

**CITY OF CORDOVA, ALASKA
ORDINANCE 1107**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA,
AMENDING CORDOVA MUNICIPAL CODE SECTIONS 1.04.070, 1.28.085, 16.05.010 AND
18.32.010; REPEALING AND REENACTING CORDOVA MUNICIPAL CODE TITLE 8;
AND ENACTING CORDOVA MUNICIPAL CODE CHAPTER 14.20 AND CORDOVA
MUNICIPAL CODE SECTIONS 1.04.115, 18.32.025 AND 18.60.030; REGARDING HEALTH
AND SAFETY.**

BE IT ORDAINED by the City Council of the City of Cordova, that:

Section 1. Cordova Municipal Code 1.04.070 is amended to read as follows:

1.04.070 - City manager. "City manager" means the city manager of the city of Cordova or the authorized designee of the city manager.

Section 2. Cordova Municipal Code 1.04.115 is enacted to read as follows:

1.04.115 – Law. "Law" means the constitution and statutes of the United States, the constitution of the State of Alaska, the statutes of the State of Alaska that are valid limitations on the exercise of legislative power by a home rule municipality, the city charter and the ordinances enacted pursuant to the city charter.

Section 3. Cordova Municipal Code 1.28.085 is amended by replacing the part of the table headed, "Health and Safety" with the following:

Code Ref.	Code Title	Fine per Day
8.04.040	Dog license required	\$75.00
8.04.050	Dog license tag--display	\$75.00
8.04.070	Dog license not transferable	\$75.00
8.04.100	Control and confinement of dogs	\$75.00
8.04.110	Control and confinement of cats	\$75.00
8.04.120	Control of other animals.	\$75.00
8.04.130(A)	Disease control--vaccinations.	\$75.00
8.04.130(B)	Disease control--proof of vaccination	\$75.00
8.04.130(C)	Disease control--duty to report bites	\$75.00
8.04.130(D)	Disease control--quarantine of animal	\$75.00
8.04.130(E)	Disease control--removal or destruction of animal subject to quarantine	\$75.00
8.04.140(G)	Impoundment--unauthorized removal of impounded animal from animal shelter	\$75.00
8.04.160	Accident involving injury to an animal	\$75.00
8.04.170	Trapping	\$75.00
8.04.180(A)	Prohibitions--stolen or falsified license or document	\$75.00
8.04.180(B)	Prohibitions--interference with enforcement	\$75.00
8.04.180(C)	Prohibitions--interference with performing duties	\$75.00
8.04.180(D)	Prohibitions--failure to comply with quarantine	\$75.00
8.04.180(E)	Prohibitions--failure to comply with other provision, rule, order or regulation	\$75.00
8.08.010	Creation or maintenance of nuisance prohibited	\$75.00
8.12.010	Violation of air quality standards	\$75.00

8.16.010	Violation of water quality standards	\$75.00
8.16.020	Use of water from roundhouse site.	\$75.00
8.20.030	Transportation of explosives	\$75.00
8.20.040	Storage of explosives	\$75.00
8.20.050	Notice of detonation of explosives	\$75.00
8.20.060	Statutes and regulations incorporated by reference	\$75.00
8.24.010	Materials that may be burned	\$75.00
8.24.020	Restrictions on controlled burns	\$75.00
8.24.040	Notice to fire department required	\$75.00
8.28.020	Prohibited materials	\$75.00
8.28.030	Deposit in receptacle	\$75.00
8.32.040	Transporting litter	\$75.00
8.32.050	Abatement of litter on private property	\$75.00
8.32.060	Distribution of handbills	\$75.00
8.32.070	Posting on public structures prohibited	\$75.00

Section 4. Cordova Municipal Code 1.28.085 is amended by adding the following after the table headed, "Water—Rates":

Garbage		
Code Ref.	Code Title	Fine per Day
14.20.030	Refuse collection required	\$75.00
14.20.060	Refuse collection—obstructions prohibited	\$75.00
14.20.070	Refuse collection—delivery to disposal site or incinerator	\$75.00
14.20.080	Containers—specifications	\$75.00
14.20.090	Containers—location	\$75.00
14.20.100	Containers—depositing other than refuse prohibited	\$75.00
14.20.110	Containers—unauthorized use prohibited	\$75.00
14.20.120	Garbage—unauthorized transport prohibited	\$75.00
14.20.130	Garbage—vehicle requirements	\$75.00
14.20.170	Trespassing, removal of material from refuse disposal site	\$75.00

Section 5. Cordova Municipal Code Title 8 is repealed and reenacted to read as follows:

Title 8 - HEALTH AND SAFETY

Chapters:

- Chapter 8.04 - ANIMALS
- Chapter 8.08 - NUISANCES
- Chapter 8.12 - AIR POLLUTION
- Chapter 8.16 - WATER POLLUTION
- Chapter 8.20 - EXPLOSIVES
- Chapter 8.24 - CONTROLLED BURNS
- Chapter 8.28 - BURN PILE
- Chapter 8.32 - LITTERING

Chapter 8.04 - ANIMALS

Sections:

- 8.04.010 - Definitions
- 8.04.020 - Fees.
- 8.04.030 - Animal control officers; powers and duties
- 8.04.040 - Dog license required.

- 8.04.050 - Dog license tag—Display.
- 8.04.060 - Dog license tag—Duplicate.
- 8.04.070 - Dog license not transferable.
- 8.04.080 - Provisional dog license.
- 8.04.090 - Dog license—Retention of records.
- 8.04.100 - Control and confinement of dogs.
- 8.04.110 - Control and confinement of cats.
- 8.04.120 - Control of other animals
- 8.04.130 - Disease control.
- 8.04.140 - Impoundment.
- 8.04.150 - Statement of surrender.
- 8.04.160 - Accident involving injury to an animal.
- 8.04.170 - Trapping.
- 8.04.180 - Prohibitions.

