

TITLE III

PUBLIC HEALTH AND SAFETY

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Ordinance 2012-09
adopted Feb. 5, 2013
grants a franchise to
Delta Medical Transport
and impacts application of
Chapter 3.30

CHAPTER 3.05

DEPARTMENT OF PUBLIC SAFETY

Sections:

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3.05.010 Composition: The Department of Public Safety shall be composed of the Division of Fire Protection (known as the Fire Department), the Division of Emergency Medical Services (known as EMS-Rescue) and the Division of Police Protection (known as the Police Department).

3.05.020 Management: There shall be a Chief appointed, except as hereinafter provided, by the Director or Public Safety, after consultation with and advice of the council, to each of the divisions within the Department of Public Safety, whose

duties will be the management and supervision of each division respectively. The Chief of Police shall be appointed by the Council.

3.05.030 Organization: The organization of each division of the Department may be established by resolution or ordinance.

3.05.040 Administration: Administration of the Department will be by the Mayor as Director of Public Safety who may delegate this authority to the City Administrator.

3.05.050 Emergency Medical Service Division: It shall be the function of the Emergency Medical Service Division to perform rescue functions and to utilize mobile intensive care paramedical personnel for the delivery of emergency care to the sick and injured at the scene of an emergency, during transport to a hospital/clinic, and while in the hospital/clinic emergency department until care responsibility is assumed by the regular hospital clinic staff.

3.05.060 Definitions: As used herein, MOBILE INTENSIVE CARE PARAMEDICAL PERSONNEL or PARAMEDICS means personnel who have been specifically trained in the emergency care of cardiac and non-cardiac patients, that have been through a training program certified by the Chief Medical Officer and who are certified by that officer as qualified to render the emergency services enumerated in this ordinance.

3.05.070 Authority: Notwithstanding any other provisions of law, mobile intensive care paramedics may lawfully do any of the following:

(a) Render rescue necessary to extricate injured persons from entrapment or precarious and dangerous situations;

(b) Administer such emergency medical care and treatment to the sick and injured, at the scene of the emergency and in route to the hospital/clinic and while in the hospital/clinic emergency department, as is pursuant to recognized emergency medical treatment policies and procedures in such situations.

3.05.080 Physician Liability: No physician who, in good faith, gives emergency instructions to a paramedic at the scene of an emergency, or pursuant to an emergency while in transit to, or in the emergency care facility of a hospital/clinic before responsibility is assumed by the hospital/clinic staff, shall be civilly liable as the result of issuing such instructions. Neither shall any paramedic be civilly liable as a result of complying with such instruction. Further, no paramedic shall be civilly liable who, in good faith, renders emergency services enumerated in this ordinance to the sick or injured at the scene of an emergency or pursuant to an emergency of a hospital/clinic before responsibility is assumed by the hospital staff.

3.05.090 Medical Advisory Board:

(a) The Council shall establish a board known as the "Medical Advisory Board". This board will provide the Emergency Medical Service Division with professional guidance.

(b) Qualifications shall be established by the Medical Advisory Board for paramedic personnel to be used as a basis for recommendation and certification by the Chief Medical Officer. Such certification shall be valid for one year, at which time a re-certification will be made at the discretion of the Chief Medical Officer upon evidence establishing good conduct, performance in a professional manner and progressiveness. Willful and wanton misconduct, gross negligence, or similar conduct may prove unfitness for continuance of such certification.

(c) Paramedical personnel will be trained in rescue of persons from life-endangering situations in a training program recommended by the Medical Advisory Board and approved as to content by the council.

3.05.100 Emergency Vehicles: Vehicles used for emergency paramedical purposes shall, as far as is practical, be in conformity with current federal standards as to both vehicle and equipment. This provision shall not be considered as limiting the acquisition and utilization of vehicles or equipment exceeding such standards.

3.05.110 Emergency Use of Private Vehicles:

(a) A fireman or emergency medical technical (EMT) of the Delta Junction Department of Public Safety, driving his private vehicle within the city limits, if it is equipped a flashing blue light meeting the requirements of 13 AAC 04.100 (a) and when responding to but not upon returning from a fire alarm or emergency/ambulance/rescue call, may exercise the privileges granted in this section provided the exemptions are not prohibited by overriding state laws or regulations and when other traffic allows the movement without undue danger to the safety of other persons:

1. Park or stand the vehicle irrespective of a provision of traffic regulations or this code at or near the scene of the incident;
2. Exceed the maximum speed limit so long as he does not endanger life or property and so long as he slows at each intersection he may proceed through or past;
3. Disregard regulations or ordinances governing direction, movement or turning in a specified direction so long as he proceeds at a reduced speed.

(b) The provisions in this section do not relieve the driver of the vehicle from the duty to drive with due regard for the safety of all persons, nor do these provisions protect the driver from the consequences of his reckless disregard for the

safety of others or allow him to proceed past a stop sign or red signal without first stopping.

CHAPTER 3.06

MARIJUANA

Section:

3.06.010 **Marijuana Sales, Cultivation and Processing Prohibited**

3.06.010 **Marijuana Sales, Cultivation and Processing Prohibited:** The operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores is prohibited within the city limits of the City.

