

## **Title VIII**

### **Public Health & Safety**

#### **Chapters:**

- 8.01 Volunteer Fire Department
- 8.02 Hunting Within Residential Area
- 8.03 ATV Use Within City Limits
- 8.04 Watershed Management & Protection
- 8.05 Marijuana

### **Chapter 8.01**

#### **Volunteer Fire Department**

#### **Sections:**

- 8.01.010 Fire Department Established
- 8.01.020 Volunteer Fire Department Organization
- 8.01.030 Limitations on Powers of Volunteer Fire Department
- 8.01.040 Funding by the City
- 8.01.050 Fire Chief
- 8.01.060 Rules and Regulations
- 8.01.070 Training and Records
- 8.01.080 Equipment
- 8.01.090 Private Vehicles of Volunteers

#### **Sections 8.01.010 Fire Department established**

There shall be a Fire Department in and for the City to be known as the "Coffman Cove Fire Department." It shall consist of a Fire Chief and Assistant Chief(s), and as many other officers and firefighters as may be deemed necessary for the effective operation of the department.

#### **Section 8.01.020 Volunteer Fire Department organization**

Members of the Fire Department may organize into a voluntary association with the election of their own officers and by-laws.

#### **Section 8.01.030 Limitation on powers of Volunteer Fire Department**

The functions and duties of the officers of the Fire Department shall not interfere with those of the regular department officers who are charged

with responsibility for all fire service activities of the department. The volunteer association shall in no way limit the power of the Fire Chief. All property used by the Fire Department shall be paid by check upon proper voucher by the regular City authorities.

#### **Section 8.01.040                      Funding by the City**

From time to time, in such amounts as the Council deems advisable, payments may be made to the volunteer department for the purpose of giving that association funds with which to reimburse members for clothing damaged while attending fires and for such other purposes in keeping with its functions.

#### **Sections 8.01.050                      Fire Chief**

- A.      Appointment: The Fire Chief shall be appointed by the Council and shall be responsible to that body. The appointment shall be for an indefinite period of time and with tenure of office depending upon the good conduct and efficiency. The Fire Chief shall be technically qualified through training and experience and shall have the ability of command. The Fire Chief shall be removed only for just cause and after a public hearing before the Council.
- B.      Powers and Duties:
  - 1.      The Fire Chief shall determined the number and kind of companies of which the Department is to be composed and shall determine the response of such companies.
  - 2.      The Fire Chief shall appoint all other officers and firefighters (both paid and volunteer). Such appointments shall, in so far as possible, follow fair and impartial competitive examination. All officers shall be accountable to the Fire Chief or the Chief's representative.
  - 3.      The Fire Chief shall annually submit a tentative budget for the department upon request of the Council.
  - 4.      The Fire Chief shall assist the proper authorities in suppressing the crime of arson by investigating or

causing to be investigating the cause, origin, and circumstances of all fires.

5. The fire chief shall have authority to recommend a burn ban to the Mayor with the Mayor having final authority to issue the burn ban.  
(Ordinance 16-05)

#### **Section 8.01.060 Rules and regulations**

The Fire Chief shall maintain and enforce an up-to-date comprehensive set of rules and regulations governing the discipline, training, and operation of the Fire Department. Such rules, regulations, and any deletions, changes, or additions shall be effective when approved and filed with the Council. The Fire Chief shall carry out strictly the enforcement of these rules and regulations and is authorized to suspend or remove from service any officer or firefighter as provided in the rules and regulations.

#### **Section 8.01.070 Training and records**

- A. Drills and Training: The Fire Chief or the Chief's representative shall, at least two times per month, provide for suitable drills covering the operation and handling of all equipment essential for efficient department operation. In addition, the Chief shall provide, at least four times per year, sessions of instruction to include such subjects as first aid, water supplies, and other subjects related to fire suppression.
- B. Records: The Fire Chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections, fires, and other department activities.
- C. Reports: Current records and comparative data for the previous years and recommendations for improving the effectiveness of the Department shall be included in an annual report. Such other reports as may be required concerning the Department in general, giving suggestions and recommendations for major improvements, and listing other data so as to maintain a complete record of the activities of the Department shall also be prepared.

#### **Section 8.01.080 Equipment**

- A. The Fire Chief shall be responsible for recommending such apparatus or other fire fighting equipment as may be required to maintain fire department efficiency to the Council,

and providing suitable arrangements and equipment for reporting fires or emergencies, and for notifying all members of the Department to assure prompt response to such incidents.

- B. The Fire Chief or the Chief's representative shall have power to assign equipment for response to calls for outside aid where agreements are in force and in other cases only when the absence of such equipment will not jeopardize protection of this City.
- C. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Department.
- D. No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the Department unless accompanied by or have the special permission of an officer or authorized member of the Department.

