

Title 9

HEALTH AND SAFETY

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- 9.08** **Nuisances**
- 9.12** **Fireworks**
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Chapter 9.04

GARBAGE

(Recodified as Chapter 15.18 WMC by Ord. 809)

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Chapter 9.08**NUISANCES**

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- 9.08.010 Defined.
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- 9.08.120 Penalty for violation.

9.08.010 Defined.

For purposes of this chapter, “nuisance” means any act or creation which is injurious to the public health, or which prevents or obstructs the free and comfortable enjoyment of life and property or which is dangerous to surrounding property. [Ord. 227 § 5, 1969; prior code § 42.60.010.]

9.08.020 Prohibited – Abatement generally.

A. It is unlawful for any person, firm or corporation to permit or maintain the existence of any nuisance on any property under his or its control.

B. Whenever a nuisance is deemed to exist it shall be abated by the health officer or chief of police at the expense of the person maintaining such nuisance. [Ord. 227 § 5, 1969; prior code § 42.60.010.]

9.08.030 Burial.

It is unlawful for any person to bury any person within the borough limits except in an established cemetery. [Ord. 227 § 5, 1969; prior code § 42.60.020.]

9.08.040 Slaughterhouses and similar operations.

A. No person shall establish or maintain a slaughterhouse; keep herds of more than five swine or goats; cure or keep hides, skins or pelts; slaughter cattle, swine, sheep or any other kind of animals; pursue or carry on any other business offensive to the senses or prejudicial to the public health or comfort in any part of the borough.

B. Any person maintaining stables, stockyards, or hogpens in which livestock are confined shall be required to keep the same free from accumulations of filth so that the same shall not be prejudicial to the public health. [Ord. 227 § 5, 1969; prior code § 42.60.030.]

9.08.050 Water pollution.

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. [Ord. 227 § 5, 1969; prior code § 42.60.040.]

9.08.060 Maintaining gutters free of obstructions.

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 obstructions to the free passage of water, and to remove all dirt, filth, garbage or rubbish that may have accumulated on the street or alley adjoining the property, to the middle of the street or alley. [Ord. 227 § 5, 1969; prior code § 42.60.050.]

9.08.070 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. [Ord. 227 § 5, 1969; prior code § 42.60.060.]

9.08.080 Accumulations of rubbish and materials prohibited.

No owner, lessee, agent, tenant, or occupant shall allow or permit any junk vehicles, junk, debris, or indiscriminate storage of machinery, equipment parts, lumber, or other material, or any accumulation of garbage, manure, offal, rubbish, stagnant water, or any filthy liquid or substance, or anything that is or may become putrid or offensive to be or remain upon his yard, lot or premises, or upon any yard, lot or premises controlled by him. [Ord. 600 § 4, 1995; Ord. 227 § 5, 1969; prior code § 42.60.070.]

9.08.090 Certain conditions declared nuisances.

In addition to other public nuisances declared by other sections of this code, the nonexclusive following are declared to be public nuisances:

A. The sale or offering for sale of unwholesome food or drink; or places where such sales or offerings are made;

B. The exposure, display, sale, or distribution of obscene pictures, books, pamphlets, magazines, papers, documents, or objects;

C. The public exposure of a person having a contagious disease;

D. The keeping of an animal that causes a disturbance by noise after being informed that this noise is having that effect and the noise continues;

E. The operation or use of any electrical apparatus or machine which materially and unduly interferes with radio or television reception by others;

F. Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance;

G. All ditches, drains, wells, pools, cisterns, bodies, or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned, or situated as to endanger the public health or safety;

H. Rank weeds or grass; carcasses; accumulations of manure, refuse or other things, which are, or are likely to be, breeding places for flies, mosquitoes, vermin, or disease germs;

I. Any pit, hole, or other thing which is so constructed, formed, conditioned, and/or situated as to endanger the public safety;

J. Any fire or explosion hazard which endangers the public peace, health, safety, or welfare;

K. Any occupation or activity which endangers the public peace, health, safety, morals, or welfare. [Ord. 683 § 4, 2000; Ord. 227 § 5, 1969; prior code § 42.60.080.]

9.08.100 Remedies not exclusive.

Nothing in this chapter shall interfere with remedies provided in other sections of this code for the abatement of nuisances, or with the remedies provided in the building code, or with any other remedy afforded by the laws of the state. The board or mayor of the borough may, at their option, choose any method or combination of methods provided for in this chapter, or provided by law, in order to enforce the provisions of this chapter. [Ord. 683 § 4, 2000; Ord. 227 § 5, 1969; prior code § 42.60.220.]

9.08.110 Notification of offenders by police chief – Abatement.

It shall be the duty of the chief of police upon receiving notice of any violation of the provisions of this chapter immediately to notify the offender to abate and remove the same within such time as he may deem proper, not to exceed 24 hours. If the nuisance has not been removed or abated within the time specified in the notice, the chief of police shall cause the same to be removed and the expense thereof shall be paid by the borough and recovered from the owner by an action at law. [Ord. 683 § 4, 2000; Ord. 227 § 5, 1969; prior code § 42.60.230.]