CHAPTER 3.07

PROHIBITED HUNTING OF BIG GAME

Sections:

- 3.07.011 Regulation of Firearms
- 3.07.012 Exception to Regulation of Firearms

3.07.011 Regulation of Firearms: Discharge of center-fire cartridges (.17 caliber and larger) within city limits is banned for the taking of game.

3.07.012 Exception to Regulation of Firearms: 3.07.011 is not to be construed to prohibit the use of firearms in constructed or established shooting ranges or in the reasonable defense of persons and property.

CHAPTER 3.10

FIREWORKS

Sections:

3.10.010 Prohibited Acts

3.10.020 Punishment

3.10.010 Prohibited Acts: No person shall cast, throw, light or fire any squib, rocket, cracker, torpedo, grenade, dynamite cap cartridge, or other combustible firecrackers or fireworks of any kind.

No person shall exhibit, or have in his possession with intent to give away or offer for sale, within the City of Delta Junction, Alaska, any squib, rocket, cracker, torpedo, grenade, dynamite cap, cartridge, or other combustible firecrackers or fireworks of any kind.

3.10.020 Punishment: Any person found guilty of violating this chapter will be subject to a twenty five dollar (\$25.00) fine for each offense.

CHAPTER 3.15

GARBAGE, RUBBISH, FILTH

Sections:

- 3.15.010 Prohibited Acts
- 3.15.020 Receptacles - Removal
- 3.15.030 Deposit Only in Places Designated
- 3.15.040 Transportation Only in Covered Receptacles
- 3.15.050 Violations
- 3.15.060 Regulations

3.15.010 Prohibited Acts: No person shall permit or suffer to accumulate in or upon any yard, lot, place or premises or upon any street or sidewalk adjacent to, or abutting upon, any lot, block, place or premises owned or occupied by him for which he may be the agent, within the city limits, any stagnant or impure water, refuse vegetables, decayed or decaying substance, garbage, swill, offal, fecal matter, urine or filth of any kind, nor suffer such condition as to cause or create a noisome or offensive smell or atmosphere or thereby to be, become, cause or create a public nuisance.

3.15.020 Receptacles - Removal: Every person in the possession or occupancy of, either as owner, tenant or otherwise, any lot, block, place, or premises in the city shall, prior to their removal, put, place and keep all garbage, household refuse, slop, swill, dirt, rubbish, offal or filth of any kind other than fecal matter or urine in boxes, cans or receptacles off the premises, and such garbage shall not be allowed, suffered or permitted to become strewn or scattered on the premises. The contents of such boxes, cans or receptacles shall be removed from the lot, yard or premises of the occupancy, agent or owner of such lot before they create any noisome smell or become a nuisance.

3.15.030 Deposit Only in Places Designated: No person shall throw into or deposit upon or deposit upon any public street, highway, thoroughfare, road, lane, alley, public place or grounds within the limits of the city or upon any private premises or anywhere, except the place or places designated by the health officer of the city, any glass, broken ware, offal, fecal matter, garbage, urine, rubbish or filth of any kind.

3.15.040 Transportation Only in Covered Receptacles: No person shall carry, remove or transport garbage, offal, dirt, rubbish, fecal matter, urine or filth of any kind or any animal or vegetable substance in decomposing or offensive condition in other than covered and enclosed vehicles or in other than closed boxes, cans, or receptacles through any street, avenue, alley, highway or public place in the city.

3.15.050 Violations:

(a) It shall be a violation for a person to commit an act prohibited by 3.15.010-3.15.040.

(b) If a person commits a prohibited act under 3.15.010 or 3.15.020, the Mayor or the Mayor's designee shall give written notice of the violation to the person or persons to abate, remediate or cease the prohibited act. The notice shall provide that the person has five (5) days from receipt of the notice to comply with the notice and abate or remove the nuisance or to submit a written request to the City Clerk for a hearing on the matter.

(c) If the person submits a written request for a hearing to the City Clerk within five (5) days of receipt of the notice, the Clerk shall place the matter on the agenda for the next regularly scheduled Council meeting. At which meeting the person will have an opportunity to contest the notice and the Council will vote on the matter. If the Council finds by a majority vote that the person is in violation of 3.15.010, or 3.15.020, the person shall have five (5) days from the date of the vote, or such other time as the Council may set, to comply with the notice or such other terms as the Council may set. The Council's vote is final.

(d) If the person fails to timely request a hearing or fails to comply with such notice or other terms as set by the Council following a hearing on the matter, the person shall be deemed guilty of a civil violation under this section, and the City is authorized to abate, remediate or remove the prohibited act in any manner the City deems necessary at its sole and absolute discretion. The cost of such abatement, remediation or removal shall be chargeable to all persons responsible for such nuisance and the owner of record of the property on which the nuisance occurred, and shall be a lien on the real property on which the nuisance occurred.

(e) If a person violates 3.15.030 or 3.15.040, the person may be fined up to \$50.00 per occurrence by the City.

3.15.060 Regulations: The Mayor, subject to approval by the Council, is authorized and empowered to make such rules and regulations not in conflict with the provisions of this Chapter relative to the collection, storage, and disposal of refuse, ashes, rubbish and waste matters of any kind as are necessary to protect public property or the safety or health of the public, and no person shall fail to comply with any such rules or regulations.