8.04.010 – Definitions. In this chapter:

- A. "Animal means all members of the Phylum Cordata, Subphylum Vertebrata, excluding nondomestic animals and humans, unless otherwise specifically stated.
- B. "Animal shelter" means a premises designated by the city manager for the impounding and caring for animals under the authority of this chapter.
- C. "Cat" means a domestic or domesticated member of the family Felidae.
- D. "Dog" means any domestic or domesticated member of the family Canidae.
- E. "Euthanize" means putting to death in a rapid, humane manner.
- F. "Harboring" means to occupy a premises in which an animal is kept or to which it customarily returns daily for food and care.
- G. "Intact" means an animal that has not been rendered sterile by surgical means.
- H. "Leash" means a cord, strap or chain attached to a collar or harness worn by an animal that is of sufficient strength to prevent the animal from moving beyond its length.
- I. "Owner" means, with regard to an animal, a person who possesses or harbors the animal.
- J. "Rabies vaccination" means inoculation with an approved rabies vaccine by a person authorized to administer the vaccine.
- K. "Restrain" means to keep an animal on its owner's premises, in an enclosed vehicle or on a leash.
- L. "Sterile" means rendered incapable of reproduction by surgical operation.
- M. "Trap" means any device designed or used to kill or capture an animal, and that operates without direct human control.
- N. "Trapping" means the placing or setting of a trap.
- O. "Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian for the treatment of diseased or injured animals.
- P. "Vicious dog" means a dog that bites or attacks a human being or an animal without provocation.

8.04.020 - Fees. Except as this chapter provides otherwise, all fees required in this chapter shall be in the amount that the council determines by resolution from time to time.

8.04.030 - Animal control officers; powers and duties.

A. The city manager shall appoint a chief animal control officer to administer and enforce the provisions of this chapter, and one or more deputy animal control officers to administer and enforce the provisions of this chapter under the supervision of the chief animal control officer. The chief animal control officer and each deputy animal control officer is a peace officer as defined in AS 01.10.060(a)(7)(F), and is authorized to issue citations for any violation of this chapter in the manner provided by AS 12.25.180—12.25.230.

B. The chief animal control officer shall administer the animal shelter. If the city contracts with a private person or entity to perform the functions of the animal shelter, the chief animal control officer shall be the head of the department charged with administration of the contract, and may delegate to the contractor those powers of the chief animal control officer which are necessary to the performance of the contract and which lawfully may be delegated to a private person or entity.

8.04.040 - Dog license required.

A. Except as provided in subsection B of this section:

1. No person may own or have custody of a dog six months of age or older without obtaining and displaying a city dog license for the dog as required by this chapter; and

2. No person may receive ownership or custody of a dog over the age of six months by sale, gift or other means without obtaining and displaying a city dog license for the dog as required by this chapter within fifteen days after receiving ownership or custody of the dog.

B. The licensing requirement in subsection A of this section does not apply to a dog currently licensed by another government entity that is present in the city for less than 30 consecutive days.

C. A person who is required to obtain a dog license under this chapter shall apply to the city for the license on a form approved by the city manager, and shall accompany the application with the license fee and the rabies vaccination certificate required in subsection D of this section. The application shall include at least the following information:

1. The number and date of issuance of the dog license;
2. The name of the dog;
3. The telephone number and address of the owner;
4. The breed, color, age and sex of the dog;
5. Whether the dog is spayed or neutered;
6. The expiration date of the dog's rabies vaccination and the vaccination certificate number, and
7. The location and description of any identification on the dog

D. The city shall not issue a dog license unless the dog has been vaccinated with a State of Alaska approved rabies vaccine by a licensed veterinarian or by a State of Alaska rabies lay-vaccinator, the license applicant submits a completed State of Alaska rabies vaccination certificate, and the period of immunization has not expired.

E. The fee for renewal of a dog license is payable before each December 31 for the succeeding calendar year. The fee for a dog license is not prorated when paid during a calendar year.

8.04.050 - Dog license tag—Display. For each licensed dog, the city manager shall issue a dog license tag in the form and color prescribed by the National Association of State Public Health Veterinarians, Inc., stamped with a serial number and the year and city and state of issuance. The dog license tag shall be worn by the licensed dog at all times, attached to a collar, harness or similar device.

8.04.060 - Dog license tag—Duplicate. The owner of a licensed dog shall obtain from the city manager a new license tag to replace a license tag for the dog that is lost or destroyed.

8.04.070 - Dog license not transferable. The person to whom a dog license is issued may not transfer the dog license to another person, and no person may attach a dog license tag to a dog other than the dog for which the tag was issued.

8.04.080 - Provisional dog license. If at the time the owner of a dog applies for a dog license and the owner has no rabies vaccination certificate for the dog and no person in Cordova authorized to vaccinate a dog for rabies is available to do so, the city may issue the owner a provisional dog license in lieu of a regular dog license. The provisional license shall be valid for a period of 90 days. The same information shall be recorded for a provisional dog license as for a regular dog license. For each provisional dog license, the city manager shall issue a metal tag stamped with a serial number and the word "provisional," which shall be displayed in the same manner as a regular dog license. Provisional dog license fees are non-re-fundable.

