appeal in specific causes such variances from the terms of this Chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Chapter would result in unnecessary hardship, and so that the spirit of the Chapter shall be observed and substantial justice done.

In exercising its powers, the Assembly may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. To reverse any order, requirement, decision or determination, or decide in favor of the appellant, or to make exceptions to or variations from this Chapter, the concurring vote of the majority of the Assembly shall be required.

H. The Assembly, after the public hearing, shall adopt a resolution containing its findings. If removal of the nuisance is provided for and ordered, the owner shall have at least thirty days from the date of the resolution to so do. If repairs or alterations are ordered, they may be made within such lesser time as the Assembly shall order.

11.16.100 Enforcement.

A. After any order of the abatement official or the Assembly shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order shall be punished as provided in Chapter 1.24 of this Code.

B. If, after any order of the abatement official or Assembly has become final, any person to whom such order is directed fails, neglects or refuses to obey such order, the abatement official may, in addition to any action undertaken pursuant to Section 11.16.070:

1. Cause such person to be prosecuted under Subsection (A) of this Section; or

2. Institute any appropriate action to abate such public nuisance; or

3. Do both 1 and 2.

11.16.110 Extension of Time. Upon receipt of an application from the person required to conform to the abatement order, and agreement in writing by such person that he will comply with the order if allowed additional time, the abatement official may grant an extension of time within which to abate the public nuisance, if the abatement official determines that such an extension of time will not create or perpetuate a situation dangerous to life or property.

11.16.120 Interference Prohibited. No person shall obstruct, impede or interfere with any officer, employee, contractor, authorized representative of the Borough or other person in the work of abating a nuisance.

11.16.130 Recovery of Costs.

A. The abatement official shall keep an account of the costs, including incidental expenses, of abating each public nuisance, and shall render an itemized report in writing to the Borough Assembly showing the costs of abatement and manner of abatement of each public nuisance, including any salvage value relating thereto.

B. Upon the completion of the abatement work, the abatement official shall prepare and file with the Borough Clerk a report specifying the work done, itemizing the total cost of the work, the description of the property affected by the public nuisance and the names and addresses of the persons entitled to notice pursuant to Section 11.16.040. Before the report is submitted to the Borough Assembly, a copy of the report shall be posted for at least five days upon the affected premises, together with a notice of the time when the report shall be heard by the Borough Assembly.

C. "Incidental expenses" include, but are not limited to, the actual expenses and costs of the Borough in the preparation of notices, specifications and contracts, overhead and inspection of the work and the cost of printing and mailing required hereunder.

D. The costs shall be recovered by the Borough in a civil action, or the Borough may assess such costs to each and every separate property affected by the abatement as a tax, which shall then be collected as other taxes are collected.

E. All monies recovered for the costs of abatement shall be paid into the general fund.

11.16.140 Legal Remedies. The remedies provided for in this Chapter shall be cumulative. In addition to other remedies or procedures provided in the Chapter, a public nuisance may be restrained, enjoined or otherwise abated by the Borough in a civil action.

11.16.150 Service Area Only. The provisions of this Chapter are applicable only in the Service Area defined in Chapter 1.16 of this Code.

Chapter 11.20

SANITATION MEASURES

Sections:

11.20.010 Litter Unlawful.
11.20.020 Notice to Abate -- Removal by Borough.
11.20.030 Slaughterhouses.
11.20.040 Polluting Water.
11.20.050 Gutters to be Kept Clean.
11.20.060 Offensive Drains.
11.20.070 Service Area Only.

11.20.010 Litter Unlawful. It is unlawful for any person to do any of the following:

A. Cause or allow litter to be collected, deposited or to remain in any place under his control;

B. Throw or deposit litter in or upon any street, beach, sidewalk or other public place except in public receptacles, authorized private receptacles for collection, or in disposal areas designated by the Borough;

C. Sweep into, or deposit in any gutter, street or other public place the accumulation of litter from any residence, building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the area in front of their premises free of litter;

D. Drive or move any vehicle which is carelessly loaded or not constructed to prevent its load, or litter on it, from falling upon any street, alley or public place;

E. Throw or deposit litter on any private property, whether owned by the person or not.

11.20.020 Notice to Abate -- Removal by Borough.

A. The abatement official is authorized and empowered to notify the owner or occupier of any property to properly dispose of litter located on the property which is or may become offensive, noxious or dangerous to the public health, safety or welfare. The notice shall be by certified or registered mail, postage prepaid, addressed to the owner or occupier at his last known address.

B. Upon the failure, neglect or refusal of any owner or occupier so notified to properly dispose of litter within ten days after receipt of the written notice, or within ten days after the date of the notice in the event the same is returned

to the Borough because of inability to make delivery, the abatement
official is authorized and empowered to pay for the disposing of such litter or to order its disposal by the Borough.

C. When the Borough has effected the removal of such litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six percent per year from the date of the completion of the work, shall be charged to the owner or occupier of the property.