CHAPTER 3.20

FIRE RESPONSE AND DONATIONS

Sections:

3.20.015	Definitions
3.20.020	Support Donations
3.20.050	Record of Fire Donations
3.20.060	Fraud and Misrepresentation
3.20.070	Separability

3.20.015 Definitions:

(a) SUPPORTER is a person or business that supports the Delta Junction Volunteer Fire Department through a voluntary donation, whether monetary or in-kind.

(b) FIREFIGHTING SERVICES is the use of City firefighters and/or equipment used to suppress fires or protect property and lives from fire.

(c) RECORD OF SUPPORTERS is an official journal kept by the City Clerk, which includes but is not limited to the following information:

1. The names of supporters to the Delta Junction Volunteer Fire Department.
2. The location of the property.
3. The date of monetary or in-kind support rendered.

3.20.020 Support Donations:

(a) Donations will be solicited annually from residents and businesses located within the city limits to help support the operations of the Delta Junction Volunteer Fire Department.

(b) Except for such charitable tax deductions as may be available by law, supporters of the Delta Junction Volunteer Fire Department shall receive no additional benefit from the City of Delta Junction Volunteer Fire Department in consideration of their donation.

(c) Upon the request of a city resident, a member of the Delta Junction Volunteer Fire Department may inspect the property for the purpose of fire protection and prevention.

3.20.050 Record of Fire Donations: The City Clerk shall be responsible for maintaining an up-to-date record of donations to the Delta Junction Volunteer Fire Department in the record of supporters.

3.20.060 Fraud and Misrepresentation: No person, firm or corporation shall misrepresent any material fact with intent to defraud the city.

3.20.070 Separability: The provisions of this ordinance are separable and the invalidity of any part of this ordinance shall not affect the validity of the rest of the ordinance.

CHAPTER 3.21

SANITARY LANDFILL

Sections:

3.21.010	Sanitary Landfill Established
3.21.020	Definitions
3.21.030	Supervision of Landfill Facility
3.21.040	Dumping Prohibited
3.21.050	Hours of Operation
3.21.060	General Requirements of City Landfill
3.21.070	Use of Solid Waste Landfill
3.21.080	Hazardous Waste and Special Waste Disposal Areas
3.21.085	Salvage Area
3.21.090	Septage Pit
3.21.091	Septage Pit Permits
3.21.092	Application for Septage Pit Permits
3.21.100	Fees
3.21.110	Enforcement
3.21.115	Revocation of License
3.21.120	Penalty
3.21.130	Changes and Amendments

3.21.010 Sanitary Landfill Established: The City of Delta Junction has a sanitary landfill facility for the purpose of disposing solid waste and septage and hereby establishes the rules and regulations to govern its operation.

3.21.020 Definitions: As used in this ordinance the following terms shall be construed as indicated below:

(a) APPROVED means approved in writing by the Director of Public Works or his designee.

(b) DISEASE VECTOR means a carrier that can transmit a pathogen from one organism to another and includes flies and other insects, rodents, birds, and vermin.

(c) DISPOSAL means discharging, depositing, injecting, dumping, spilling, leaking, or placing solid waste into or on land or water so that the waste or any part or byproduct of the waste may enter the environment.

(d) HAZARDOUS WASTE means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or biological characteristics may cause or significantly contribute to:

1. An increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

2. A substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

3. Household waste means any solid waste generated in single and multiple residences, hotels, and motels.

4. Landfill means to dispose of solid waste on or into the land; landfill also means the site or facility where land filling occurs.

5. Leachate means liquid that has passed through or emerged from solid waste and contains dissolved or suspended materials from the waste.

6. Person means a natural person, partnership, company, corporation, joint venture, association, trust, or governmental agency.

7. Putrescible waste means material that can decompose and cause obnoxious odors.

8. Recyclable waste metals means copper, brass, bronze, aluminum, lead, zinc, and ferrous metals, except steel cans and those metals that are bonded or fused to other materials and cannot be readily separated.

9. Runoff means the portion of precipitation that drains from an area as surface flow.

10. Salvage area means an area at a solid waste disposal site where waste material is segregated or stored before removal for recycling or reuse.

11. Salvaging means the controlled removal of waste materials for recycling or reuse.

12. Septage means sludge from a septic tank.

13. Solid waste means garbage, refuse, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and agricultural operations, and from community activities. Solid waste does not include:

a. Spoil and overburden from road construction, land clearing, or mining operation.

b. Dissolved material in domestic sewage.

c. Industrial discharges which are point sources subject to permits under the Federal Water Pollution Control Act.

d. Nuclear or by-product material as defined by the Atomic Energy Act.

e. Mining waste regulated by the Federal Surface Mining Control and Reclamation Act.

3.21.030 Supervision of Landfill Facility: The Director of Public Works shall have control, subject to the order and direction of the City Council, of the sanitary landfill facility and all facility apparatus belonging to the City.

3.21.040 Dumping Prohibited: The disposal of refuse or septage anywhere in the City limits, except in the designated areas of the City of Delta Junction shall be unlawful.

3.21.050 Hours of Operation: The Director of Public Works or his designee must open the landfill for public use at least one day per week for no less than four hours per day. The City Council must approve of the schedule prior to its implementation. The schedule must be posted at a publicly visible location at the landfill entrance.

3.21.060 General Requirements of City Landfill: The Director of Public Works or his designee and the users of the landfill shall ensure that:

(a) Surface water runoff does not flow over, into or through uncovered solid waste.

(b) Solid waste is not placed in and does not enter surface waters.