8.04.090 – Dog license—Retention of records. The owner of a licensed dog shall retain the dog license receipt and rabies vaccination certificate for the dog for inspection by any person charged with the enforcement of this chapter.

8.04.100 - Control and confinement of dogs. Dogs shall be controlled and confined as follows:

A. Except in the UR unrestricted zoning district, the owner of a dog shall confine the dog on the owner's property, and when the dog is not on the owner's property, keep the dog at all times on a leash, in a kennel or other suitable enclosed container, or in an enclosed vehicle.

B. In the UR unrestricted zoning district, the owner of a dog shall prevent the dog from entering another person's property, but otherwise need not confine or restrain the dog.

C. The owner of a dog shall maintain all structures, pens and yards where the owner keeps the dog, and all areas adjacent thereto, in a clean and sanitary condition and free from objectionable odor.

D. The owner of an intact female dog in heat or during ovulation shall confine the dog in such a manner that it cannot come into contact with a male dog except for planned breeding purposes.

E. The owner of a vicious dog at all times shall either confine the dog in a building or a secure enclosure, or secure the dog, as with a muzzle, so it cannot injure other animals, persons or property. The owner of a vicious dog shall post a sign at the entrance to any premises where the dog is kept that warns the public of the vicious nature of the dog.

F. The owner of a dog shall prevent the dog from engaging in the following activities:

1. Biting or attacking a person;
2. Chasing passersby or passing vehicles;
3. Attacking other animals;
4. Damaging private or public property;
5. Barking, whining or howling continuously for a period exceeding 15 minutes;

and

6. Defecating on property other than the property of the owner.

G. No person other than an officer performing duties under this chapter may release a dog from confinement or restraint without its owner's consent, except to preserve the dog's life.

8.04.110 - Control and confinement of cats. Cats shall be controlled and confined as follows:

A. The owner of a cat shall confine the cat on the owner's property, and when the cat is not on the owner's property keep the cat at all times in a kennel or other suitable enclosed container, or in an enclosed vehicle.

B. The owner of a cat shall maintain all structures, pens and yards where the owner keeps the cat, and all areas adjacent thereto, in a clean and sanitary condition and free from objectionable odor.

C. The owner of an intact female cat in heat or during ovulation shall confine the cat in such a manner that it cannot come into contact with a male cat except for planned breeding purposes.

D. The owner of a cat shall prevent the cat from engaging in the following activities:

1. Attacking other animals;
2. Damaging private or public property; and
3. Defecating on property other than the property of the owner.

8.04.120 - Control of other animals. No person owning or having charge of an animal other than a dog or cat that is kept as livestock or a pet may permit the animal to roam at large. The owner of any such animal shall maintain all structures, pens and yards where the owner keeps the animal, and all areas adjacent thereto, in a clean and sanitary condition and free from objectionable odor.

8.04.130 - Disease control.

A. Vaccinations. Every person owning or harboring an animal that is required by law to be vaccinated shall have the animal vaccinated

B. Proof of Vaccination. No person who owns or harbors an animal that is required by law to be vaccinated may fail or refuse to exhibit the owner's copy of a completed State of Alaska vaccination certificate for the animal to any person charged with enforcing this chapter upon demand.

C. Duty to Report Bites. A person bitten by an animal required to be vaccinated by law, the owner of the animal, and any health care provider who treats an animal bite, shall immediately report the incident to the department of public safety.

D. Quarantine of Animal. Any animal required to be vaccinated by law that has bitten a person shall be confined and observed as required by 7 AAC 27.022. No owner of an animal that is reported to have bitten a person may fail or refuse to produce the animal upon demand of an officer enforcing this chapter for confinement and observation under this subsection.

E. Removal or Destruction of Animal Subject to Quarantine. While an animal is subject to quarantine under this section, no person may remove the animal from the place of quarantine or destroy the animal without the written consent of the city manager.

8.04.140 - Impoundment.

A. Animals Subject to Impoundment.

1. An animal found in violation of a provision of this chapter shall be impounded and placed in the Cordova Animal Shelter and the owner of the animal shall be issued a summons and citation.

2. When an officer can determine the identity of the owner of an animal in violation of a provision of this chapter, and the animal can be returned immediately to the custody of the owner, the officer shall issue a summons and citation to the owner and release the animal to the owner.

B. First and Second Impoundment. As soon as practicable after the first or second impoundment of an animal for a violation of a provision of this chapter the owner of the animal shall be notified by telephone or mail. The owner of the animal or a person having the owner's written authorization may redeem the animal from impoundment upon payment of all applicable fees and

finer. If an animal is not redeemed within five days after the date of notice of impoundment was given, it shall be deemed abandoned.

C. Third and Subsequent Impoundment. An animal that has been impounded more than two times is not subject to redemption and shall be deemed abandoned.

D. Disposition of Abandoned Animals. The city manager may place for adoption an animal that is deemed abandoned under subsection B or C of this section. The city manager shall not place for adoption any animal known to be vicious or diseased. A person other than the owner of the animal at the time of its impoundment may adopt an animal that has been placed for adoption by paying all applicable fees.

E. The city shall not disclose the identity of a person who adopts an animal from the Cordova Animal Shelter unless the city manager determines that the public health, safety or welfare requires the disclosure.

F. The city manager shall euthanize an animal that is not eligible for adoption, or that has not been adopted within a time that the city manager deems reasonable after its placement for adoption.

G. No person may remove an impounded animal from the Cordova Animal Shelter without the written authorization of the city manager.