**Section 8.01.090                      Private vehicles of volunteers**

- A. Insignia: Each member of the Department driving a private vehicle shall be issued a suitable insignia to be attached to the vehicle designating him/her as a member of the Department.
- B. Blue Lights: All personal vehicles of Department members shall be equipped with a flashing blue light and shall have a right-of-way over all other traffic when responding to an alarm, but shall observe all City traffic ordinances.

(Ordinance 98-1)

## **Chapter 8.02**

### **Sections:**

#### **8.02.010      Hunting Within Residential Area**

It is unlawful to hunt wild game animals within the residential areas by any means including but not limited to traps, bows and arrows, any pistol, rifle, gun or other types of firearms. Residential areas will be defined as subdivided areas within the city limits recorded with the Department of Natural Resources land office.

### **Sections:**

#### **8.03.010      ATV Use within City Limits**

- A.** Two, three, four, six and eight wheeled and tracked all-terrain vehicles (hereinafter called "ATV") may be driven on a roadway or shoulder of a highway on any road or property over which the City has jurisdiction, subject to the following restrictions:
1. No person shall operate and ATV faster than 25 miles per hour;
  2. ATV's may be driven only on the extreme right-hand side of the roadway and in the same direction as the roadway motor vehicle traffic in the nearest lane of the roadway;
  3. No person under the age of 18 shall drive or be a passenger on an ATV without wearing a helmet;
  4. Passengers will be limited to one per vehicle unless the vehicle was designated by the manufacturer to carry more than one passenger;
  5. ATV's will not pass other moving vehicles on the roadway;
  6. ATV use will not be permitted between the hours of dusk and dawn unless the ATV is equipped with operational headlights which provide adequate illumination to at least 15 feet, an operational taillight, brake light and turn signals;
  7. All wheels of the ATV will remain in contact with the road at all times;
  8. The driver of the ATV will not follow another vehicle closer than fifteen feet or three ATV lengths.

9. It's illegal for anyone under 16 years of age to operate ATV's and side by sides on municipal streets as allowed under AS 28.

(Ordinance 13-09)  
(Ordinance 24-03)

## **Chapter 8.04**

### **WATERSHED MANAGEMENT & PROTECTION**

#### **Sections:**

- 8.04.010 Definitions
- 8.04.020 Authority and Applicability
- 8.04.030 Findings and Purpose
- 8.04.040 Prohibited Acts
- 8.04.050 Allowable Activities
- 8.04.060 Penalties and Remedies

#### **Section 8.04.010 Definitions**

##### **A. Applicability of definitions**

For the purpose of this title, the terms contained in this chapter shall have the following meanings stated and rights defined unless the context requires otherwise.

##### **B. Chum Creek Watershed**

The Chum Creek (aka Dog Creek) water supply watershed means all lands encompassing the Chum Creek water drainage system and tributary drainage systems.

##### **C. Coffman Cove Watershed Management and Protection Area**

The Coffman Cove watershed management and protection area includes all lands and waters within the Chum Creek watershed and any additional lands or waters designated as part of the Coffman Cove municipal water supply watershed.

##### **D. Waters**

Waters means any creek, river, tributary, pond, lake or other surface drainage.

E. Roads

Roads mean any street, highway, or other course, paved or unpaved, for the purpose of motor vehicle travel.

F. Mining

Mining means extraction from the earth, sediments, or waters of any metallic or nonmetallic mineral, sand, gravel, peat or construction rock.

G. Solid Waste

Solid waste means any waste or trash, including but not limited to bottles, broken glass, ashes, paper, boxes, cans, dirt, metal, rubbish, garbage and refuse.

H. Sewage

Sewage means human excretion, gray water, and other water carried waste.

I. Toxic Substances

Toxic substances means those materials, or combination of materials, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available, cause death, disease, behavioral abnormalities, malignancy, genetic mutations, physiological abnormalities (including malfunctions in reproduction) or physical deformations, in affected organisms or their offspring; the term includes the following substances, and other substances identified as a toxic pollutant under Section 307(a) of the Clean Water Act of 1977 (33 U.S.C. Section 466, et seq.), including, but not limited to, fertilizers, chemicals, oil and oil by-products, rubber products, herbicides, insecticides and pesticides.

## **Chapter 8.04.020 Authority and Applicability**

1. Applicability

The ordinance codified in this title shall apply to all lands and waters within the Coffman Cove watershed management and protection area.

2. Authority

As authorized by AS 29.35.020, this chapter shall be applicable to all lands and waters within the Coffman Cove watershed management and protection area, both inside and outside the city limits.

