



# TITLE 8 HEALTH & SAFETY

THORNE BAY MUNICIPAL CODE

TERI FEIBEL, CMC

Codified January 2018

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# TITLE 8 - HEALTH AND SAFETY

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## CHAPTER 8.04 – HEALTH AND SAFETY

### 8.04.010 FINDINGS.

The city has found that the wide- spread and uncontrolled sale and use of fireworks causes substantial harm to persons and property. Such harm poses a serious threat to the health, safety and general welfare of the community. (Ord. 87-12 § 1, 1987)

### 8.04.020 PURPOSE.

The purpose of this chapter is to eliminate the harm to health and property within the city and is designed to safeguard the health, safety and welfare of the citizens and protect property. (Ord. 87-12 § 2, 1987)

### 8.04.030 SCOPE OF AUTHORITY.

Unless exempted by pro- visions contained herein, the provisions of this chapter shall apply to all persons within the city. (Ord. 87-12 § 3, 1987)

### 8.04.040 DEFINITIONS.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- A. "City" means the city of Thorne Bay, Alaska.
- B. "Fire chief" means the fire chief of the city of Thorne Bay, Alaska.
- C. "Fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which any such explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, lady fingers, torpedoes, skyrockets, Roman candles, Day-Glo bombs, sparklers, or other device containing any such explosive substance. "Fireworks" does not include model rockets and model rocket engines which are designed, sold, and used for the purpose of propelling recoverable aero models, when actually used for that purpose and use

under the supervision of the science instructor or other competent adult and when the place and time of firing the sky rockets or missiles has been approved by the fire chief. "Fireworks" does not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps manufactured in accordance with the United States Department of Transportation regulations for packing and shipping of toy paper or plastic caps are used and such toy paper or plastic caps are manufactured as provided therein except that no toy paper or plastic cap shall contain more than twenty-five hundredths of a grain of explosive composition per cap. Each package containing toy paper or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. The sale and use of these toy paper or plastic caps shall be permitted at all times. Nothing in this section shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor applying to the military or naval forces of the United States or of this state, or to peace officers. Nothing in this section shall be construed to as forbidding the sale and use of blank cartridges for ceremonial, theatrical or athletic event.

- D. "Person" means any individual, firm, organization, partnership, unincorporated association or corporation.
- E. "Sell" or "display" means selling, offering to sell, exhibiting or possessing with intent to give away, sell or offer to sell within the city.
- F. "Use" means purchasing, possessing, setting off or otherwise causing to explode or discharge or burn, any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material, or to discharge them or throw them from land, air or highway into any area of the city. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. This provision also means and includes casting, throwing, lighting or firing any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other fireworks or combustible firecrackers of any kind.

(Ord. 87-12 § 4, 1987)

**8.04.050 PROHIBITIONS-UNLAWFUL ACTS.**

Except as provided herein, it is unlawful for any person to sell or display, offer to sell, give away, or use fireworks within the city. It is unlawful for a person to allow or permit fireworks to be used or exploded on his premises or premises under his control. It is unlawful for any person to mishandle or misuse fireworks. The following constitute unlawful mishandling or misuse of fireworks:

- A. It is unlawful to throw any fireworks, whether such fireworks is burning or not.
- B. It is unlawful to throw or to otherwise use fireworks from an automobile or other motor vehicle, whether the vehicle is moving or standing still.
- C. It is unlawful to store, keep, sell or use any fireworks within fifty feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon.
- D. It is unlawful to discharge or use any fireworks within one thousand feet of any hospital, sanitarium or infirmary.
- E. It is unlawful to discharge or use any fireworks in, under or on an automobile or other motor vehicle, whether moving or standing still.
- F. It is unlawful to discharge or use fireworks within fifty feet of any retail fireworks stand or facility where fireworks are sold.
- G. It is unlawful to mishandle or misuse fireworks in any other way.

(Ord. 87-12 § 5, 1987)

**8.04.060 EXCEPTIONS.**

The following exceptions shall apply:

- A. It is lawful for a person to use certain fireworks, herein specified, on July 4th of each year between the hours of twelve noon and twelve midnight and each year between the hours of twelve noon on December 31 and two a.m. on January 1.
- B. The following fireworks may be possessed or used, as provided in this section, provided that nothing in this section shall be construed to allow the possession or use of any fireworks that is not a Class C firework as defined by federal law:

1. Nonpoisonous snakes and items of similar composition;
  2. Roman candles, not exceeding ten balls with total pyrotechnics composition not exceeding twenty grams in weight and inside tube diameter not exceeding three-eighths inch;
  3. Skyrockets with sticks, total pyrotechnic composition not exceeding twenty grams in weight, and inside tube diameter not one-half inch;
  4. Helicopter-type rockets, total pyrotechnics composition not exceeding twenty grams in weight, and inside tube diameter not exceeding three-fourths inch;
  5. Cone fountains, with total pyrotechnic composition not exceeding fifty grams each in weight;
  6. Wheels, with total pyrotechnic composition not exceeding sixty grams for each driver unit or two hundred forty grams for each wheel, and with inside tube diameter or driver units not exceeding one-half inch;
  7. Illuminating torches and colored fire in any form, with total pyrotechnic composition not exceeding one hundred grams each;
  8. Dipped sticks, the pyrotechnic composition of which contains any chlorate or per chlorate not exceeding five grams, and all sparklers;
  9. Mines and shells, of which the mortar is an integral part, total pyrotechnic composition not exceeding forty grams in weight;
  10. Firecrackers and salutes with casings, with external dimensions not exceeding one and one-half inches in length and one-quarter inch in diameter, and total composition not exceeding two grains each in weight;
  11. Smoke devices known as smoke balls, or tubes containing a pyrotechnic mixture which upon ignition produces a visible cloud of black, white or colored smoke.
- C. Nothing in Section 8.04.050 of this chapter shall be construed as forbidding the possession or use of any fireworks by those in charge of a public exhibition. Such an exhibition may be held on any day or days of the year provided that it is held at a location which does not endanger persons or property, and provided that a pyrotechnic expert is used, and provided that those in charge of the exhibition obtain a permit and comply with Sections 8.04.070 and 8.04.080 of this chapter and all applicable state laws or regulation.

(Ord. 96-05 § 3, 1996; Ord. 87-12 § 6, 1987)

**8.04.070 PUBLIC EXHIBITIONS-PERMIT REQUIRED APPLICATION.**

An applicant for a permit for a public exhibition or displays of fireworks shall file with the city clerk a written application therefore, duly subscribed and sworn by the applicant. Such application shall set forth the following:

- A. The name of the association, organization or corporation sponsoring the display, together with the names of the persons to be in charge of the display;
- B. The date and time of day at which the display is to be held;
- C. The exact location planned for the display;
- D. A description setting forth the name, age, address and experience of the persons who are to do the actual firing and discharging of the fireworks;
- E. The number and kinds of fireworks to be discharged;
- F. The manner and place of the storage of such fire- works between the date of purchase and the date of display;
- G. A diagram or sketch of the ground on which the display is to be held, showing the point at which the fire- works are to be discharged, the location of all buildings, street, trees, telephone or telegraph lines or overhead obstructions within a distance of fifty yards of the point of discharge, and the lines behind which the public will be restrained. (Ord. 87-12 § 7, 1987)

**8.04.080 PUBLIC EXHIBITIONS-PERMIT APPLICATION FILING.**

An application for a permit for a public exhibition or displays of fireworks shall be filed with the city clerk at least twenty days before the date set for the display. A copy of such application shall be sent at once to the chief of police, who shall make or cause to be made, an investigation of the site of the proposed display and investigate the competence and skill of the persons in charge of the firing and discharge of the fireworks. If satisfied that the display will be conducted lawfully and in accordance with this chapter, (s)he shall so advise the city clerk within ten days, who shall issue the permit. The applicant for a permit shall, at the time of filing application therefore, pay to the city clerk a fee of twenty-five dollars which sum shall be refunded in the event the application for such permit is denied. Each applicant shall also pay to the city clerk a nonrefundable investigation fee of thirty dollars. (Ord. 87-12 § 8, 1987)

#### **8.04.090 VIOLATION-PENALTIES.**

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in 1.16.035 if the offense is listed in that fine schedule or by the fine established in 1.16.030 if the offense is not listed in the fine schedule. (Ord. 18-01-02-01; Prior Ord. 87-12 § 8, 1987)

## Chapter 8.12 - PUBLIC HEALTH CLINIC

### 8.12.010 ESTABLISHED.

There shall be a department known as the "Thorne Bay Health Clinic." The purpose of the Thorne Bay Health Clinic shall be to provide health care services to the community of Thorne Bay. The city may either operate and manage the clinic, or contract for clinic operations and management. If the clinic is operated and managed by the city, the following sections of this chapter shall apply.

(Ord. 97-16 § 4, 1997; Ord. 88-43 § 5(Attach. (Part)), 1988)

### 8.12.020 HEALTH CLINIC STAFF.

- A. The number of regular and special clinic staff members shall be recommended to the health and safety council by the regular clinic staff to be forwarded to the chief executive officer for approval.
- B. Regular staff members of the clinic are city employees and shall be hired in accordance with and shall abide by the city personnel policy. The employees will be supervised by the city administrator regarding non-medical administrative matters.
- C. A sponsoring physician or physicians licensed to practice medicine in the state will supervise the clinic staff regarding medical practices, in accordance with the Physicians and Nurses Practices Act, Alaska State Statutes.
- D. Visiting health care professionals duly licensed to practice nursing in the state and physicians duly licensed to practice medicine in the state will be invited and encouraged to use clinic facilities in accordance with the existing Visiting Physicians Policy. All visiting health care professionals shall be required to provide the city with proof of liability insurance coverage prior to their use of the clinic facilities.