(c) Leachates and eroded soil from the landfill site do not violate the standards for surface water quality outside the sites boundary.

(d) Leachates from the site do not violate the standards for ground water quality beyond the horizontal limits of solid waste placement.

(e) Disease vectors do not become a nuisance or a hazard to health.

(f) Wildlife and domesticated animals are not attracted to or allowed access to deposited solid waste.

(g) Public access to the site is controlled to minimize health and safety hazards.

(h) Dust, odors, and other activity effects do not become nuisances or hazards to health, safety, or property.

(i) Litter is kept in refuse holding and disposal areas by fencing or other approved means.

(j) Access roads and nearby land are kept free of litter or windblown solid waste.

(k) Salvaging is done in an approved area and does not hinder site operations or create a safety hazard or nuisance.

(l) Access and on-site roads are kept passable and safe for vehicles during normal hours of operation.

3.21.070 Use of Solid Waste Landfill:

(a) All persons shall be privileged to dispose of their refuse at the City's solid waste landfill facility.

(b) All persons, firms, corporations and their agents using the facilities of the City's sanitary landfill shall abide by and conform with;

1. The regulations herein provided by this ordinance.
2. All signs and notices posted at the sanitary landfill by order of the Director of Public Works and/or the City Council.
3. The designated areas for the disposal of particular types of refuse.
4. No person shall place, deposit or throw any explosive, poisonous, dangerous or corrosive chemicals, salt water, feces, material impregnated with urine, or any putrescible waste material of any nature in the City's landfill.
5. No person having the right to use the City's sanitary landfill shall be permitted to enter except during the hours specified by notice posted at the entrance to said sanitary landfill.

3.21.080 Hazardous Waste and Special Waste Disposal Areas:

(a) The disposal of hazardous waste is prohibited in the landfill without the written approval of the Director of Public Works or his designee.

(b) The City of Delta Junction, under the supervision of the Director of Public Works or his designee, shall provide and maintain a special area for the disposal of recyclable waste metals and septage.

(c) The Director of Public Works or his designee, subject to the concurrence of the City Council, shall stipulate the use of special disposal areas.

3.21.085 Salvage Area:

(a) All persons shall be privileged to dispose of their recyclable waste metals during the normal hours of landfill operation and in accordance to rules and regulations posted at the landfill.

(b) All persons who dispose recyclable waste metals in the salvage area shall waive and release all claim and title to the disposed property. All property disposed in the salvage area becomes the sole property of the City of Delta Junction. The City of Delta Junction may salvage or dispose of the recyclable waste metals, as it deems necessary.

(c) The disposal of household waste in the salvage area shall be prohibited.

(d) All persons shall be privileged to salvage recyclable waste from the salvage area at no fee.

(e) In addition to the other requirements of this ordinance, all persons who dispose of junked vehicles and equipment shall ensure that:

1. Junked vehicles and equipment are drained of all oil and petroleum products before they are disposed.

2. Junked vehicles and equipment are not a visual nuisance, a harborage for disease vectors, a public safety hazard, or an oil spill hazard when stored for recycling.

3.21.090 Septage Pit:

(a) The Director of Public Works or his designee shall control the public's access to the septage pits.

(b) The septage pits will be stabilized with enough lime to produce a PH of 12 after two hours of contact.

(c) The septage will be air dried for a minimum of three months, two of which must have average daily temperatures above 0° C, at least once every twelve months. The septage will be allowed to drain and dry on under-drained sand beds, or in basins in which the septage is nine inches deep.

3.21.091 Septage Pit Permits:

(a) No person shall use the septage pits without a permit from the City.

(b) No permit shall be issued without the approval of the Director of Public Works or his designee.

(c) No septage pit permit shall be issued without a cash deposit of two hundred fifty dollars (\$250.00) to assure that:

1. The permittee, his agents and servants, will comply with all the terms, conditions, provision requirements and specifications contained in this ordinance.

2. The permittee, his agents and servants, will faithfully operate the sanitary landfill for which the permit is issued in accordance with the provisions of the permit.

3. The fee of the septage pit permit shall be one hundred dollars (\$100.00) per year.

3.21.092 Application for Septage Pit Permits:

(a) Applications for septage pit permits shall be filed with the City Administrator.

(b) Septage pit permit applications shall contain:

1. The name and address of the person or firm requesting the permit.
2. Estimated volume of septage to be deposited in City septage pit.
3. A description of the sequence and plan of operation.
4. Other information deemed pertinent by the City.

(c) Septage pit permit application shall be forwarded to the Director of Public Works for review and approval.

(d) Applicants may appeal a disapproved permit to the City Council. The City Council's action on the application shall be final.

(e) The permittee, his agents and servants, will save harmless the City from any expense incurred through the failure of the permittee, his agents and servants, to operate and maintain the sanitary landfill as required by this ordinance, including any expense the City may be put to for correcting any condition or violation of this ordinance by the City's own labor and equipment whenever the Director of Public Works determines it is necessary for the City to correct any condition in violation of this ordinance, or from any damages growing out of the negligence of the permittee of his agents or servants.

3.21.100 Fees:

(a) Commercial and noncommercial refuse haulers, contractors and individuals requiring the use of the disposal area will be assessed a fee of one-hundred sixty dollars (\$160.00) per ton (2,000 U.S. pounds) or eight cents (8¢) per pound for solid waste refuse. Solid waste, less than eighty (80) pounds, will be charged a five-dollar (\$5.00) minimum fee.