11.20.030 Slaughterhouses. No person shall establish or maintain a slaughterhouse, or keep herds of more than five swine, goats or wolves within the Borough limits.

11.20.040 Polluting Water. It is unlawful for any person to throw, empty out or deposit in any gutter or ditch or near any inhabited place, the suds or filthy water resulting from the washing of clothes, slops from kitchens or other foul or filthy matter or allow the same to stand on his own premises or to seep into the premises of another.

11.20.050 Gutters to be Kept Clean. It shall be the duty of every owner of any property to keep the gutter in front of such property at all times clean and free from all dirt, filth, garbage or rubbish.

11.20.060 Offensive Drains. No person shall permit any cellar, pool, sewer, water closet or private drain belonging to him to become nauseous, foul or offensive and prejudicial to the public health and comfort.

11.20.070 Service Area Only. The provisions of this Chapter are applicable only in the Service Area defined in Chapter 1.16 of this Code.

Chapter 11.24

INSPECTION OF BULK FUEL TANK FACILITIES

Sections:

11.24.010 Inspection.

11.24.010 Inspection.

A. The City and Borough of Yakutat, Alaska is entrusted with the power to:

1. Examine and inspect all bulk storage fuel tank facilities located within the Borough limits of Yakutat; and

2. Examine and review all inspection reports, documents and records, already in existence or which come into existence during the term of this Chapter, concerning said bulk storage fuel tank facilities.

B. The Borough may require any person, firm or entity operating a bulk fuel storage facility within the Borough limits to perform or have performed, by a person whose qualifications are satisfactory to the Borough Manager, an inspection of the facility as to fire and environmental safety of such scope as the Borough may require, including but not limited to ultrasonic testing of the tank interiors. Said inspection must be performed, and the results provided to the Borough, not less than thirty days after receipt of written notice to perform said inspection.

C. Upon notice by the City and Borough of Yakutat of three (3) working days, entry onto said facility premises and access to all inspection documents and records must be made available to Yakutat Borough officials, or persons so duly appointed by the Borough, for the purposes of inspecting said bulk storage fuel tank facility and/or for reviewing and examining all inspection reports, documents, and records.

D. Failure to comply with the above provisions of this Chapter will be deemed a violation of the provisions of this Chapter, and is punishable by a fine of not more than five hundred dollars ($500) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. Every day upon which access or entry to the facility or the inspection reports, documents, or records is denied, or conduct or report of an inspection is refused, after proper notice having been given, shall be considered a separate offense.

Chapter 11.28

REFUSE DISPOSAL

Sections:

11.28.010 Definitions.
11.28.020 Storage of Refuse -- Containers Required.
11.28.030 Disposal of Refuse -- Prohibitions.
11.28.040 Refuse Collector.
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11.28.070 Compliance with Regulations.
11.28.080 Frequency of Collection.
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11.28.100 Dumpmaster.
11.28.110 Enforcement.
11.28.120 Service Area Only.
11.28.130 Borough Landfill User Charges.
11.28.140 Fish Waste Disposal Regulations and Fees.
11.28.150 Disposal of hazardous waste.
11.28.160 Disposal of recyclable materials.

11.28.010 Definitions. Whenever used in this Chapter, the following words and terms shall have the meaning herein ascribed to them:

A. "Ashes" means the sold waste products of coal, wood and other combustible materials used for heating and cooking, from all public and private establishments and from all residences;

B. "Collector" means any person entering into a contract with the Borough for the removal of refuse as provided by this Chapter;

C. "Garbage" means all putrescible wastes, including food wastes resulting from the handling, preparation and/or consumption of food, and includes all such substances from all public and private establishments and residences, except sewage and body wastes;

D. "Hazardous waste" means all refuse which, because of its quantity, concentration or physical, chemical or infectious characteristics, poses a present or potential hazard to human health or the environment when improperly stored or disposed of, and includes but is not limited to the following: antifreeze, asbestos-containing materials, asphalt, batteries, brake fluid, degreasers, drain cleaners, engine cleaners, fertilizers,

fluorescent tubes and spent incandescent bulbs, glues, household cleaners, lead-based paint, lead pipe and solder, linoleum flooring, mercury switches, mercury thermostats, motor oil, PCB-containing transformers (classified as toxic), PCB-containing light ballasts (classified as toxic), plastic (PVC) piping, pesticides, solvents, tars, and thinners.

E. "Health officer" means the person designated by the Borough Manager as the Borough health officer, or his authorized representatives, which may include the chief of police and all other police officers or others designated by the Borough;

F. "Recyclable materials" means materials which are capable of being recycled rather than disposed of, and includes but is not limited to the following types: (i) aluminum cans, (ii) cardboard, (iii) electronic devises, (iv) glass, (v) household appliances, (vi) metal, (vii) newspapers, magazines and other paper, (viii) tires and (ix) wood.