8.04.150 - Statement of surrender. A person who brings an animal to the Cordova Animal Shelter may request that the animal to be euthanized upon signing the following statement:

"I certify that I own/am the authorized agent of the owner of the animal described on this form. I hereby surrender all interests, if any, of the owner thereof to the City of Cordova and I request that the animal be disposed of as seems advisable in the discretion of the City Manager. I agree that neither the City of Cordova nor any of its officers or employees will incur any obligation to me on account of such disposition. I certify that the animal has/has not bitten any animal or human within the last fourteen (14) days."

8.04.160 - Accident involving injury to an animal. The driver of a vehicle involved in an accident resulting in injury to an animal shall stop the vehicle as close to the scene of the accident as possible and forthwith inform the department of public safety of the time and location of the accident, a description of the injured animal and the apparent nature of the injury.

8.04.170 - Trapping. No person may engage in trapping in the city, except as provided in this section. Trapping is permitted:

A. Within an enclosed structure, by, or with the permission of, a person who owns or is in lawful possession of the structure, using traps of any size and type;

B. In the area within the city limits as of February 1993, and not within the parks and open space zoning district established under Title 18 of this code:

1. Using live traps of any size, and boxed or contained body gripping traps with jaw spreads less than 4.5 inches, with each trap placed a minimum of four feet off the ground and checked on a regular basis, but at least once every seventy-two hours; and

2. Using completely submerged traps of any size and type;

C. In the area annexed to the city on and after March 1993, and not within the parks and open space zoning district established under Title 18 of this code:

1. Within one hundred yards of the right-of-way of any publicly maintained road including without limitation the following roads: Copper River Highway, Sheridan Glacier

Road, Whitshed Road, Cabin Lake Road and Power Creek Road, using body gripping traps with jaw spreads of less than 4.5 inches, leg-hold traps with outside jaw spreads not exceeding 5 inches, and completely submerged traps of any size and type, and

2. More than one hundred yards from the right-of-way of any publicly maintained road, using traps of any size and type.

8.04.180 - Prohibitions. No person may:

- A. Make, use or possess a stolen, counterfeit or forged dog license receipt, dog license tag, rabies vaccination certificate or other document or certificate required by this chapter;
- B. Interfere with, molest, hinder or prevent any lawful authority from enforcing the provisions of this chapter;
- C. Interfere with, molest, hinder or prevent any health officer, licensed physician or licensed veterinarian from performing duties required under this chapter;
- D. Fail to comply with any quarantine required by this chapter; or
- E. Otherwise fail to obey or comply with any other provision of this chapter or any rule, order or regulation issued thereunder.

Chapter 8.08 - NUISANCES

Sections:

8.08.010 - Creation or maintenance prohibited.

8.08.020 - Designated.

8.08.030 – Nuisance abatement.

8.08.010 - Creation or maintenance prohibited. No person may create or maintain a public nuisance, or permit a public nuisance to occur on property that the person owns or controls.

8.08.020 - Designated. In addition to public nuisances under other provisions of law or this code, the following are public nuisances:

- A. The keeping of a place where activities are conducted in violation of law;
- B. 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;
- C. 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;
- D. Any pit, hole or excavation which is so constructed, formed, conditioned and/or situated as to endanger public safety;
- E. Plowing or dumping of snow from a premises upon a city street or other public property without prior written authorization from the city manager.
- F. Permitting or enabling any premises to be inhabited by one or more feral cats. A feral cat is a descendant of a domesticated cat that has returned to the wild, as distinguished from a domesticated cat that has been lost or abandoned.

8.08.030 – Nuisance abatement.

A. The city manager, any other city official or a city resident may submit to the city council a written statement describing an alleged public nuisance, and requesting that it be abated.

B. Except as provided in subsection E of this section, the city manager shall give written notice of the public nuisance allegation to the owner of the property that is the location of the alleged

public nuisance, and to any other person alleged to be responsible for causing the public nuisance. The notice shall be given by certified mail, return receipt requested, and by posting at the location of the alleged nuisance, describing the alleged nuisance and stating that the nuisance will be abated unless the recipient of the notice requests a hearing in writing within 20 days after the date of the notice.

C. Within 20 days after a timely request for a hearing, a hearing officer shall hold a public hearing on whether the alleged public nuisance exists, and whether the public nuisance should be abated under this section. Notice of the hearing shall be given in the same manner as notice of the public nuisance allegation. At the hearing, each participant may present its own evidence and cross-examine other parties' witnesses. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person requesting abatement of the public nuisance shall bear the burden of establishing that the public nuisance exists and that it should be abated under this section. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision and reasons therefor shall be provided to the person requesting abatement of the public nuisance and the owner of the property where the alleged nuisance is located and to any other person responsible for causing the public nuisance.

D. If the hearing officer finds that a public nuisance exists, the hearing officer shall direct the owner or other person responsible for causing the public nuisance to abate it within a specified time. If the owner or other person responsible for causing the public nuisance does not abate it within the specified time, the city manager shall abate the public nuisance, at the expense of the property owner or other responsible person.

E. The city manager may abate a public nuisance that constitutes a grave and immediate danger to the public peace, health, safety, morals, or welfare, without a prior hearing under subsection B of this section.

F. The city manager shall keep an account of the cost of the abating a public nuisance. The costs and expenses incurred by the city in such abatement shall be chargeable to the owner or other responsible person, and may be recovered by the city in a civil action.

G. The procedure for abating a public nuisance in this section is cumulative and in addition to any other procedure authorized by law.

Chapter 8.12 - AIR POLLUTION

Sections:

8.12.010 - Provisions adopted by reference.

8.12.010 - Provisions adopted by reference. Chapter 50, Title 18, of the Alaska Administrative Code, establishing regulations and minimum standards for air quality in Alaska, is adopted by reference as part of this code.

