



NATIVE VILLAGE OF NENANA HEALTH, SAFETY, AND ENVIRONMENTAL CODE

Nenana, Alaska

Adopted November 22, 2011

Signed Certificate of Adoption in Council Files

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CHAPTER 1

GENERAL PROVISIONS

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Section 1. Purpose

The purpose of this Code is to provide a safe, healthy environment for the Native Village of Nenana Tribe and people of Nenana.

Section 2. Implementation and Enforcement of this Code

The Native Village of Nenana Tribal Council shall regulate the implementation of this Code and the Native Village of Nenana Tribal Court shall enforce the provisions of this Code in situations where it becomes necessary.

Section 3. Definitions

"Vehicle" means any motorized vehicle for use on land, in water, or in the air.

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

"Village Site" means the lands, buildings, roads, trails, waterways, airport, landfill site in and around the Village area.

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Section 1. Loose Dogs

Dogs over the age of three months shall not be allowed to run loose within the Village site. The owners of any loose dogs shall be liable for any injuries caused by such loose dogs or for any damages to Village or personal property by such loose dogs.

Section 2. Pet Dogs

All owners are responsible for the health and welfare of their dogs. Pet dogs shall be kept under control by their owners at all times. Dogs over the age of three months shall be kept tied up or otherwise confined when not under the owners' direct control. The owners of any pet dogs are responsible for any injuries inflicted by such pet dogs or for any damages to Village or personal property caused by such pet dogs. All pet dogs shall be vaccinated against the rabies virus at the required intervals.

Section 3. Dogs Bred for Fighting

Dogs bred for fighting have a strong fighting instinct along with a low level of fighting inhibitions which make them a hazard to humans, as well as to other animals. In order to protect the health and safety of the Village of Nenana, any dogs bred for fighting shall be spayed or neutered, and kept confined to the interior of a house or within a very secure fenced in enclosure. Dogs bred for fighting include but are not limited to American Bulldogs, Canary Island Dogs, Pit Bulls, Tosa Fighting Dogs, Japanese Fighting Dogs, and Japanese Mastiffs.

Section 4. Destroying of Domestic Animals

Any dog or other pets that are allowed to run loose, or are neglected, or abandoned, or that are being a nuisance or menace to lives and property may be destroyed at the direction of the Tribal Council.

Section 5. Animal Bites and Rabies

- A. **Confining Animals that Bite a Person:** A domestic animal that bites an individual shall be confined by its owner for 10 days and watched for signs of rabies even if the animal has a documented, current rabies vaccination.

- B. **Animals Suspected of Being Rabid:** Any animal suspected of being rabid that is not privately owned shall be destroyed and the head sent to the state virology lab for analysis. Any privately owned animal that is suspected of being rabid may be destroyed at the discretion of the Tribal Council. If the animal is not destroyed, it shall be quarantined in a secure manner at the expense of the owner until it is determined that the animal is rabies free.

- C. **Notifying Office of Environmental Health or Health Aide:** In any case where an animal is suspected of being rabid, the Office of Environmental Health or Health Aide shall be notified immediately.

Section 6. Disposal of Dead Animals

Disposal of dead animals will be done by removing them to the Village solid waste disposal site at a specific area designed to accommodate animal carcasses, or may be dealt with in a customary fashion. All owners are responsible for the disposal of their own dead animals. All other dead animals shall be disposed of by the person who so dispatched such animals. No dead animals shall be left in the Village proper so as to create a health hazard to the people.

Section 7. Dog Yards

No dog yards consisting of 10 or more dogs may be kept within the Village site.

Section 8. Enforcement

All complaints concerning any part of this Chapter shall be made to the Tribal Council for investigation. The Council may turn cases over to the Nenana Tribal Court for enforcement. The Tribal Court shall take such necessary action to protect the lives and property of the people in the Village. Confiscation of property, fines, and restitution may be imposed for the violation of this Ordinance.

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Section 1. Disposal of Vehicles

Vehicles shall be disposed of in an area designated by the Tribal Council. It is a violation to dispose of vehicles in any public place other than the designated area. Batteries shall be removed and all fluids drained and taken to an approved collection site in accordance with state and federal regulation prior to disposition of vehicles. Penalty for disposing of vehicles in public places other than in the designated area shall not exceed \$500. Additionally, the person or persons who abandoned the vehicle shall be required to move the vehicle to the designated area or pay for the cost of moving the vehicle and may be required to pay restitution for any personal or property damage.