(b) Septage waste haulers, holding a current municipal septage permit, shall pay a fee of eight cents (8¢) per U.S. gallon of septage waste deposited in the septage treatment system.

(c) The City Council, by motion, may vary these fees in special instances or circumstances. The City Council, by motion, may choose to accept clean soil or clean construction debris (items not regulated for disposal by the State of Alaska) at the old landfill upon such terms, conditions and fees as it may direct.

(d) The Director of Public Works shall review the disposal fee relative to the cost of sanitary landfill operations at least once per year and shall report the same to the City Council.

3.21.110 Enforcement: The Director of Public Works shall be charged with the enforcement of this ordinance and shall make any inspection necessary to that end.

3.21.115 Revocation of License: Any permit issued under the provisions of this ordinance may be revoked by the Mayor for any violation of any law or ordinance pertaining to the operation or maintenance of such establishment.

3.21.120 Penalty: Any person, firm or corporation violating any provision of this ordinance shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

3.21.130 Changes and Amendments: Any regulations or provisions of this ordinance may be changed and amended from time to time by the City Council provided that:

- (a) Such changes do not conflict with Title 29 of the State of Alaska statutes.
- (b) Such changes have been reviewed and commented on by the City Council.
- (c) A public hearing has been held on the proposed changes.

CHAPTER 3.30

AMBULANCE FEES

Sections:

- 3.30.010 Policy for Charges
- 3.30.015 Definitions
- 3.30.020 Ambulance Fees
- 3.30.040 Reduction or Waiver of Fees
- 3.30.050 Record of Ambulance Fees
- 3.30.060 Fraud and Misrepresentation

Ordinance 2012-09
adopted Feb. 5, 2103
grants a franchise to
Delta Medical Transport
and impacts application of
Chapter 3.30

3.30.010 Policy for Charges:

(a) Emergency rescue and emergency medical care must be recognized as essential to the quality of life within the city limits. For this reason, fees will be charged to train and equip volunteer Emergency Medical Technicians, replace damaged and/or depreciated equipment and provide a suitable location for the storage of ambulance and emergency medical equipment.

(b) The charges provided in this ordinance are for the provision of ambulance service and emergency medical care. Nothing in this ordinance will be interpreted as modifying or repealing any charges provided by ordinance for other specific facilities.

(c) No person shall be denied emergency medical care or the provision of an ambulance due to an inability to pay for the service.

3.30.015 Definitions: The following words and phrases shall have the following meanings, unless the context clearly indicates a different meaning:

(a) AMBULANCE means a vehicle designed or intended to be used in providing transportation of wounded, injured, sick, invalid or incapacitated human beings.

(b) ATTENDANT means a trained and qualified individual responsible for the operation of an ambulance and the care of its patients.

(c) RECORD OF AMBULANCE FEES means an official journal kept by the City Clerk/Treasurer, which includes but is not limited the following information:

- a. The names of patient receiving the ambulance service
- b. The location of the accident and/or the destination of the ambulance.
- 3. The date the ambulance fee was earned.
- 4. The total mileage of the ambulance run.

5. An itemized list of supplies and oxygen used by and charged to the patient.

3.30.020 Ambulance Fees:

(a) The call out fee for an ambulance and its attendants shall be Eight Hundred Seventy Five Dollars (\$875.00) for Advanced Life Support (ALS), Seven Hundred Seventy Five Dollars (\$775.00) for Basic Life Support (BLS), and Twelve Dollars (\$12.00) for each mile in which the patient is on board.

(b) Supplies and oxygen shall be charged to the patient at the prescribed rate established by the City and rate sheets will be kept on file at City Hall. Rates shall be reviewed annually for any additions, deletions or charges as deemed necessary by the City.

(c) The payment for emergency ambulance services shall be the responsibility of the patient or the patient's parent/legal guardian, if the patient is a minor or is legally disabled. Responsibility is defined to include, at a minimum, providing the insurance clerk with:

1. The signature authorizing claim submission for insurance information necessary to process the ambulance transport claim, on an appropriate, completed claim form, which shall include
 - a. A photocopy of the patient's or parent/guardian's proof of insurance coverage; and
 - b. The insurance company's name, claim address, telephone number, policy number, group number, and the name, address and telephone number of the adjuster, if any.
2. The name, address, telephone number, driver's license number and a photocopy of the driver's license or similar identification for the patient or the patient's parent/guardian, including the social security number.
3. Payment of any remaining balance due after application of any insurance benefits, if any, and after application of any discounts under subsection 3.30.040, if any, shall be due and payable to the City not later than six (6) months following the date on which the service or services were rendered. Balances not paid by the date will be delinquent and the City may thereafter undertake collection activity.

3.30.040 Reduction or Waiver of Fees:

(a) An ambulance fee may be reduced or waived if, in the discretion of the City Council, the imposition of the fee creates an extreme economic hardship or is not equitable relative to the scope of the services provided.

(b) The City Council shall consider, on a case by case basis, those patients seeking relief of their obligation to the City for ambulance services because of hardship and inability to pay due to their income level. If the patient seeks to qualify for the schedule of discounts available from the City, the patient must also provide proof of income on a completed application form available from the City. A hardship letter addressed to the City Council containing information regarding the reasons for the relief request must accompany the application. The City Council in its discretion may choose to provide relief to the patient for all or part of the outstanding balance due, or deny the request entirely.

