

NATIVE VILLAGE OF SAINT MICHAEL
ORDINANCE NO.: 05-01

This Ordinance of the Native Village of Saint Michael is pertaining to the Health and Safety of the residents of Saint Michael.

SECTIONS:

1. Health and Safety
2. Purpose
3. Implementation and Enforcement of Ordinance
4. Definitions
5. Animal Control
6. Disposal of Motorized Vehicles
7. Nuisances
8. Environmental Regulations

Section 1: HEALTH AND SAFETY

NOTE: The City of Saint Michael may be handling some of the activities addressed in this Ordinance, or the Tribe and City may be working together on them under memorandums of agreements.

Section 2: PURPOSE

The purpose of this Ordinance is to provide the health, safety, and welfare for the residents of Saint Michael.

Section 3: IMPLEMENTATION AND ENFORCEMENT OF ORDINANCE

The Native Village of Saint Michael Tribal Council shall regulate the implementation of the Ordinance and shall enforce the provisions of this Ordinance in situations where it becomes necessary.

Section 4: DEFINITIONS

Vehicle means any motorized vehicle for use on land, water, and air.

Hazardous Materials means that any material, product, chemical element, compound or mixture that when improperly stored, used, released, or disposed of, may adversely impact human health or the environment.

Village Site means the lands, buildings, roads, trails, waterways, airport, landfill sites, and community use areas in and around the village area.

Section 5: ANIMAL CONTROL

- A) Loose Dogs. Dogs over the age of three months shall not be allowed to run loose within the village site. The owners of any loose dogs shall be liable for any injuries or for any damages to village or personal property caused by such loose dogs.
- B) Pet Dogs. All owners are responsible for the health and welfare of their dogs. Their owners shall keep pet dogs under control at all times. Dogs over the age of three months shall be tied up or otherwise confined when not under owners' direct control. The owners of any pet dogs are responsible for any injuries or for damages to village or personal property inflicted by such pet dogs. All pet dogs shall be vaccinated against the rabies virus at the required intervals.
- C) Destroying of Domestic Animals. Any dog or other pets that are allowed to run loose, abandoned, are neglected, or that is being a nuisance or menace to lives and property may be destroyed at the direction of the Tribal Council.

D.) **Animal Bites and Rabies.** A domestic animal that bites an individual shall be confined by its owner for 10 days and watched for signs of rabies even if the animal has a current documented rabies vaccination. Any wolf-hybrid dog that bites a human and/or suspected rabid animal shall be destroyed and its head submitted to the state virology lab for analysis.

Any privately owned animal that is suspected of being rabid may be destroyed at the direction of the Tribal Council. If the animal is not destroyed, it shall be quarantined in a secure manner at the expense of the owner until it is determined that the animal is rabies free.

In any case where an animal is suspected of being rabid, the Office of Environmental Health, or Community Health Aide shall be notified immediately.

E.) Disposal of dead animals will be done by removing them to the village solid waste disposal site at a specific area designed to accommodate animal carcasses, or may be dealt with in a customary fashion. All owners are responsible for the disposal of dead animals

The person who so dispatched such animal shall dispose of all other dead animals.

No dead animals shall be left in the village area as it may create a health hazard to the residents.

F.) **Dog Yards.** No dog yard consisting of ten (10) dogs may be kept within the village site.

G.) **Enforcement.** All complaints concerning any part of this Ordinance shall be made to the Tribal Council for investigation. The Tribal Council shall take necessary action to protect the lives and property of the people in the village. Confiscation of property, fines, and restitution may be imposed for the violation of this Ordinance.

Section G: DISPOSAL OF MOTORIZED VEHICLES

A.) **Disposal of Vehicles.** Vehicles shall be disposed of in an area designated by the Tribal Council. Batteries shall be removed and all fluids drained and taken to an approved collection site in accordance with state and federal regulation prior to disposition of vehicles.

Person, persons, companies, firms, corporations, or other entities who abandoned the vehicle shall be required to move the vehicle to the designated area or pay for the cost of moving the vehicle and may be required to pay restitution for any personal or property damage.

B.) **Abandoned Vehicles on Private Property.** Abandoned vehicles on private property that are a threat to the safety of village residents shall be moved to the designated area for disposal of vehicles at the owner's expense.

C.) **Enforcement.** It is a violation to dispose of vehicles in any public place or other than the designated area. Penalty for disposing of vehicles in public areas shall not exceed the sum of three hundred (\$300) dollars.

For violators of this Ordinance after the Council conducted an investigation, the Native Village of Saint Michael Tribal Council shall deliver or mail a five (5) day notice to respond back to the Council on the alleged violation.

If the Council receives no response, a second notice giving the person or party of ten (10) days to respond shall be delivered or mailed. If there is no satisfactory response to these notices, a hearing date with notification to the defendant shall be delivered or mailed.

Section 7: NUISANCES

- A.) Any village resident or tenant (permanent or temporary) on land in the village site, who allows his or her property to fall into a condition that endangers the safety, health, welfare, or property of other village residents, shall be guilty of creating a nuisance.
- B.) Complaints under this Ordinance shall deliver or mail a notice to the offender allowing five (5) days to respond. If the offender fails to respond within five (5) days of receiving the notice, the Council shall issue a second notice allowing ten (10) days to respond. If the Tribal Council determines that the property owner is at fault, the Tribal Council shall request the owner to correct the problem within reasonable time as determined by the Council. If the property owner does not comply with the request of the Tribal Council, the Tribal Council shall determine a hearing date for enforcement. In addition to being fined by the Tribal Council, the property owner may be required to pay restitution to anyone who is injured on his or her property.