Chapter 8.16 - WATER POLLUTION

Sections:

8.16.010 - Provisions adopted by reference.

8.16.020 - Use of groundwater from roundhouse site prohibited.

8.16.010 - Provisions adopted by reference. Chapter 70, Title 18, of the Alaska Administrative Code, establishing regulations and minimum standards for water quality in Alaska, is adopted by reference as part of this code.

8.16.020 - Use of groundwater from roundhouse site prohibited.

A. No person may use groundwater from the area of the former Cordova Copper River Railroad Roundhouse site, described as follows:

Lots 4, 5, and 6 of Block 2 and Lots 7B and 8A of Block 5, Odiak Park Development, located in the NE 1/4 of Section 28, Township 15 South, Range 3 West, Copper River Meridian, at Latitude 60 32'28.0" and Longitude 145 44'40.0".

B. Prohibited uses of groundwater include without limitation domestic or commercial water service, water for irrigating lawns, gardens or shrubbery, and water for washing vehicles.

Chapter 8.20 - EXPLOSIVES

Sections:

8.20.010 - Purpose of chapter.

8.20.020 - Application of chapter.

8.20.030 - Transportation of explosives.

8.20.040 - Storage of explosives.

8.20.050 - Notice of detonation of explosives.

8.20.060 - Statutes and regulations incorporated by reference.

8.20.010 - Purpose of chapter. The purpose of this chapter is to provide for the health and safety of persons in the city by regulating the transportation, storage and detonation of explosives in the city.

8.20.020 - Application of chapter. The provisions of this chapter do not apply to any of the following:

A The possession, transportation, storage or use of small arms ammunition, commercially manufactured sporting black powder, smokeless propellant and small arms primers; and

B. The possession, transportation, storage or use of fireworks that are subject to regulation under Chapter 6.30 of this code.

8.20.030 - Transportation of explosives.

A. At least four hours before commencing the transportation of any quantity of Class 1.1 explosives, the transporter shall notify the department of public safety of the intended route and timing of the transportation and the type of explosives being transported.

B. A vehicle transporting explosives shall bear the placards and markings required by regulations of the United States Department of Transportation

8.20.040 - Storage of explosives. Explosives may not be stored in a quantity exceeding one thousand pounds or for a period exceeding forty-eight hours without notice first being given to the police department stating the location of the storage, the quantity and class of explosives being stored, the anticipated duration of their storage, and a twenty-four hour per day contact telephone number for a person in charge of the storage.

8.20.050 - Notice of detonation of explosives. No person may cause explosives to be detonated without giving the police dispatch center one hour prior notice of the detonation.

8.20.060 - Statutes and regulations incorporated by reference. In addition to the requirements stated in the other sections of this chapter, the possession, transportation, storage and use of explosives are subject to the following statutes and regulations, as amended from time to time, which are incorporated in this chapter by reference:

- 27 Code of Federal Regulations Part 555;
- 29 Code of Federal Regulations Part 1926, Subpart U;
- 49 Code of Federal Regulations Part 177;
- Alaska Statutes Chapter 08.52;
- 8 Alaska Administrative Code Chapter 62.

Chapter 8.24 - CONTROLLED BURNS

Sections:

- 8.24.010 - Materials that may be burned.
- 8.24.020 – Restrictions on controlled burns.
- 8.24.030 - Responsibility for damage or injury.
- 8.24.040 - Notification to department of public safety required.
- 8.24.070 - Nuisance defined.
- 8.24.080 - Violation.

8.24.010 – Materials that may be burned. The outdoor burning of only the following materials is permitted under this chapter:

- A. Yard debris such as leaves, grass, brush and branches;
- B. Cardboard and paper; and
- C. Wood material stripped of all other materials.

8.24.020 – Restrictions on controlled burns. Controlled burns are limited to

- A. Burn piles 6 feet by 4 feet or smaller that are located 25 feet away from any structure
- B. Burn piles larger than 6 feet by 4 feet that are located 100 feet away from any structure
- C. Locations that minimize the amount of smoke blowing to neighboring properties.
- D. Times when weather conditions are not conducive to fire hazard.
- E. Times when attended by an adult having a charged water hose readily available to extinguish the fire.

8.24.030 - Responsibility for damage or injury. The person conducting a controlled burn under this chapter is responsible for any damage or injury caused by the fire.

8.24.040 - Notification to fire department required. No person may ignite a controlled burn without first notifying the fire department stating the time of the expected ignition, location and duration of the controlled burn.

8.24.050 - Nuisance defined. A controlled burn that generates smoke that prevents a neighboring property owner from enjoying the owner's property is a nuisance and must be extinguished immediately upon request of the fire department.

Chapter 8.28 - BURN PILE

Sections:

- 8.28.010 - Burn pile defined.
- 8.28.020 - Prohibited materials.
- 8.28.030 - Lighting of burn pile prohibited.

8.28.010 - Burn pile defined. In this chapter, "burn pile" means a location that the city provides for the public to dispose of paper, cardboard, wood or brush.

8.28.020 - Prohibited materials.

A. No person may dispose of any material at the burn pile that does not consist solely of loose paper contained within a cardboard box or other burnable container, cardboard, wood or brush.

B. All material that is not a wood product must be removed from wood that is disposed of at the burn pile; and the non-wood material must be disposed of in accordance with instructions from the baler facility.

C. The city may inspect material delivered to the burn pile for prohibited materials and may refuse permission to dispose of prohibited material at the burn pile.