(Ord. 88-43 § 5(Attach. (part)), 1988)

**8.12.030 QUALIFICATIONS-RESPONSIBILITIES.****A. Qualifications.**

1. Clinic staff health care professionals must hold a current license to practice nursing and/or medicine within the state.
2. Clinic staff health care professionals shall attend continuing education as required to maintain a current nursing and/or medical license. The city shall be responsible for the cost of the required education and the health care professional staff is required to choose classes applicable to the operation of the clinic. As the need arises, additional training may be requested and approved by the chief executive officer.

**B. Responsibilities.**

1. Clinic staff health care professionals shall practice in accordance with existing state statutes;
2. Offer examination services in the clinic;
3. Report examination findings to patient's physician;
4. Carry out physician's orders if licensed to do so;
5. Maintain patient records;
6. Support visiting health workers visits;
7. Keep a record of charges and receipts information from clinic visits;
8. Assist with the health and safety council planning efforts regarding community health care and services;
9. Provide technical assistance and/or direction to local emergency personnel;
10. The clinic administrator shall be responsible for providing clinic coverage by clinic personnel whenever possible. Coverage by non-clinic personnel must be approved in advance by the chief executive officer.

(Ord. 88-43 § 5(Attach. (part)), 1988)

**8.12.040 CLINIC ADMINISTRATOR.**

The clinic administrator will act in a supervisory capacity over the health clinic. His or her duties shall include, but are not necessarily limited to, the following:

- A. Recommend clinic policies to the health and safety council for approval by the chief executive officer;
- B. Be responsible for the maintenance and care of all property belonging to the clinic;
- C. Prepare and submit a tentative clinic budget by April 30th of each year or at such other time as requested by the chief executive officer;
- D. Submit charges and receipts information to the city bookkeeper;
- E. Monthly transmit copies of patient encounter forms to the supervising physician.

(Ord. 97-16 § 3(part), 1997; Ord. 88-43 § 5(Attach. (part)), 1988)

**8.12.050 HEALTH AND SAFETY COUNCIL REPRESENTATIVE.**

The clinic administrator shall be a member of the health and safety council and shall assume the responsibilities required by the position.

(Ord. 97-16 § 3(part), 1997; Ord. 88-43 § 5(Attach. (Part)), 1988)

**8.12.060 ESTABLISHMENT OF FEES.**

The clinic administrator shall submit to the health and safety council any proposed changes in the schedule of fees for consideration and recommendation by the health and safety council to the chief executive officer for approval.

(Ord. 97-16 § 3(part), 1997; Ord. 88-43 § 5(Attach. (Part)), 1988)

**8.12.070 CLINIC STAFF-CONDUCT.**

It shall be the duty of every member of the clinic staff to conduct himself in a professional manner to ensure patient confidentiality, and to refrain from conduct which brings discredit to himself, other staff members, or the city. Each member of the clinic staff shall obey the directions of the clinic administrator, city administrator and supervising physician.

(Ord. 97-16 § 3(part), 1997; Ord. 88-43 § 5(Attach. (Part)), 1988)

## Chapter 8.24 - DEPARTMENT OF EMERGENCY MANAGEMENT

### 8.24.010 DEPARTMENT ESTABLISHED.

There is established a Department of Emergency Management. Executive and administrative duties are vested in the office of the Mayor, who may appoint such other personnel as shall be found necessary to properly and safely accomplish the purpose of the department of emergency management.

### 8.24.020 PURPOSE.

It is the desire of the City to protect and preserve the lives, health, safety, and well-being of the people living in or visiting the city. To this end, the department of emergency management shall be responsible for implementing the approved emergency operations plan and shall be the liaison agency with the City of Thorne Bay Emergency Management Office and the Alaska Division of Homeland Security and Emergency Management.

### 8.24.030 EMERGENCY RESPONSE PLAN.

There shall be an emergency response plan developed jointly with the City of Thorne Bay Emergency Management Office and the Alaska Division of Homeland Security and Emergency Management, which shall be adopted by ordinance and may be amended by resolution with notification to the City of Thorne Bay Emergency Management Office and the Alaska Division of Homeland Security and Emergency Management.

### 8.24.040 NO GOVERNMENTAL OR PRIVATE LIABILITY.

- A. No emergency management agency or authorized emergency response personnel while in proper performance of his/her required duties shall be held liable for any damage sustained to persons or property as a result of emergency response activity except and unless gross negligence or willful misconduct is proven.
- B. No person owning or controlling real property, who allows the use of that property for emergency response activities shall be held liable for death or injury resulting from that use, except and unless gross negligence or willful misconduct is proven