G. "Refuse" means garbage, rubbish, ashes, industrial wastes, hazardous waste, recyclable materials, and all other liquid or solid putrescible and nonputrescible wastes, except sewage, from all public and private establishments and residences;

H "Rubbish" means all nonputrescible solid wastes, consisting of wastepaper, cardboard, wood, tin cans, glass, bottles, yard clippings, tree limbs, bedding, metals, trash, sweepings and all other similar substances which may become nuisances, from all public and private establishments and residences. Rocks, dirt, car bodies, and scrap iron are excluded.

11.28.020 Storage of Refuse -- Containers Required.

A. It shall be the duty of every person in possession, charge or in control of any dwelling, flat, rooming house, apartment house, trailer camp, hospital, hotel, school, club, restaurant, boarding house, or eating place, or in possession, charge or control of any shop, place of business or manufacturing establishment where refuse is created or accumulated, at all times to keep or cause to be kept portable cans of approved size, type and construction, and to deposit or cause to be deposited, the refuse therein.

B. Refuse storage containers shall be of an approved type as designated by the health officer and shall be strong, watertight, not easily corrodible, rodent-proof, insect-proof, of not less than twenty and not more than thirty gallons capacity, have handles at the sides and tight fitting overlapping covers, and shall not exceed seventy-five pounds in weight when full.

C. Each refuse storage container shall be kept clean inside and out, so that no odor nuisance shall exist. Covers shall not be removed except when necessary to place refuse in storage container or to take the same therefrom. Containers shall not be overloaded to the extent whereby covers cannot be securely replaced. Where necessary, a suitable raised platform, hanger, or device shall be provided so that containers shall not freeze into the ground or rest in water or on ice or be tipped over by animals. Refuse storage containers shall be kept at all times in a place accessible to the collector.

D. Large, suitable and sufficient numbers of containers for storage of rubbish may, with the approval of the health officer and/or the collector, be used. Bulky rubbish such as cardboard or wooden boxes, tree limbs, magazines, or newspapers, shall be flattened and tied in bundles with a stout cord. Such bundles or bales shall not exceed thirty-six inches in length or breadth, twenty inches in height, and fifty pounds in weight.

11.28.030 Disposal of Refuse -- Prohibitions.

A. No person shall, except as provided in this Chapter, deposit refuse which may become offensive, noxious or dangerous to the public health, on any private property, public ground, alley, street or area way, or in any other public place within the Borough limits.

B. Outside burning of rubbish or other combustible materials shall be restricted to authorization or by special permit of the fire chief.

C. Nothing herein contained shall be construed to prevent a person from removing rubbish from his private property and transporting it to an approved disposal area; provided, however, that all Borough regulations relating to the use of the disposal area are complied with by the person.

11.28.040 Refuse Collector. If a refuse collection service is not maintained in the Borough or a portion thereof, by a person under authority of the Alaska Public Utilities Commission, the Borough Manager may negotiate, and, with the approval of the Assembly, execute a contract or contracts with responsible person(s) or firm(s) for the purpose of providing for the collection and disposal of garbage and trash within the Borough. The term of such a contract shall not exceed ten years.

11.28.050 Duties of Collector -- Contract. The collector shall collect, remove and dispose of all refuse in accordance with the terms specified in any contract entered into between

the Borough and the collector. All persons within the portion of the Borough specified in the contract shall utilize the services provided by the collector and shall pay for the services in accordance with the rates and other terms provided in the contract.

11.28.060 Disposal of Refuse -- Methods.

A. All disposal of refuse shall be by a sanitary landfill or incinerator method specifically approved by the Borough, provided that the methods shall include the maximum practicable rodent, insect and nuisance control at the place of disposal.

B. Refuse may be disposed of at a Borough sanitary landfill or incinerator only at those times posted at the site.

C. No person shall dispose of refuse at a Borough sanitary landfill or incinerator except during the hours of operation set out above. No person shall dump refuse in the dump outside of the above posted hours, or dump refuse in front of a Borough landfill gate, or on any land adjacent to a sanitary landfill or incinerator.

D. Evidence which will support a conviction for violation of this Section shall include the following: (1) personal observation by any Borough official or a private citizen, or (2) the finding of any two or more pieces of refuse in the illegally disposed refuse which identifies the owner thereof.

E. Violations of this Section shall be punished as provided for in Chapter 1.24 of this Code.

11.28.070 Compliance with Regulations. Every person shall properly store all refuse promptly and in accordance with the terms of this Chapter, and no person other than the collector shall perform any collection of refuse under the provisions of this Chapter.

11.28.080 Frequency of Collection. Under any contract entered into by the Borough, refuse shall be collected a minimum of once a week. Residences, hotels, restaurants, institutions and commercial establishments may be required to have more frequent collection if that is determined by the Assembly to be essential or desirable to protect the public health.