1. “Patient” in this subsection means the person receiving services for which fees are sought or, if that person is a minor or disabled, the guardian or conservator of that person.

(c) All employees and active volunteers of the City of Delta Junction and the emergency services volunteers in the surrounding Delta area shall be considered for a discount for ambulance services performed for them or for a patient for whose debts they are legally responsible. Employees and volunteers who are insured shall be considered. Where there is no insurance coverage, a discount will be applied against the balance due, to the extent of up to one hundred percent (100%) of the balance due not to be more than \$500.00 in a year in accordance with AS 09.65.090.

1. Volunteer, in this subsection, means a resident of the City of Delta Junction or the Delta Junction area, who volunteers on the Rescue Squad or Fire Department and as described in AS 09.65.090 (b).

2. The discount to employees and volunteers under this subsection replaces and supersedes any discount for which an employee or volunteer may qualify under 3.30.040(b).

a. Nothing in this section shall be interpreted or construed to impair the limitation of liability available to qualified volunteers under AS 09.65.090.

3.30.050 Record of Ambulance Fees:

(a) The City Clerk/Treasurer shall be responsible for maintaining an up-to-date record of ambulance fees earned by the City of Delta Junction's ambulance service.

(b) This record of ambulance fees shall be available for public inspection during the normal business of the City Clerk/Treasurer.

3.30.060 Fraud and Misrepresentation: No person, firm or corporation shall misrepresent any material fact with intent to defraud at a reduced rate.

CHAPTER 3.35

VEHICLE SIZE, WEIGHT AND LOAD RESTRICTIONS

Sections:

- 3.35.010 Vehicle Size, Weight and Load Restrictions
- 3.35.020 Seasonal Weight and Load Restrictions
- 3.35.030 Emergency Weight and Load Restrictions
- 3.35.040 Presumptive Weight and Load Limits
- 3.35.050 Penalties for Violations of this Chapter; City Remedies

3.35.010 Vehicle Size, Weight and Load Restrictions: The City, through the Mayor or the Mayor’s designee, may impose vehicle size, weight and load restrictions on vehicles using City street whenever, in the judgment of the Mayor, the action is necessary for the safety of the public or to preserve city streets from unacceptable levels of wear or damage.

3.35.020 Seasonal Weight and Load Restrictions: The City, each spring and, if necessary, each fall, shall announce and impose weight and load restrictions on some or all city streets. Notice of the pending weight and load restrictions, if practicable, shall be given seventy-two (72) hours in advance of imposition. Notice shall be given by posted notice on the bulletin board at City Hall, at the City Library and on the City web site. Each notice shall set the dates during which the city streets shall be subject to weight and load restrictions.

3.35.030 Emergency Weight and Load Restrictions: In an emergency, and for good cause, the Mayor may impose emergency weight and load limits, without advance notice, without the notice otherwise required under Section 3.35.020. The City shall attempt to give as much advance notice of the imposition of weight and load restrictions as the emergency and the circumstances reasonably permit.

3.35.040 Presumptive Weight and Load Limits:

(a) Absent a specific determination otherwise under subsection (c), weight and load limits imposed under this Chapter are

DUAL TIRED MAXIMUM ALLOWABLE AXLE OR AXLE GROUP WEIGHT IN POUNDS

Axle Weight Restriction%	1 Axle	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
50%	10,000	19,000	21,000	25,000	29,000	33,000

(b) Absent a written determination from the Mayor, the following classes of vehicles are exempt from the presumptive weight and load limits imposed by this section:

- (1) Bulk Milk Tankers.
- (2) Sewage Pump Trucks.
- (3) Local Water Delivery Trucks.
- (4) Local Home Heating Oil/Propane Trucks.
- (5) Garbage and/or Dumpster Trucks.
- (6) School and Municipal Buses.
- (7) Emergency service vehicles.

(c) The Mayor, for good cause, may vary the presumptive weight and load limits set out in this section.

(d) The Mayor, for good cause, may add or remove classes of vehicles exempted from the weight and load limits.

3.35.050 Penalties for Violations of this Chapter; City Remedies:

(a) Persons violating this chapter shall be liable for a fine of \$0.05 for each pound on each axle by which the actual weight exceeds the permitted weight.

(b) The City may require a person operating a vehicle in violation of this chapter to stop the vehicle at a safe location and remove sufficient amounts of the vehicle's load to bring the vehicle into compliance with the applicable weight and load limits, all before moving the vehicle further.

(c) The City may apply for an order from a court barring the vehicles owners and operators from proceeding further in violation of the applicable weight and load limits.

CHAPTER 3.40

ABANDONED AND JUNKED VEHICLES IN PUBLIC ROADWAYS

Sections:

3.40.010	Definitions
3.40.015	Storing, Parking, or Leaving Abandoned or Junked Vehicles in Public Roadways Prohibited and Declared Nuisance
3.40.020	Responsibility for Removal
3.40.025	Abatement and Removal Procedures
3.40.045	Notice of Removal
3.40.050	Vesting of Title
3.40.055	Redemption of Impounded Vehicles
3.40.057	Impoundment Hearing
3.40.058	Hearing Officer
3.40.060	Disposition of removed or impounded vehicles
3.40.065	Public Auction
3.40.070	Liability for Removal
3.40.080	Waiver of Claims for Damages
3.40.085	Other Impound Provisions
3.40.090	Penalty

3.40.010 Definitions: For purposes of this chapter, the following terms and their derivations shall have the meaning given herein.