Section 8: ENVIRONMENTAL REGULATIONS

- A.) **Solid Waste.** A solid waste disposal site that meets the standards established by the Alaska Department of Environmental Conservation (ADEC) shall be provided for the use of village residents by the Tribal Council. All household refuse shall be disposed of in the solid waste disposal site, except combustible materials that may be burned in household burn barrels and hazardous waste shall be disposed of in approved collection sites in accordance with state and federal regulations.
- B.) In order to reduce the risk of disease transmission and injuries associated with improper disposal of solid waste, the operation and maintenance of the sanitary landfill shall follow these guidelines:
 - 1. The landfill working surface shall be kept as small as practical.
 - 2. Trenches shall be dug perpendicular to prevailing winds and not to exceed eight (8) feet deep. Excavated soil shall be stockpiled for future use as a cover material.
 - 3. Separate trenches shall be provided for household waste, liquid waste, and animal remains.
 - 4. Operational cover shall be applied to the compacted solid waste once a month. All animal remains and liquid waste should be covered immediately after disposal.
 - 5. Signs may be posted stating, "No Roadside Dumping". Directional signs may be provided advising the public of appropriate dumping locations.
 - 6. A durable security fence, complete with locking gate, shall be provided to reduce paper scatter, limit public access, and to prevent wildlife from entering the disposal site.
 - 7. Burning of material at the solid waste disposal site shall be confined and controlled, and physically supervised during the duration of such burning.

- C.) It is a violation to throw trash anywhere except in the designated solid waste disposal site. Person, or persons convicted of dumping outside of the designated area may be fined or sentenced to community service in addition to being required to properly dispose of abandoned trash.
- D.) In order to reduce the disposal of plastic shopping bags at the solid waste disposal site, the Tribal Council shall provide a location for storing the shopping bags collected throughout the community, and in addition reuse the shopping bags for distribution of food from the Food Bank of Alaska located in the Native Village of Saint Michael IRA building.

Plastic shopping bags are permitted for residential use; however, the Tribal Council shall prohibit the disposal of plastic shopping bags at the solid waste disposal site.

- E.) **Burn Barrels.** Individual burn barrels are permitted for residential use; However, the Tribal Council reserves the right to regulate their use.
- F.) **Hazardous Waste.** NO material that is flammable, corrosive, reactive (explosive), toxic or otherwise considered hazardous by the Alaska Department of Environmental Conservation (ADEC) shall be disposed of at waste disposal site. Hazardous wastes or materials shall be disposed of at approved collection sites in accordance with federal and state guidelines. In addition to being fined by the Tribal Council for violating this Ordinance, persons who dispose of hazardous waste in an unapproved manner shall be responsible for the clean up cost and may be turned over to State and Federal authorities.

G.) **Hazardous Material.** NO commercial or governmental transporter may transport hazardous material or waste through, store upon, or use on land in the village site without prior notification and approval of the Tribal Council. Commercial or governmental transporters who obtain Council approval to transport, store, or use such materials within the village site shall provide the Council with the following information:

1. What and how much hazardous material is being brought into the boundaries of the Tribe; and
2. How and where the material will be used or stored; and
3. When the material will be within the village site; and
4. A plan for handling a spill of the hazardous material.

After the notification and hearing according to the general procedures of the Tribal Council may impose fines and require clean up restitution for any spills of hazardous materials on any land or waters within the village site.

H.) **Outhouses and Human Waste.** In order to reduce the risk of disease transmission through poor maintenance of outhouses, village residents shall build and maintain outhouses in a fashion that is safe and shall comply with the following:

1. All outhouses shall be constructed a minimum of 100 feet from any private water supply system and 200 feet away from any community water supply system; and

2. All outhouses pits that become filled within 8 inches of the top of the ground or that are no longer in use shall be disinfected by pouring household bleach into the pit, then filled with soil and compacted.

The Tribal Council may pass additional recommendations for outhouses construction, maintenance, and use. Complaints about hazardous outhouses shall be made to the Tribal Council. The Tribal Council shall investigate, or appoint someone to investigate the complaint. If a person fails to comply with this Ordinance after investigation, the Tribal Council shall set a hearing date for enforcement. The Tribal Council may order fines, community work services, and/or restitution for damages caused by a hazardous outhouse and cost associated with removal and clean up.

All human waste shall be disposed of in a safe and healthy manner at the designated dumping area.

Adopted and enacted this 3rd day of March, 2005 by a majority vote of Saint Michael Tribal Council, at a duly convened meeting at which a quorum was present.

Susanna Horn 3/3/05
IRA President DATE

[Signature] 3/3/05
IRA Secretary DATE

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted at a duly convened meeting of the full membership of the Native Village of Saint Michael on this 3rd day of March, 2005, by a majority vote of the members present.

Susanna Horn 3/3/05
IRA President DATE

[Signature] 3/3/05
IRA Secretary DATE