11.28.090 Preparation of Refuse.

A. All refuse shall be drained free from liquids before disposal.

B. Garbage shall be wrapped in paper or similar material.

C. Hazardous waste shall be segregated from other refuse prior to disposal under section 11.28.150 of this Chapter.

D. Recyclable materials shall be segregated from other refuse prior to disposal under section 11.28.160 of this Chapter. Aluminum cans and glass should be rinsed and clean. Each separate type of recyclable material, as set forth in paragraphs (i) through (ix) of subsection 11.28.010(F), must be separately segregated from every other type.

11.28.100 Dumpmaster. There may be an attendant for the Borough refuse disposal site who shall be a Borough employee or an employee under contract. The attendant shall be in charge of the site for purposes of the control and enforcement of regulations of the refuse disposal site.

11.28.110 Enforcement.

A. Any violation of this Chapter or the regulations cited herein will be noted on a Borough violation tag. The tag will indicate the name of the responsible person, that person's address and the violation. The top one-half of this completed tag will be attached to the container at the site where the violation exists, or left at the person's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or delivered to an agent authorized by appointment or by law to receive service of process. The lower one-half of this same tag will contain similar information and will be returned to the office of the Borough Clerk by the health officer, police officer or other Borough official as directed by the Borough Manager.

B. For the first offense, the tag shall be marked "warning".

C. For the second offense, a mandatory twenty-five dollar fine is imposed upon and shall be collected from the violator.

D. For the third and subsequent offenses, a mandatory One Hundred Dollar fine is imposed upon and shall be collected from the violator.

E. The violator shall appear at the office of the Borough Clerk with the tag within seven days from service thereof, and pay the fine as set forth herein. Any person failing to appear at the office as indicated herein may be punished as provided in Chapter 1.24 of this Code.

11.28.120 Service Area Only. The provisions of this Chapter are applicable only in the Service Area defined in Chapter 1.16 of this Code.

11.28.130 Borough Landfill User Charges.

A. The rate schedule for landfill user charges shall be as set forth in the most current refuse rate schedule adopted and approved by resolution of the Borough Assembly and incorporated herein by reference.

B. User charges are subject to immediate cash payment prior to disposal.

11.28.140 Fish Waste Disposal Regulations and Fees. The regulations and fee schedule for fish waste disposal, by delivery to the borough seafood processing plant, shall be set forth in the most current fish waste disposal regulations and fee schedule adopted and approved by resolution of the Borough Assembly and incorporated herein by reference.

11.28.150 Disposal of hazardous waste. Hazardous waste may only be disposed of at a Borough refuse disposal site, and shall only be deposited into receptacles at the site specifically identified for such disposal. It is unlawful for any person to dispose of hazardous waste except where specifically permitted.

11.28.160 Disposal of recyclable materials. Recyclable materials may only be disposed of at a Borough refuse disposal site, and shall only be deposited into receptacles at the site specifically identified for such disposal. It is unlawful for any person to deposit recyclable materials except where specifically permitted.

Chapter 11.30

PUBLIC WATER SYSTEM

Sections:

11.30.010 Prohibited Acts.
11.30.020 Connection to Borough Water System.
11.30.030 Application for Service.
11.30.040 Standards for Installation.
11.30.050 Permits for Construction of a Water System.
11.30.060 Maintenance of Plumbing System.
11.30.070 Authorized Inspection.
11.30.080 Administration and Enforcement.
11.30.090 Water Service Rate Structure.
11.30.100 Consequences of Non-Payment of Service Charges.
11.30.110 Penalties -- Violations -- Notice -- Liability.
11.30.120 (repealed).
11.30.130 Delinquencies -- Collection.
11.30.140 Service Area Only.

11.30.010 Prohibited Acts.

A. It shall be unlawful for any person to construct, maintain or utilize a source of water supply, other than the Borough water system, for drinking and sanitary purposes at any building which is located within two hundred feet of lines of the Borough water system, unless a variance has been applied for and approved pursuant to Section 8.12.300 of this Code. An application for an individual water system may be submitted to the Borough Assembly.

B. It shall be unlawful for any person to construct, alter or extend an individual water system except by permission of the Borough. Such systems shall comply with the applicable standards of the Alaska Department of Environmental Conservation.

11.30.020 Connection to Borough Water System.

A. All connections to the Borough water system shall be made at the expense of the user.

B. All individual water service connections and repairs, modifications or disconnections by such connections shall be made only under the terms and conditions as set forth by the 1991 edition of the Uniform Plumbing Code and such further regulations as the Borough may make.

11.30.030 Application for Service.

A. Each application for water service connection shall be in writing and shall include the following:

1. Legal name and address of the applicant;

2. Description and sketch of the property and building for which the water service is required;

3. The name and address of the person who will install the service lines from the building to be served to the Borough water system;

4. A description of the fixtures to be used in the structure or building;

5. An agreement to be responsible for and to pay promptly all charges for the service in accordance with this Chapter;

6. Such additional information as the Borough Assembly may require to demonstrate that the proposed connection complies with this Code and any applicable regulations promulgated by the Borough Assembly.

