

Presented by: City Manager
Date: 2/22/94
Postponed to: 3/24/94
Action: Postponed
Vote:

ORDINANCE #94-07

AN ORDINANCE AMENDING TITLE 8 BY ADDING SECTION 8.16 REQUIRING ALL BUSINESSES IN BETHEL TO HAVE FUNCTIONING WATER, SOLID WASTE AND SEWER FACILITIES.

WHEREAS, the City of Bethel desires to protect the health of its residents; and

WHEREAS, the operation of businesses in Bethel without proper water and sewer facilities is a threat to the health of the citizens of Bethel; and

WHEREAS, requiring all businesses in Bethel to have functioning, approved water, solid waste and sewer facilities will protect the health of the citizens of Bethel;

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

Section 1. Title 8 of the Bethel Municipal Code is hereby amended by adding Section 8.16, Water and Sewer Facilities Required.

Section 2. If any part or provision of this ordinance or application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision or application.

Section 3. A new Chapter 8.16 is added to the Bethel Municipal Code as follows:

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Chapter 8.16

WATER, SOLID WASTE AND SEWER
FACILITIES REQUIRED

Sections:

- 8.16.010 Water, Solid Waste and Sewer Facilities Required
- 8.16.020 Sanitary Facilities Nuisance Declared
- 8.16.030 Abatement of Nuisance
- 8.16.040 Failure to Close Business Unlawful
- 8.16.050 Violation
- 8.16.060 Penalty
- 8.16.070 Injunctive Relief

8.16.010 Water, Solid Waste and Sewer Facilities Required.
Any person who owns property on which a business is operated or who operates a business as defined in Section 5.04.010 shall at all times have functioning facilities for the supply of water, the disposal of solid waste and the disposal of sewage. Said facilities shall have been approved for use by the City of Bethel Department of Public Works or by the State of Alaska.

8.16.020 Sanitary Facilities Nuisance Declared. Any business within the city whose facilities for either the supply of water, the disposal of solid waste or the disposal of sewage are not in serviceable working order, or have not been approved by either the City of Bethel or the State of Alaska, or whose sewage facilities consist of a honey bucket without adequate antiseptic treatment of human excrement, or whose sewage facilities are unsanitary or dangerous to health or safety shall be and is deemed and declared a common or public nuisance.

8.16.030 Abatement of Nuisance. Any common or public nuisance as defined by Section 8.16.020 shall be abated as follows:

A. The owner of the property on which the business is operated, or the owner of the business, or the operator of the business shall be given a notice to abate by the city manager, by the police chief or by any of their designees.

B. The notice shall include:

- (1) The address of the property and the name of the

- (2) record owner;
- (2) A short description of the nuisance;
- (3) An order to abate the nuisance in a manner acceptable to the city;
- (4) A statement that if such abatement is not completed within forty-eight (48) hours of service of the notice, the city is authorized to enter the premises and summarily close the business.

C. Forty-eight (48) hours after service of the notice to abate, the city shall inspect the business and determine whether the nuisance is still present. If, in the best judgment of the city, the owner or operator of the business has not acted to abate the nuisance or their actions to abate have failed, the business may be ordered closed to occupancy by the chief of police or his designee until the water, solid waste or sewage system is in serviceable working order and has been inspected and approved by the City of Bethel Department of Public Works.

8.16.040 Failure to Close Business Unlawful. It is unlawful for any person who owns or operates any business which is a common or public nuisance as defined in Section 8.16.020 to fail or refuse to close the business when ordered to do so by any police officer of the city.

8.16.050 Violation. It is unlawful for any person to continue any violation of which they have received notice beyond the period specified in such notice.

8.16.060 Penalty. Any violation of this chapter shall subject the violator to a civil penalty not to exceed five-hundred dollars. Each day during which a violation continues shall be considered a separate offense.

8.16.070 Injunctive Relief. The city may seek injunctive relief to halt a continuing violation of this chapter or to mandate compliance with this chapter or both.

Section 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED AND APPROVED THIS _____ DAY OF _____, 1994.

Donna J. Chris, Mayor

ATTEST:

Jane Elam, City Clerk