8.28.030 - Lighting of burn pile prohibited. No person other than an authorized city employee may light the burn pile.

Chapter 8.32 - LITTERING

Sections:

- 8.32.010 - Litter defined.
- 8.32.020 - Littering prohibited.
- 8.32.030 - Deposit in receptacle.
- 8.32.040 - Transporting litter.
- 8.32.050 - Abatement of litter on private property.
- 8.32.060 - Distribution of handbills.
- 8.32.070 - Posting on public structures prohibited.

8.32.010 - Litter defined. In this chapter, "litter" means any garbage, trash, waste or discarded material including without limitation discarded food, animal and vegetable matter, fish or animal carcasses or parts, offal, animal or human feces, waste paper, newspaper or magazines, bottles or cans, containers or wrappers, boxes, paper or plastic cartons, motor vehicle or marine vessel parts, oil, building or construction materials, stagnant water or any filthy liquid or substance that is or may become putrid or offensive or a threat to the health and safety of the public.

8.32.020 - Littering prohibited. No person may throw or deposit litter:

- A. In or upon a street, sidewalk or other public place;
- B. In or upon a public park;
- C. In or upon a fountain, lake, stream, bay or any other body of fresh or salt water;
- D. In or upon private property, occupied or not, whether owned by the person or not;
- E. From a motor vehicle or aircraft;
- F. From any accumulation of litter on private property, by sweeping or otherwise, into or upon any gutter, street or other public place.

8.32.030 - Deposit in receptacle. Nothing in Section 8.32.020 prohibits a person from depositing litter in a receptacle provided for its collection in such a manner that it will be prevented

from being carried or deposited by birds, animals or the elements upon any street, sidewalk, public place, water body or private property; provided that no person may deposit a dead animal or other putrid matter in a litter receptacle.

8.32.040 - Transporting litter.

A. No person may drive or move a motor vehicle carrying litter or material that would become litter upon discharge from the vehicle, except where such litter or other material is enclosed within the vehicle or covered or restrained in a manner that will prevent its discharge from the vehicle.

B. No person may drive or move a motor vehicle whose wheels or tires may deposit on a street, alley or other public place mud, muck dirt, litter or foreign matter of any kind.

C. A person who is operating or otherwise in charge of a motor vehicle, upon observing that the vehicle is discharging litter, immediately shall take all steps necessary to prevent any additional discharge, and collect and properly dispose of any litter so discharged.

D. A person operating or otherwise in charge of a motor vehicle who for any reason except personal injury is unable to prevent the discharge of litter from the motor vehicle or collect and dispose of the discharged litter, immediately shall report such discharge of litter to the city. The city may respond to the report by collecting and disposing of the litter at the expense of the person operating or otherwise in charge of the vehicle.

8.32.050 - Abatement of litter on private property. The owner or person in control of private property shall at all times maintain the property free of litter, except for the storage of litter in authorized receptacles for collection. The city manager may abate a violation of this section in the manner provided for abatement of a public nuisance in Section 8.08.030.

8.32.060 - Distribution of handbills. No person may deposit a handbill:

A. In or upon any sidewalk, street or other public place;

B. Upon any parked vehicle;

C. In or upon any private premises which is uninhabited or vacant; or

D. In or upon any private premises if an occupant requests the person not to do so or declines to accept the handbill, or if the premises bears in a conspicuous position near the entrance a sign stating the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," "No Soliciting" or words of similar import.

8.32.070 - Posting on public structures prohibited. No person may post or affix any notice, poster, sign or similar item to any signpost, lamppost, utility pole or tree, upon any public structure or building, or in or upon any public right-of-way, except as may be authorized or required by law.

Section 6. Cordova Municipal Code Chapter 14.20 is enacted to read as follows:

Chapter 14.20 – GARBAGE

Sections:

14.20.010 - Purpose.

14.20.020 - Definitions.

14.20.030 - Refuse collection required—Fees.

14.20.040 - Refuse collection—Service type and frequency.

14.20.050 - Refuse collection—schedule of collection routes.

14.20.060 - Refuse collection—Obstructions prohibited.

14.20.070 - Refuse collection—Delivery to disposal site or incinerator.

- 14.20.080 - Containers—Specifications.
- 14.20.090 - Containers—Location.
- 14.20.100 - Containers—Depositing other than refuse prohibited.
- 14.20.110 - Containers—unauthorized use prohibited.
- 14.20.120 - Garbage—unauthorized transport prohibited.
- 14.20.130 - Garbage—vehicle requirements.
- 14.20.140 - Rubble—collection and disposal
- 14.20.150 - Fees for collection and disposal.
- 14.20.160 - Refuse rate collection.
- 14.20.170 - Trespassing, removal of material from refuse disposal site.
- 14.20.180 - Violation.

14.20.010 - Purpose. The purpose of this chapter is to provide for the collection and removal of garbage and refuse within the corporate limits of the city to protect the health and well-being of the inhabitants of the city.