B. The Borough is hereby authorized to require installation of a water meter at the user's expense on any industrial or commercial consumer line and to charge for such services at a similarly established meter rate as set forth in this Chapter.

C. Approval of application and appeal:

1. If the Borough is satisfied that the application and the proposed connection complies with this Code and applicable regulations hereunder relating to the utilization of the community water system, it shall approve the application and provide for the connection.

2. Any person whose application for connection has been denied or conditionally approved may appeal to the Borough Assembly at its next regularly scheduled meeting.

D. All consumer lines to the point of connection to the Borough water lines shall be installed by the user, at his own expense, and remain his responsibility for maintenance and repair.

11.30.040 Standards for Installation. Standards for the installation of domestic fixtures to be served by the Borough water systems, water lines and all related appurtenances as needed to ensure the safe utilization of the Borough water systems shall conform to the 1991 edition of the Uniform Plumbing Code and any other regulations as adopted by the Borough.

11.30.050 Permits for Construction of a Water System.

A. An application for a permit for the construction, alteration or extension of an individual water system shall be in writing to the Borough and shall include the following:

1. Legal name and address of the applicant;

2. Description and sketch of the property on which the construction, alteration or extension is proposed;

3. Copies of the required permits obtained from the Alaska Department of Environmental Conservation, Department of Natural Resources, or any other applicable State agency;

4. A sketch of the proposed facility which shall comply with this Chapter and the standards of the Alaska Department of Environmental Conservation.

B. Approval of permit -- appeal:

1. If the Borough is satisfied that the proposed facility will comply with this Chapter and with the State health regulations, it shall approve the application and issue a permit for the work.

2. Any person whose application for a permit has been denied may appeal to the next regular meeting of the Borough Assembly.

C. If a permit is being requested hereunder concurrent with a variance request under Section 8.12.300 of this Code, no approval may be granted until the variance request has been ruled upon by the Planning Commission and any appeal filed thereto pursuant to Chapter 8.08 fully and completely resolved.

11.30.060 Maintenance of Plumbing System.

A. Each consumer of Borough water service shall maintain his individual water facility in good repair at his own expense. The consumer's responsibility for water facility shall begin at the point of connection to the Borough's water lines and shall include all facilities from that point throughout the building. In the case of individual water systems, the consumer shall have complete responsibility for his own system.

B. Water service may be discontinued by the Borough where defective fixtures or misuse of water facilities may affect the safe and proper operation of the Borough water system, where there is a willful waste of water or where there is a refusal to permit an inspection by the Borough.

11.30.070 Authorized Inspection. The Borough, through its designated representative or representatives, is hereby authorized to make inspections at reasonable times during

daylight hours to determine satisfactory compliance with this Chapter and regulations promulgated hereunder.

11.30.080 Administration and Enforcement.

A. This Chapter of the Code shall be administered and enforced by the Borough Manager. The Borough Assembly shall have the authority to establish and regulate monthly utility rates for water supply services for all domestic and commercial consumers.

B. A current file of all rates adopted by the Borough Assembly under this Code shall be available for public inspection during regular business hours at the Borough Offices.

C. The Borough Assembly may adopt such additional regulations, provisions and procedures pertaining to water supply as it deems proper.

D. The utility system shall be operated and maintained by a utility operator. The utility operator shall be appointed by the Borough Manager.

E. No water from the Borough water supply may be turned on for service into any premises by any person except such person or persons as the Borough Assembly shall authorize to perform the service.

F. A deposit shall be required by all persons requesting service as follows: the deposit shall be equal to two (2) month's service. The deposit shall be applied to the last month's service charge upon notification of service termination or refunded to the customer if a refund is due.

11.30.090 Water Service Rate Structure. The rate schedule for water service user charges shall be as set forth in the most current water rate schedule adopted and approved by resolution of the Borough Assembly and incorporated herein by reference. A deposit shall be required by all persons requesting service that shall be equal to two month's service. The deposit shall be applied to the last month's service charge upon notification of service termination, or refunded to the customer if a refund is due.

11.30.100 Consequences of Non-Payment of Service Charges. The water supply may be shut off to any premises for which the water or sewer bill remains unpaid for a period of sixty days after the bill is mailed. When shut off, water shall not be turned on except by properly authorized representatives of the Borough.

11.30.110 Penalties -- Violations -- Notice -- Liability.

A. Any person found to be violating any provision of this Chapter shall be served by the Borough with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. It is unlawful for any person to continue any violation of which he has received notice beyond the period specified in such notice. Such period shall not apply when the violation constitutes a clear and present danger to the public health, and such clear and present danger shall be unlawful from its inception, and subject to summary abatement.

C. Any person violating any of the provisions of this Chapter shall become liable to the Borough for any expense, loss or damage occasioned by the Borough by reason of such violation.

D. Any person who violates any provision of this Chapter or any regulation adopted hereunder pursuant to the authority granted by this Code, shall, upon conviction, be punished according to Chapter 1.24 of this Code.