(a) VEHICLE is any means of transport or carrying which is propelled other than by human power and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorcycles, trucks, motor scooters, tractors, go-carts, motorhomes, golf carts, 4-wheelers, snow machines, and all-terrain vehicles.

(b) ABANDONED VEHICLE is any vehicle that has been discarded, left unattended, standing or parked upon the traveled portion of a public road, street or other City property in excess of 72 hours; or that has been discarded, left unattended, standing or parked upon private property without the consent of the owner or person in charge of the property in excess of 72 hours; or that has been discarded, left unattended, standing or parked upon other public property without the consent of the person in charge of the property for more than 7 days.

(c) JUNKED VEHICLE means a vehicle that exhibits at least 2 of the following elements:

1. Has not been registered for six (6) months,

2. Is inoperable because it is missing a major component such as the engine, transmission, axle, differential, transfer case, front driver seat, or steering wheel,

3. The cost of repairs required to make the vehicle operable exceeds the fair market value of the vehicle,

4. Missing a windshield or window,

5. Missing 2 or more wheels or tires, or has 2 or more flat tires,

6. Missing a major body part, such as a fender, quarter panel, bumper, trunk lid, door or hood.

(d) CITY means the City of Delta Junction and any designee of the City.

(e) OWNER means person listed on the most current vehicle title as the last registered owner.

3.40.015 Storing, parking, or leaving abandoned or junked vehicles in public roadways prohibited and declared nuisance:

(a) No person shall park, store, leave, or permit the parking, storage, or leaving, of any abandoned vehicle, or any parts thereof, upon any public road, street, right-of-way, or other public thoroughfare, on any other public property without proper governmental authority, or on private property without the consent of the owner of the property, for any period of time in excess of the periods specified in Section 3.40.010(b). The presence of any such abandoned vehicle, or parts thereof, is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter.

(b) No person shall park, store, leave, or permit the parking, storage, or leaving, of any junked vehicle, or any parts thereof, upon any public road, street, right-of-way, or other public thoroughfare, on any other public property without proper governmental authority, or on private property without the consent of the owner of the property, for any period of time. The presence of any such junked vehicle, or parts thereof, is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter.

(c) Any persons who violate Section 3.40.015(a) or (b) shall be subject to a fine as the City Council shall fix by resolution.

3.40.020 Responsibility for removal. Upon proper notice and opportunity to be heard, the owner of the vehicle or the person in possession of the same when it was abandoned or parked, or both jointly and severally, shall be responsible for its removal.

3.40.025 Abatement and Removal Procedures.

(a) Summary removal. If an abandoned or junked vehicle is found on or about the traveled portion of a public road, street, right-of-way, or other public thoroughfare, in whole or in part, or removal of an abandoned or junked vehicle is otherwise necessary for the protection of the health, safety, or welfare of the public, it may be removed and impounded immediately without prior notice. In such instances, notice that otherwise complies with Section 3.40.045 shall be given as soon as practical after towing or impound.

(b) Summary notice. Except as provided in subsection (a) of this section, abandoned or junked vehicles shall be removed and impounded only after notice:

1. If the abandoned or junked vehicle is stored, in whole or in part, on a public road, street, right-of-way, or other public thoroughfare, or on other public property without proper governmental authority, or on private property without the consent of the owner of the property, then the notice shall consist of a notice of intent to remove and impound of a form and content prescribed by the Council of the City of Delta Junction or a designee, which shall be attached to the vehicle (in this chapter, "tagged").

2. If the abandoned or junked vehicle is parked or stored, in whole or in part, on private property without the consent of the owner of such property, the vehicle may be removed and impounded by the City or a designee after being tagged for 24 hours. The property owner's lack of consent to the storage of the vehicle on his or her property shall be established by affidavit or declaration under penalty of perjury executed by the property owner, and such property owner shall be liable for any vehicle improperly impounded pursuant to the same.

3. If the abandoned or junked vehicle is parked or stored, in whole or in part, on a public road, street, right-of-way, or other public thoroughfare, or on other public property without proper governmental authority, the vehicle may be removed and impounded by the City or a designee after being tagged for 48 hours.

4. Unless authorized by an Alaska State Trooper or other peace officer or City representative with authority to enforce this chapter, it is unlawful for any person to remove the tagged notice described in this section from a vehicle upon which it has been posted.

3.40.045 Notice of removal: Within 48 hours of the impound or removal of any abandoned or junked vehicle, the City or its designee shall give a written notice of impound or removal to the registered owner and lienholder of record of the vehicle, if known, and to the owner or occupant of the private property from which the vehicle was removed, if applicable. The notice shall state that the vehicle has been impounded and stored for violation of this chapter. The notice shall also give the location of where the vehicle is stored, state the costs incurred by the City for removal, and advise that such vehicle shall be disposed of if unclaimed within 30 days after notice of removal is given.

If the abandoned or junked vehicle is not registered in the state, or if the name and address of the owner and lienholder cannot be ascertained, notice of removal shall be published four times during four consecutive calendar weeks, once in each week, in a newspaper of general circulation within the City.