9.08.120 Penalty for violation.

In addition to the remedies provided by this chapter against any such building or other structure, any person, firm, association or corporation who willfully violates any provision of this chapter, or who willfully fails or refuses to comply with final order, determination, decision or judgment of the board of adjustment made in accordance with the provisions of this chapter, or any final intermediate order made in accordance with the provisions of this chapter by the borough manager, fire chief, chief of police, building inspector, or health officer, or other authorized officer or employee of the borough shall be punishable as provided for in WMC 1.20.010. [Ord. 833 § 61, 2009; Ord. 683 § 4, 2000; Ord. 227 § 5, 1969; prior code § 42.60.240.]

Chapter 9.12**FIREWORKS***

Sections:

- 9.12.010 Defined.
- 9.12.020 Prohibited.
- 9.12.030 Sale prohibited.
- 9.12.040 Fireworks displays – Permission of fire and police chiefs required.

9.12.010 Defined.

“Fireworks,” as used in this chapter, means all torpedoes, Roman candles, rockets, sky bombs, sky rockets or any other articles which are commonly sold as fireworks. The term “fireworks” shall not include commonly used safety devices so long as such devices are actually sold or used only for safety purposes; nor shall the term “fireworks” include model rockets which are properly designed for aerodynamic stability or used for educational or hobby purposes; nor shall the term “fireworks” include sparklers or caps. [Ord. 233 § 5, 1969; prior code § 39.40.030.]

9.12.020 Prohibited.

It is unlawful and prohibited for any person to ignite, discharge, fire or cause to be ignited, discharged or fired any fireworks or firecracker within the corporate limits of the borough, which makes a report of loud noise or ascends into the air by its own power. Violation of any provision of this chapter shall be punishable as provided for in WMC 1.20.010. [Ord. 833 § 61, 2009; Ord. 705 § 4, 2001; Ord. 233 § 5, 1969; prior code § 39.40.010.]

9.12.030 Sale prohibited.

It is unlawful to offer for sale, sell, bargain or give to any person any firecrackers or fireworks or any kind or description within the corporate limits of the borough. [Ord. 233 § 5, 1969; prior code § 39.40.020.]

9.12.040 Fireworks displays – Permission of fire and police chiefs required.

The borough chief of police and fire chief are granted the joint authority to permit any person to give a fireworks display for any special occasion or reason within the corporate limits of the borough, but no such demonstration or display shall be conducted without first securing permission in writing from the chief of police and the fire chief and establishing to the satisfaction of each of them that the same will be conducted in a manner which will protect the safety of all persons watching the same and the property in the immediate vicinity. [Ord. 833 § 24, 2009; Ord. 233 § 5, 1969; prior code § 39.40.040.]

* For statutory provisions on fireworks, see AS 18.72; for provisions on municipal regulations of fireworks, see AS 18.72.060.

Chapter 9.16**LITTERING**

Sections:

- 9.16.010 Defined.
- 9.16.020 Deposit in public places.
- 9.16.030 Maintaining sidewalks free of litter.
- 9.16.040 Deposit from vehicles prohibited.
- 9.16.050 Operating litter-generating vehicles prohibited.
- 9.16.060 Deposit on private property prohibited.
- 9.16.070 Property owner's responsibility to maintain premises.
- 9.16.080 Handbills – Restrictions generally.
- 9.16.090 Handbills – Distribution on private property.
- 9.16.100 Posting notices prohibited.
- 9.16.110 Notice to abate – Removal by borough.

9.16.010 Defined.

“Litter” means “garbage,” “refuse,” and “rubbish” as defined in WMC 15.18.010 and all other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger or nuisance to public health, safety and welfare. [Ord. 205 § 5, 1967; prior code § 42.50.005.]

9.16.020 Deposit in public places.

No person shall throw, deposit or sweep litter in or upon any street, gutter, sidewalk, body of water or other public place within the borough except in authorized private or public receptacles for collection or in disposal areas designated by the borough. Persons placing litter in authorized private or public receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements. [Ord. 205 § 5, 1967; prior code § 42.50.010.]

9.16.030 Maintaining sidewalks free of litter.

Persons owning or occupying property or places of business within the borough shall keep the sidewalk in front of their premises free of litter. [Ord. 205 § 5, 1967; prior code § 42.50.015.]

9.16.040 Deposit from vehicles prohibited.

No person while a driver or passenger in any vehicle in or above the borough shall throw or deposit litter, handbills, or any other object upon any street or other public place within the borough or upon private property. [Ord. 205 § 5, 1967; prior code § 42.50.020.]

9.16.050 Operating litter-generating vehicles prohibited.

No person shall operate any vehicle within or above the borough from which litter falls or is blown or from the tires of which dirt, mud or litter or other foreign substance falls or is deposited. [Ord. 205 § 5, 1967; prior code § 42.50.025.]

9.16.060 Deposit on private property prohibited.

No person shall deposit litter on any occupied or vacant private property within the borough whether owned by the person or not except that the owner or person in control of private property may maintain authorized private receptacles for collection. [Ord. 205 § 5, 1967; prior code § 42.50.030.]