11.30.120 (repealed).

11.30.130 Delinquencies -- Collection.

A. In the event the charges for the water service are not paid within sixty days after rendition of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent and thereafter such delinquency shall constitute a lien upon the real estate for which such service is supplied, and the Borough Clerk is hereby authorized and directed to file sworn statements showing the delinquencies in the office of the recorder of the recording district in which the Borough is located, and the filing of such statements shall be deemed notice of the lien of such charges for such service.

B. The rates and charges herein established shall be collected from the owners, occupants and users of the premises within the jurisdiction of the Borough from and after the effective date of this Chapter. Passage and publication of this Chapter shall be deemed notice to all owners of real estate of their liability of water service supplied to any occupant or user of such service on their property.

11.30.140 Service Area Only. The provisions of this Chapter are applicable only in the Service Area defined in Chapter 1.16 of this Code.

Chapter 11.32

SEWAGE DISPOSAL

Sections:

11.32.010 Definitions.
11.32.020 Use of Public Sewers Required.
11.32.030 Use of Public Sewers -- Regulations.
11.32.040 Prohibited Discharges.
11.32.050 Connection to Borough Sewage System.
11.32.060 Application for Sewage Service.
11.32.070 Standards for Installation of Service Lines, Plumbing and Fixtures.
11.32.080 Permits for Construction of Individual Sewage System.
11.32.090 Authorized Inspection.
11.32.100 Consequences of Non-Payment of Service Charges..
11.32.110 Sewer Mains -- Damages.
11.32.120 Schedule of Rates and Charges -- Delinquencies.
11.32.130 Private Sewage Disposal.
11.32.140 Sanitary Facilities -- Nuisance Declared.
11.32.150 Maintaining Nuisance -- Failure to Close Building Unlawful.
11.32.160 Violations -- Notice -- Liability.
11.32.170 (repealed).
11.32.180 Service Area Only.
11.32.190 Borough Sewer Lagoon.

11.32.010 Definitions.

A. "B.O.D." (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade, expressed in parts per million by weight.

B. "Building sewer or drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipe inside the walls of the building and conveys it to the public sewer, beginning on the outside of the building wall and ending at the property line.

C. "Director" means the director of public works of the Borough, or his authorized deputy, agent or representative.

D. "Inspector" means the person or persons in the Borough department of public works duly authorized by the Borough to

inspect and approve the installation of building sewers and their connection to the public sewer system.

E. "Person" means an individual, firm, company, association, society, corporation, group, or other entity.

F. "pH" means the common logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

G. "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

H. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

I. "Service lines" mean the sewage pipe laid from the sewer main to the point of discharge of the sewage user's building.

J. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

K. "Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.

L. "Sewer" means a pipe or conduit for carrying sewage.

M. "Sewer mains" or "main" means the pipe laid for the purposes of carrying away sewage discharged from the service lines.

N. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

11.32.020 Use of Public Sewers Required.

A. The owner of any house, building or other structure in which plumbing fixtures have been or are to be placed shall be required to connect with the public sewage system within ninety days after the date of written notice that sewer service is available, provided that a public sewer is within two hundred feet of such structure, unless a variance has been applied for and approved pursuant to Section 8.12.300 of this Code.

B. It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the Borough, on Borough property, or in any area under the jurisdiction of the Borough, any human or animal excrement, garbage or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

C. Except as herein provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.

11.32.030 Use of Public Sewers -- Regulations.

A. No persons shall discharge or cause to be discharged to any public sewer any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in the sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.

B. Grease, oil and sand interceptors shall be provided when, in the opinion of an inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

C. The admission into the public sewers of any waters or wastes having (1) a five-day biochemical oxygen demand greater than three hundred parts per million by weight, or (2) containing more than three hundred fifty parts per million by weight of suspended solids, or (3) containing any quantity of substances having the characteristics described in Section 11.32.040 of this Code, or (4) having an average daily flow greater than two percent of the average daily sewage flow of the Borough, shall be subject to the review and approval of the director of public works. The owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to three hundred parts per million and/or the suspended solids to three hundred fifty parts per million by weight, or (2) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 11.32.040, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director of public works and of the commissioner of the Alaska Department of Health and Welfare, and no construction of such facilities shall be commenced until the approvals are obtained in writing.

D. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

E. When required by the director of public works, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director of public works. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

F. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the director of public works.