14.20.020 - Definitions. In this chapter:

- A. "Authorized collector" means a person with whom the city has contracted or whom the city has licensed to collect and dispose of refuse.
- B. "Bag" means a refuse bag constructed of either polyethylene or paper approved by the city manager for indoor and outdoor storage of dry, wet and flammable refuse.
- C. "Commercial service" means service that is not residential service.
- D. "Container" or "can" means a sturdy receptacle, either furnished by the city or approved by the city manager for refuse collection for commercial or residential service.
- E. "Customer" means a person who establishes an account with the city for the collection and disposal of refuse.
- F. "Dwelling unit" means a structure or portion thereof providing independent and complete cooking, living, sleeping and toilet facilities for one or more persons living as a single housekeeping unit, as distinguished from a group occupying a rooming house, dormitory or hotel.
- G. "Garbage" means food waste.
- H. "Holiday" means a recognized city holiday under Section 4.48.040.
- I. "Refuse" means all forms of solid waste including garbage and rubbish, but excluding rubble.
- J. "Residential service" means service to one or more dwelling units.
- K. "Rubbish" means grass clippings, hedge trimmings under three feet in length, paper and small light scrap lumber.
- L. "Rubble" means brushwood, heavy yard trimmings which cannot be conveniently cut into three-foot lengths, discarded fence posts, ashes, cinders, street sweeping, catch basin muck, concrete, mortar, stones, bricks, scrap metal or other similar construction materials, trees or materials resulting from the erection or destruction of buildings.

14.20.030 - Refuse collection required—Fees.

- A. The city shall provide refuse collection and disposal within the city subject to and in accordance with the provisions of this chapter.
- B. A person who owns or occupies a premises where refuse is generated shall contract with the city or its authorized collector for refuse collection service and pay the fee therefor prescribed by the council by resolution from time to time, unless exempted from the collection requirement by the city manager.

14.20.040 - Refuse collection—Service type and frequency. The city or its authorized collector shall collect and remove refuse from customers' premises according to the following schedule:

A. Residential service shall consist of the removal of refuse from containers weighing not more than 75 pounds when full, a minimum of once weekly. When a holiday is observed on the normal day of collection, the collection will be made the following day.

B. Commercial service shall consist of the removal of refuse either from containers weighing not more than 75 pounds when full, or from bulk storage containers, once daily except Sundays and holidays, or as frequently as the owner or the city manager determines to be necessary.

14.20.050 - Refuse collection—schedule of collection routes. The city or its authorized collector shall maintain on file with the city manager a current schedule of its refuse collection routes, and the city or the authorized collector shall follow the routes shown in that schedule.

14.20.060 - Refuse collection—Obstructions prohibited. No person may obstruct the collection of refuse required under this chapter from premises owned or controlled by the person, including without limitation by the presence of excessive snow, vicious animals or parked vehicles. The city or its authorized collector need not collect refuse from a premises where such an obstruction is present.

14.20.070 - Refuse collection—Delivery to disposal site or incinerator. All refuse that is collected in the city shall be delivered to a city-approved disposal site or incinerator, and deposited there in the place and manner designated by the city manager.

14.20.080 - Containers—Specifications.

A. A person owning or controlling a premises from which refuse collection is required shall provide a sufficient number of containers having a capacity of twenty to thirty-three gallons for the storage of refuse before its collection.

B. A person owning or controlling a premises that generates a quantity of refuse that is impractical to store in containers described in subsection A of this section, shall maintain a sufficient number of metal bulk refuse storage containers of a type approved by the city manager for the storage of refuse before its collection.

C. The owner or occupant of a premises where refuse is generated shall place the daily accumulation of refuse from the premises other than rubbish in a container provided under this section, eliminating as far as possible all liquid from the refuse and securely wrapping the refuse in an impermeable bag before placing it in the container.

D. The owner or occupant of a premises where rubbish is generated shall place the rubbish for collection in front of the premises near the back of the curb or edge of the roadway in a location easily accessible for the collector.

14.20.090 - Containers—Location. Before the time for refuse collection, the owner of a premises shall place all containers of refuse for collection in plain view at the same accessible location on the premises no less than 50 feet from the nearest roadway. The containers shall be placed at ground level or on an open platform or porch not more than four feet above the adjacent roadway, so that they may be reached from the ground by the collector. If the premises abuts a public alley, the containers shall be placed immediately adjacent to the alley. If the premises does not abut a public alley, but is served by a private driveway, the containers shall be placed immediately adjacent to the driveway.

14.20.100 - Containers—Depositing other than refuse prohibited. No person may deposit any material other than refuse in a container from which refuse is to be collected under this chapter. The city or its authorized collector need not collect refuse from a container that holds material other than refuse.

14.20.110 - Containers—unauthorized use prohibited. No person may deposit refuse in a refuse container provided for the use of another premises, owner or occupant without the permission of the person who owns or controls the other premises, or the other owner or occupant.

14.20.120 - Garbage—unauthorized transport prohibited. No person other than the city or its authorized collector may operate a motor vehicle transporting garbage in the city.

14.20.130 - Garbage—vehicle requirements. Garbage may be transported by motor vehicle only in a sanitary, watertight and fly-tight enclosed metal container that is cleaned once during every twenty-four hour period of operation. A vehicle used to transport garbage must be of a size approved by the city manager, and kept in good running order and in a clean, sanitary condition.

14.20.140 - Rubble—collection and disposal A licensed collector or the owner shall collect and dispose of rubble within the city.

14.20.150 - Fees for collection and disposal. The following fees are payable for collection and disposal under this chapter:

A. Hazardous material disposal:

Waste oil	\$0.21/gallon
Batteries 4D & larger	\$11.50 each
Batteries smaller than 4D	\$5.75 each

B. Vehicle disposal:

Autos and light trucks	\$209.00
Autos and light trucks on cleanup day	Free
Large trucks and equipment	\$15.18/cubic yard; \$523.00 minimum
Campers, mobile homes, 32 feet or less	\$173.00
Campers, mobile homes, over 32 feet	\$345.00

Vehicles are accepted only at the seventeen mile landfill with valid current title and certification that all fluids, tires and batteries have been removed.