9.16.070 Property owner’s responsibility to maintain premises.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit storage of litter in authorized private receptacles for collection. [Ord. 205 § 5, 1967; prior code § 42.50.035.]

9.16.080 Handbills – Restrictions generally.

No person shall throw or deposit any handbills in or upon any sidewalk, street or other public place within the borough or in or upon any vehicle or vacant private premises nor shall any person hand out or distribute or sell any commercial handbill in any public place except that it shall not be unlawful to hand out or distribute without charge any noncommercial handbill to any person willing to accept it. [Ord. 205 § 5, 1967; prior code § 42.50.040.]

9.16.090 Handbills – Distribution on private property.

A. No person shall distribute any handbill upon private premises if requested by anyone thereupon not to do so or if there is placed on the premises in a conspicuous position a sign indicating that the occupants of the premises do not desire to have their right of privacy disturbed or to have any such handbills left upon their premises without their consent.

B. If the premises is not posted as provided in subsection (A) of this section, a handbill may be placed therein; provided, that the handbill is so deposited as to prevent it from being blown about the premises or any other private or public property; and provided, that mail boxes may not be so used when prohibited by federal postal law or regulations.

C. The provisions of this section shall not apply to the distribution of mail by the United States or to newspapers, except that newspapers shall be placed upon private property in such a manner as to prevent their being carried or blown by the elements. [Ord. 205 § 5, 1967; prior code § 42.50.045.]

9.16.100 Posting notices prohibited.

No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamppost, public utility pole or tree or upon any public structure or building except as may be authorized or required by law. [Ord. 205 § 5, 1967; prior code § 42.50.050.]

9.16.110 Notice to abate – Removal by borough.

A. The borough engineer or any other employee or agent designated by the borough is authorized to notify the owner of property within the borough, or the owner’s agent, to dispose properly of litter located on the owner’s property which is or may become offensive, noxious or dangerous to the public health, safety or welfare. The notice shall be by registered mail addressed to the owner at his last known address.

B. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of such litter after written notice as provided in subsection (A) of this section or within 10 days after the date of the notice in the event the same is returned to the post office department because of its inability to make delivery, provided such notice was properly addressed, the borough engineer 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, if not paid by the owner prior thereto, shall be charged to the owner of the property on the next regular tax bill forwarded to the owner by the borough and the charge shall be due and payable by the owner at the time of payment of the bill. [Ord. 205 § 5, 1967; prior code § 42.50.055.]

Chapter 9.20**NUCLEAR FREE ZONE**

Sections:

- 9.20.010 Purpose.
- 9.20.020 Definitions.
- 9.20.030 Prohibitions.
- 9.20.040 Exclusions.

9.20.010 Purpose.

The purpose of this chapter is to establish the borough as a nuclear free zone, to acknowledge the orientation of the community toward peaceful development, and to protect the health and safety of the community and its resources on land and sea by prohibiting work on or storage of nuclear weapons weapons or the storing or dumping of radioactive material within the borough. [Ord. 778 § 1, 2006.]

9.20.020 Definitions.

For the purpose of this chapter, the following definitions shall have the meaning set forth below:

A. "Component of a nuclear weapon" means any device, radioactive or nonradioactive, specially designed or modified for exclusive use as part of a nuclear weapon.

B. "Direct activities of the federal government" means actions of the federal government, or of its agencies, but shall exclude actions of independent contractors.

C. "Nuclear weapon" means any device the intended explosion of which results from the energy released by fission or fusion reactions involving atomic nuclei, including the means of guiding, transporting, propelling or triggering of the device; provided, that such means is destroyed or rendered useless in the normal guiding, transporting, propelling or triggering of the device.

D. "Person" means any individual, corporation, institution or other entity.

E. "Radioactive material" means any radioactive material which is the byproduct of any nuclear reaction or nuclear weapons production, any radioactive material or spent energy in the form of particles or rays by spontaneous disintegration of atomic nuclei, and any other material which the Nuclear Regulatory Commission determines to be nuclear materials, except as specifically exempted in WMC 9.20.040. [Ord. 778 § 1, 2006.]

9.20.030 Prohibitions.

A. A person may not knowingly design, produce, deploy, launch, maintain or store nuclear weapons or the components of nuclear weapons. A person may not produce, store or dump radioactive material.

B. A person may not establish, construct or operate a radioactive material disposal site or store or dump any radioactive material except as specifically exempted in WMC 9.20.040.

C. No zoning, building, special use or other permits shall be issued by the borough for facilities, structures or uses prohibited by this chapter. [Ord. 778 § 1, 2006.]

9.20.040 Exclusions.

Nothing in this chapter prohibits:

A. Uses of small amounts of radioactive materials for smoke detectors, light-emitting watches and clocks, gauges, and other similar consumer and industrial devices.

B. Use of radioactive materials for health care, including medical and dental purposes.

C. Direct activities of the federal and state government that are exempted by federal or state law from the application of the prohibitions under this chapter.

D. Storage of radioactive materials for activities excluded under this section.

E. Naturally occurring radioactive materials and associated radon gas as may be present in sandblasting grit, rock formations, snow melt and like materials. [Ord. 778 § 1, 2006.]