11.32.040 Prohibited Discharges. Except as hereinafter provided, no person shall cause to be discharged or allowed to be discharged into its sewer line or system any of the following described waters or wastes:

A. Any liquid or vapor having a temperature higher than two hundred degrees Fahrenheit;

B. Any water or waste which may contain more than fifty parts per million, by weight, of fat, oil or grease;

C. Any gasoline, benzene, naptha, fuel oil or other flammable or explosive liquid, solid or gas;

D. Any garbage that has not been properly shredded;

E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage works;

F. Any waters or wastes having a pH lower than 4.0 or higher than 12.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

H. Any waters or wastes containing suspended solids of such character and quality that unusual attention or expense is required to handle such materials at the sewage treatment plant; or

I. Any noxious or malodorous gas or substance capable of creating a public nuisance.

11.32.050 Connection to Borough Sewage System.

A. All connections to the Borough sewage system shall be made at the expense of the user.

B. All individual sewer connections and repairs, modifications, or disconnections by such connections shall be made only under the terms and conditions as set forth by the 1991 edition of the Uniform Plumbing Code and such further regulations as the Borough may make.

11.32.060 Application for Sewage Service.

A. Each application for sewage service connection shall be in writing and shall include the following:

1. Legal name and address of the applicant;

2. Description and sketch of the property and building for which the sewer service is requested;

3. The name and address of the person who will install the service lines from the building to be served to the Borough sewage system;

4. A description of the fixtures to be used in the structure or building;

5. An agreement to be responsible for and to pay promptly all charges for the service in accordance with this Chapter;

6. Such additional information that the proposed connection complies with this Code and any applicable regulations promulgated by the Borough Assembly.

B. Approval of application -- appeal:

1. If the Borough is satisfied that the application and the proposed connection complies with this Code and applicable regulations hereunder relating to the utilization of the Borough water and sewage system, it shall approve the application and provide for the connection;

2. Any person whose application for connection has been denied or conditionally approved may appeal to the Borough Assembly at its next regularly scheduled meeting.

C. Installation of service lines:

1. All consumer lines to the point of connection to the Borough sewer lines shall be installed by the user, at his own expense, and remain his responsibility for maintenance and repair.

11.32.070 Standards for Installation of Service Lines, Plumbing and Fixtures.

A. Standards for the installation of domestic fixtures to be served by the Borough sewage systems, sewer lines and all related appurtenances as needed to ensure the safe utilization of the Borough sewer systems shall conform to the 1991 edition of the Uniform Plumbing Code and any other regulations as adopted by the Borough.

11.32.080 Permits for Construction Individual Sewage System.

A. An application for a permit for the construction, alteration or extension of an individual sewage disposal system shall be made in writing to the Borough and shall include the following:

1. Legal name and address of the applicant;

2. Description and sketch of the property on which the construction, alteration or extension is proposed;

3. Copies of the required permits obtained from the Alaska Department of Environmental Conservation, Department of Natural Resources, or any other applicable State agency;

4. A sketch of the proposed disposal facility and such additional information as the Borough may deem necessary to demonstrate that the proposed disposal facility shall comply with this Code and the standards of the Alaska Department of Environmental Conservation.

B. Approval of permit appeal:

1. If the Borough is satisfied that the proposed facility will comply with this Code and with the State health regulations, it shall approve the application and issue a permit for the work;

2. Any person whose application for a permit has been denied may appeal to the next regular meeting of the Borough Assembly.

C. If a permit is being requested hereunder concurrent with a variance request under Section 8.12.300 of this Code, no approval may be granted until the variance request has been ruled upon by the Planning Commission and any appeal filed thereto pursuant to Chapter 8.08 fully and completely resolved.

11.32.090 Authorized Inspection.

A. The Borough, through its designated representative or representatives, is hereby authorized to make inspections at reasonable times during daylight hours to determine satisfactory compliance with this Chapter and regulations promulgated hereunder.

11.32.100 Consequences of Non-Payment of Service Charges. The water supply may be shut off to any premises for which the water or sewer bill remains unpaid for a period of sixty days after the bill is mailed. When shut off, water shall not be turned on except by properly authorized representatives of the Borough.

11.32.110 Sewer Mains -- Damages. The Borough shall not be held responsible or liable for any claim or action due to or arising from any suspension of operation, breakage, unavoidable accident or injury of any kind occurring to, or caused by the sewer mains by an act of God, beyond the Borough's control, or caused by the elements, strikes, riots or a public enemy.

11.32.120 Sewer Service Rate Structure -- Delinquencies.

A. The rate schedule for sewer service user charges shall be as set forth in the most current sewer rate schedule adopted and approved by resolution of the Borough Assembly and incorporated herein by reference.

B. In the event the charges for sewerage service are not paid within sixty days after rendition to the bill for such service, such charges shall be deemed and are hereby declared to be delinquent and thereafter such delinquency shall constitute a lien upon the real estate for which such service is supplied, and the Borough Clerk is hereby authorized and directed to file sworn statements showing such delinquencies in the office of the recorder of the recording district in which the Borough is located, and the filing of such statements shall be deemed notice of the lien of such charges for such service.

C. All sewerage service may be discontinued without further notice if the rates or charges for such service are not paid within sixty days after rendition of the bill therefore. If such service is discontinued, the applicable provisions of Sections 11.32.140 and 11.32.150 shall apply.