3.40.050 Vesting of title: Title to an impounded vehicle not reclaimed by the registered owner, a lienholder, or other person entitled to possession within 30 days from the notice of removal vests with the City.

3.40.055 Redemption of impounded vehicles: The owner of any vehicle removed under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the City or its designee of such sum as the Council of the City of Delta Junction may determine and fix for the actual and reasonable expense of removal and storage, including any notice, advertising, and sale expenses. The City Council may, by resolution, also fix a daily fee for storage of vehicles.

3.40.057 Impoundment hearing:

(a) If demand is timely made, the owner or person entitled to possession of a vehicle is entitled to an administrative hearing to determine whether there was a sufficient factual and legal basis for impoundment of the vehicle. To be entitled to such a hearing a written demand must be filed with the City or its designee (1) within five workdays after the owner or person entitled to possession learned that the vehicle was impounded or was missing; or (2) within 15 workdays after the City or its designee delivered or mailed the notice required by Section 3.40.045 to the vehicle's registered owner; whichever occurs first. If no timely request for a hearing is made, the factual and legal basis for impoundment will be conclusively deemed sufficient for all purposes.

(b) The hearing will be held within 72 hours after the filing of a timely written demand, not including Saturdays, Sundays, and City holidays.

(c) The hearing officer shall not be bound by formal rules of evidence. A copy of the fully completed and signed order of impoundment will constitute prima facie proof of sufficient factual and legal basis for impoundment. The burden will be on the vehicle owner or person entitled to possession of the vehicle to prove by a preponderance of the evidence that there was an insufficient factual or legal basis for impounding the vehicle.

(d) A determination by the hearing officer that there was an insufficient factual or legal basis for impounding the vehicle will require the release of the vehicle to the owner or other person entitled to possession without payment of the towing and storage fees, or will entitle the person to a refund if the fees have already been paid.

(e) The City will be responsible for payment or refund of the towing and storage fees for any vehicle impounded under this chapter if the hearing officer determines that there was an insufficient factual or legal basis for such impoundment.

3.40.058 Hearing officer:

(a) Upon receipt of demand for a hearing, the City or its designee shall schedule an administrative hearing and notify all parties.

(b) The City shall appoint a single person who shall serve as a hearing officer to conduct hearings pursuant to Section 3.40.057. No Alaska State Trooper or other peace officer or City representative with authority to enforce this chapter shall be eligible to serve as hearing officer.

3.40.060 Disposition of removed or impounded vehicles:

(a) Within 10 days after removal of a vehicle under this chapter, the City of Delta Junction or its designee shall make a reasonable good-faith estimate of the value of such vehicle.

(b) If the City or its designee determines that the vehicle is scrapped, dismantled, or destroyed beyond repair, or that it no longer has significant value due to the age and condition of the vehicle, the person acting for the City or its designee shall execute an affidavit so attesting. Upon satisfaction of the notice requirements set forth in this chapter, the City or its designee may summarily dispose of the vehicle by destruction at the expiration of the 30-day period required by Section 3.40.045. The City shall designate appropriate areas within its jurisdiction for the disposal of abandoned or junked vehicles.

(c) If the vehicle reasonably appears to be valued at over \$500, the City or its designee shall, upon expiration of the 30-day period required by Section 3.40.045, give notice that the vehicle will be sold at public auction. The notice of public auction shall be given not less than 20 days before the date of the proposed sale and shall be accomplished by publication in a newspaper of general circulation within the City. The notice of public auction shall describe the vehicle, including make, model, license, or decal number and any other information that will accurately identify the vehicle, and specify the date, time and place of the sale. A copy of the notice of public auction shall be conveyed to the State of Alaska, Department of Public Safety.

(d) Proceeds from the sale of abandoned or junked vehicles, after deducting the cost of impounding, advertising, and selling the vehicle and any other incidental costs, shall be deposited into the general fund.

3.40.065 Public auction: A vehicle sold at public auction shall be sold to the highest and best bidder. At the time of payment of the purchase price, the City Administrator or designee shall execute a certificate of sale in duplicate, the original of

which is to be given to the purchaser and the copy thereof to be filed with the City. The purchaser shall be solely responsible for complying with all necessary title and registration requirements imposed by law, including compliance with 2 AAC 92.050. Should the sale for any reason be invalid, the City's liability shall be limited to the return of the purchase price.

3.40.070 Liability for removal. In the event of removal and disposition by the City, the owner of the abandoned or junked vehicle and the person in possession of the same at the time of abandonment or parking of the same, shall be jointly and severally liable for the expenses incurred. The City may maintain a personal action against the owner of the vehicle, the person in possession of the same at the time of abandonment or parking, or both of them, for the amount of such expenses.

3.40.080 Waiver of claims for damages. All persons, including the owner of an abandoned or junked vehicle, waive all claims for damage to the vehicle that may result from actions taken pursuant to this chapter. Such damage includes, but is not limited to, accidental damage or destruction occasioned by removal, transport, storage, and acts of third parties.

3.40.085 Other impound provisions. Nothing in this chapter shall be construed to limit the City's authority to impound vehicles for authorized reasons under other provisions of law.

3.40.090 Penalty. Every act prohibited by this chapter is unlawful. Any person violating any provision of this chapter may be subject to fees and civil penalties the City Council shall fix by resolution.