C. Residential service—once per week.

1-3 35-gallon containers	\$38.72/month
Each additional container	\$2.30/pick-up
Bulk material not in containers	\$5.44/cubic yard

D. Commercial service.

1-3 35-gallon containers, once/week	\$38.72/month
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Dumpster rental:	
3 cu. yd. dumpster	\$23.02/month
4 cu. yd. dumpster	\$31.39/month
6 cu. yd. dumpster	\$46.06/month
8 cu. yd. dumpster	\$61.74/month
Dumpster collection—not compacted	
3 cu. yd. dumpster	\$34.54/each
4 cu. yd. dumpster	\$34.54/each
6 cu. yd. dumpster	70.12/each
8 cu. yd. dumpster	93.14/each

E. Additional services

1. Sunday collection: one and one-half times the regular rate.
2. Holiday collection: twice the regular rate.
3. Residential self-service at baler: \$27.22/month.
4. Dumpster exchange: hourly labor rate.
5. Labor and equipment rates

Vehicle and driver, straight time	\$115.12/hr; \$78.50 minimum
Vehicle and driver, overtime	\$146.52/hr; \$115.12 minimum
Each additional employee, straight time	\$70.12/hr
Each additional employee, overtime	\$93.14/hr

F. Recyclable collection. Cardboard and aluminum must be clean and well separated to be eligible for the reduced rates quoted below.

1. Container rental: one-half regular monthly rate.
2. Container collection one-half of regular rate.
3. Recyclables, clean and well separated, delivered to baler by residential customer: no charge.
4. Recyclables, clean and well separated, delivered to baler by commercial customer: twenty-five percent of regular rate.

G. Tipping Fees at Baler.

Residential and commercial refuse	\$ 5.44/cubic yard
Construction and building materials*	\$7.33/cubic yard
Asbestos materials**	\$104.65/cubic yard
Scrap metal	\$ 15.54/cubic yard
Major household appliances, except refrigerators and freezers	\$7.74 piece
Refrigerators and freezers	46.05 each***

*paints will be accepted if separated and with prior approval.

**subject to two weeks prior notice and approval.

***Charge does not include cost of Freon removal, which must be accomplished before disposal.

H. Boat/hull disposal: Estimated labor & equipment costs as required to prepare for placement in the landfill, plus estimated cubic yardage at construction building material rate.

14.20.160 - Refuse rate collection. The city shall bill and collect refuse rates in accordance with Section 14.04.040.

14.20.170 - Trespassing, removal of material from refuse disposal site. No person may:

A. Enter or remain in any area at a refuse disposal site that is closed to the public, except in the course of employment by the city or an authorized collector.

B. Remove refuse or rubble from any site maintained by the city or its authorized operator for refuse disposal without prior authorization from the city manager.

Section 7. Cordova Municipal Code 16.05.010 is amended to read as follows:

16.05.010 - Adoption of codes. The city, pursuant to Section 2-15 of its Home Rule Charter, adopts by reference the following codes of technical regulation:

A. Uniform Building Code, current adopted state code;

B. Uniform Mechanical Code, current adopted state code;

C. Uniform Plumbing Code, current adopted state code;

D. National Electrical Code, current adopted state code;

E. Uniform Sign Code, current adopted state code;

F. Uniform Fire Code, current adopted state code.

G. 1997 Uniform Code for Abatement of Dangerous Buildings.

Section 8. Cordova Municipal Code 18.32.010 is amended to read as follows:

18.32.010 - Permitted uses. The following uses are permitted in the I district:

All uses not otherwise prohibited by law, except any residential or commercial use, **and any conditional use.**

Section 9. Cordova Municipal Code 18.32.025 is enacted to read as follows:

18.32.025 - Conditional uses. Subject to the requirements of the conditional use standards and procedures of this title, the following conditional uses may be permitted in the I district:

A. Junkyards.

Section 10. Cordova Municipal Code 18.60.030 is enacted to read as follows:

18.60.030 - Junkyards. In addition to other applicable requirements, a junkyard conditional use is subject to the following:

A. An applicant for a junkyard conditional use shall submit a site development plan to the planning and zoning commission containing the information required by the city planner. The

planning and zoning commission shall review the site development plan, taking into account the following:

1. The nature and development of the surrounding property;
2. The need to protect the local economy, adjacent land owners, and the motoring public from economically depressing and unsightly roadside locations;
3. The proximity of the proposed junkyard to churches, schools, hospitals, public buildings, recreation areas, or other places of public gathering;
4. The sufficiency in number of other similar business establishments in the city;
5. The adequacy of fences and other types of enclosures proposed to prevent the unsightly display of the salvage yard;
6. The health, safety, and general welfare of the public; and
7. The suitability of the applicant to establish, maintain or operate such a business

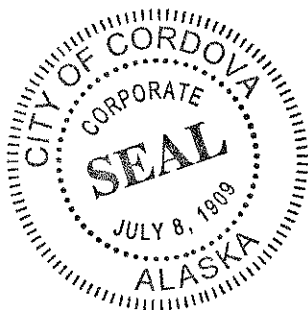
B. A conditional use permit for a junkyard shall require that the junkyard be screened from public view with a privacy fence not less than seven nor more than ten feet in height. Slats in the fence shall be spaced no greater than two inches apart.

Section 11. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published in the Cordova Times, a newspaper of general circulation in the City, within ten (10) days after its passage.

1st reading: March 14, 2013

2nd reading and public hearing: March 20, 2013

PASSED AND APPROVED THIS 20th DAY OF MARCH, 2013.




James Kacsh, Mayor

Attest:


Susan Bourgeois, City Clerk