D. The rates and charges herein established shall be collected from the owners, occupants and users of the premises within the jurisdiction of the Borough from and after the effective date of this Chapter. Passage and publication of this Chapter shall be deemed notice to all owners of real estate of their liability of sewerage service supplied to any occupant or user of such service on their property.

E. A deposit shall be required by all persons requesting service that shall be equal to two month's service. The deposit shall be applied to the last month's service charge upon notification of service termination, or refunded to the customer if a refund is due.

F. A user who disposes of collected sewage into the Borough sewer system shall contact and obtain the consent of the Borough prior to such disposal and shall pay a fee as set forth in the most current sewer rate schedule each time such disposal is made. This fee is subject to immediate cash payment prior to disposal.

11.32.130 Private Sewage Disposal. When a public sanitary or combined sewer is not available under the provisions of section 11.32.020, every house or structure shall be connected on a private sewage disposal system which shall be examined by a State inspector to insure compliance with all requirements of pertinent ordinances, rules, regulations or statutes. It shall be unlawful for any person to construct, alter or extend an individual sewage disposal system except by permission of the City and Borough of Yakutat. It shall be further unlawful for any person to operate or maintain an individual sewage disposal system, unless such system is constructed and maintained in such fashion that it does not contaminate any source of drinking, public or domestic water supply. Such systems shall comply with the applicable standards of the Alaska Department of Environmental Conservation.

B. At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section 11.32.020, a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

C. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Borough and all such private sewage facilities, as herein provided, shall be the responsibility of the user or owner of the private sewage disposal system, and the Borough is in no way responsible for any maintenance or repair, or stoppage or breakage, nor for any damages resulting therefrom in such private sewage disposal systems.

D. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by Borough or state health officials.

11.32.140 Sanitary Facilities -- Nuisance Declared. Any occupied dwelling house or structure, or any dwelling house or structure intended for human occupancy, within the jurisdiction of the Borough, the toilet facilities whereof are not connected with the Borough sewer system as required in Section 11.32.020 or are not in serviceable working order; or the toilet

facilities whereof consist of a privy without adequate antiseptic treatment of human excrement; or the toilet facilities whereof are so designed as to permit human excrement or waste matter to fall onto the beach, water, ground or any pit below; or the toilet facilities whereof, or the disposal of human excrement therefrom, are in anywise unsanitary, malodorous, or dangerous to health or safety shall be and is deemed and declared a public nuisance. Any public nuisance, as defined herein, found within the jurisdiction of the Borough, shall summarily be ordered closed to occupancy by the chief of police or his deputy until the toilet facilities of the dwelling house or structure shall have been connected with the Borough sewer system, if required by Section 11.32.020, or are in serviceable order, or both.

11.32.150 Maintaining Nuisance -- Failure to Close Building Unlawful. It is unlawful for any person to maintain, lease or use for human occupancy any dwelling house or structure which is a common or public nuisance as defined in Section 11.32.140 or for any person maintaining, leasing or using for human occupancy any such dwelling house or structure which is a common or public nuisance to fail or refuse forthwith to close the dwelling house or structure for human occupancy when ordered to do so by any police officer of the Borough.

11.32.160 Violations -- Notice -- Liability.

A. Any person found to be violating any provisions of this Chapter shall be served by the Borough with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. It is unlawful for any person to continue any violation of which he has received notice beyond the period specified in such notice. Such period shall not apply when the violation constitutes a clear and present danger to the public health and such clear and present danger shall be unlawful from its inception, and subject to summary abatement, or to the applicable provisions of Section 11.32.140 and 11.32.150.

C. Any person violating any of the provisions of this Chapter shall become liable to the Borough for any expense, loss or damage occasioned by the Borough by reason of such violation.

D. Any person who violates any provision of this Chapter of this Code, or any regulation adopted hereunder pursuant to the authority granted by this Code, shall, upon conviction, be punished according to Chapter 1.24 of this Code.

11.32.170 (repealed).

11.32.180 Service Area Only. The provisions of this Chapter are applicable only in the Service Area defined in Chapter 1.16 of this Code.

11.32.190 Borough Sewer Lagoon.

A. The sewer lagoon located adjacent to the Yakutat Airport and on property described as The Sewer Lagoon and Right-Of-Way for the Sewer System at the Yakutat Airport Described in Department of Transportation Lease ADA-50344 and FAA Contract DTF A04-98-L-16580, shall be considered part of the Borough public sewer system.

B. Those entities which are connected to the sewer lagoon upon original enactment of this ordinance shall be required to remain connected. New connections will be at the Borough's discretion, and dependent upon the capacity of the lagoon, as established by the State of Alaska, Department of Environmental Conservation, or other applicable governmental authority.

C. The rate structure established by the Borough Assembly under section .120(A) of this Chapter shall apply to connections to and use of the sewer lagoon.

D. All other provisions of this Chapter shall apply to connections to and use of the sewer lagoon, unless the context clearly dictates otherwise.