## **Chapter 8.04.030 Findings and Purpose**

### **1. Water Supplies**

The city finds that the Coffman Cove watershed management and protection area currently serves as the City's sole source of potable water.

### **2. Use of Watershed Lands**

The city further finds that water supplies of sufficient quantity and quality are essential to the health and welfare of its residents, visitors and industries; that serving as a public water supply is the highest and best use of water supply watershed lands; that uses of and activities on water supply watershed lands must be consistent with their use and value as public water supplies; and that uses of, and activities on water supply watershed lands that could threaten the quality or quantity of the water supplies are to be prohibited.

## **Chapter 8.04.040 Prohibited Acts**

Except as otherwise provided herein, the following acts are prohibited in the Coffman Cove watershed management and protection area:

### **A. Defacing Property**

No person in the Coffman Cove watershed management and protection area shall willfully mar, deface, disfigure, injure, tamper with, or displace or remove any building, sign, notice or placard, monument, stake, post or other boundary marker or other City property.

### **B. Discharge and Disposal**

No person in the Coffman Cove watershed management and protection area shall discharge or dispose of any solid waste, sewage, toxic substance or any other foreign material.

### **C. Mining**

No person in the Coffman Cove watershed management and protection area shall engage in mining except as authorized by the City Council by motion or prior agreement.

### **D. Structures**

No person in the Coffman Cove watershed management and protection area shall place, construct or install any structure without the explicit approval of the City Council after finding and declaring by motion that the structure will not threaten water quality or quantity.

### **E. Surface Disturbance**



No person in the Coffman Cove watershed management and protection area shall engage in construction or other activity that disturbs the vegetative cover or solids, except those disturbances associated with allowable uses.

F. Timber Harvest

No person in the Coffman Cove watershed management and protection area shall harvest timber for commercial uses.

G. Road Construction

New road construction shall not be allowed within the Coffman Cove watershed management and protection area without the explicit approval of the City Council after finding and declaring by motion that the activity will not threaten water quality or quantity.

H. Entry Restrictions

No commercial logging, construction or other equipment shall enter into or traverse the Coffman Cove watershed management and protection area along FDR 3030300 (aka First Dog) or FDR 3030400 (aka Second Dog) without the explicit approval by motion of the City Council.

## **Chapter 8.04.050 Allowable Activities**

Allowable activities are all activities not expressly prohibited within the Coffman Cove watershed management and protection area

## **Chapter 8.04.060 Penalty and Remedies**

1. Civil Remedies

A. Upon violation of any of the provisions of this chapter, or failure or refusal to comply with any lawful order or direction of the City given in connection with this chapter, the City may institute or cause to be instituted an appropriate civil action to prevent, enjoin, abate, estop, remove or punish such violation and to obtain monetary damages suffered by the City.

B. In addition to injunctive and compensatory relief, each violation shall be subject to a civil penalty not to exceed one thousand dollars and attorney fees as provided by law.

C. Each day a violation continues shall constitute an additional violation for purposes of assessing civil penalties.

D. An action to enjoin a violation of this chapter may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and the finding of an existing or threatened violation, the court shall grant injunctive relief to restrain the violation

## 2. Criminal Remedies

Any violation of the provisions of this chapter, including failure or refusal to comply with any lawful order or direction of the City given in connection with this chapter, is a misdemeanor. Every person convicted of such violation shall be subject to a fine not exceeding one thousand dollars, a jail term not exceeding thirty days, or both. Each unlawful act or condition, and every day upon which such continues, shall constitute a separate violation.

## 3. Remedies Cumulative

All remedies provided by this chapter are cumulative, and the securing of relief, whether injunctive, civil or criminal, under a section or subsection of this chapter does not prevent the City from obtaining relief under any other section or subsection of this chapter. The remedies provided in this chapter are in addition to all other remedies available at law or in equity.

**(Ordinance 15-06)**

## **Chapter 8.05 Marijuana**

### **Chapter 8.05.010 Prohibiting the Operation of Marijuana Cultivation Facilities in Coffman Cove.**

The City of Coffman Cove prohibits the operation of licensed marijuana cultivation facilities. Prohibiting any marijuana cultivation facility or entity registered to cultivate, prepare, and package marijuana.

### **Chapter 8.05.020 Prohibiting the Operation of Licensed Retail Marijuana Stores.**

The City of Coffman Cove prohibits an entity registered to purchase marijuana from a marijuana cultivation facility, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

### **Chapter 8.05.030 Prohibiting the Operation of licensed marijuana product manufacturing facilities.**

The City of Coffman Cove prohibits an entity registered to purchase marijuana: manufacture, prepare, and package marijuana products.

**(Ordinance 17-01)**