Section 2. Abandoned Vehicles on Private Property

Abandoned cars on private property that are a threat to the safety of the residents of the Village shall be moved to the designated area for disposal of vehicles at the owners expense.

Section 3. Enforcement

For violations of this Ordinance, the Native Village of Nenana Tribal Council shall deliver or mail a 15-day notice to respond back to the Council on the alleged violation. If the Council receives no response, a second notice giving the person or party 10 days to

respond shall be delivered or mailed. If there is no satisfactory response to these notices, the case shall be turned over to the Nenana Tribal Court to set a hearing date with notification to the defendant.

CHAPTER 4

NUISANCES AND HAZARDOUS PROPERTIES

Section 1. Nuisance Violation

Any Village resident or tenant (permanent or temporary) on land in the Village site, who allows his or her property to fall into a condition that endangers the safety, health, comfort, or property of other Village residents shall be guilty of creating a nuisance.

Section 2. Abandoned Homes and Buildings

After an investigation by the Nenana Tribal Council to determine ownership and making contact with the last known owner, the Council may declare a home or building abandoned and have it removed if it falls into a condition that endangers the safety, health, comfort, or property of other Village residents. Any owner shall be notified in writing and given sufficient amount of time to correct the hazard prior to the Council declaring a property abandoned and removing such property.

Section 3. Violations of this Chapter

Complaints under this Chapter shall be filed with the Tribal Council for investigation. The Council shall deliver or mail a notice to the offender allowing 15 days to respond. If the offender fails to respond within 15 days of receiving the notice, the Council shall issue a second notice allowing 10 days to respond. If the Tribal Council determines that the property owner is at fault, the Tribal Council shall request the owner to correct the problem within a reasonable time as determined by the Council. If the property owner does not comply with the request of the Tribal Council, the Tribal Council shall turn the matter over to the Tribal Court for enforcement. In addition to being fined by the Tribal Court, the property owner may be required to pay restitution to anyone who is injured on their property.

CHAPTER 5

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Section 1. Regulation of Use of Fireworks

- A. The Tribal Council shall exercise the authority to regulate the use of fireworks in the Village. The Council may prohibit the use of fireworks in the Village entirely if fire hazard conditions exist. The Council may limit the type of fireworks allowed in the Village and may limit when and where fireworks may be used.

- B. All children under the age of 12 must be supervised by an adult, 18 years or older, when using any type of fireworks.

Section 2. Sale of Fireworks

- A. The sale of fireworks in the Village shall be unlawful unless the person has a valid Tribal fireworks license. Licenses will only be issued to persons over the age of 21. Persons wishing to receive a Tribal fireworks license shall apply to the Tribal Council. The application shall provide at least the following information:
 - 1. Name
 - 2. Address
 - 3. Telephone number
 - 4. When and where fireworks will be sold
 - 5. A complete inventory of fireworks to be sold

- B. Licenses shall be issued by and at the sole discretion of the Council. Any person whose application is denied shall be notified of such action with a statement of the reasons for the denial.
- C. The cost of a fireworks license shall be \$50.00
- D. The Council may require bonding or liability insurance.
- E. The Council shall not be liable for harm to people or property involved in the sale or use of fireworks.

Section 3. Violation

Any person using fireworks in an unsafe manner may be subject to fine. Violation of Tribal Council regulation of fireworks or any other part of this chapter shall be enforced by the Tribal Court. The Court may order fines, community work sentences, and/or restitution for damages caused by fireworks.

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Section 1. Purpose

The environment of the Nenana Tribe is sacred and we are committed to its protection and preservation for future generations. The purpose of this Code is to establish environmental standards and tribal procedures that protect the health, safety, and well being of the people of the Village of Nenana, through protection of the land, water, and air in and around the Village and lands and waters used by the people of Nenana.

Section 2. Authority

The Nenana Tribe enforces the provisions of this Code under its inherent sovereignty, and under any authority so delegated or implied by the State of Alaska or Federal Government, to protect the health and safety of the Tribe, tribal members, and land, air, water, and natural resources used by the Village of Nenana. The Tribal Council exercises its authority under the Nenana Constitution and Codes.

Section 3. Cooperative Agreements

The Tribal Council may enter into cooperative agreements with any Department or subdivision of the State of Alaska, the Federal Government, Native corporations and organizations, or with other tribes for the benefit of environmental regulation and protection of the Tribal members and the Village of Nenana.

Section 4. Definitions

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

"Litter" means any discarded, used or unused substance or waste that has not been placed in a proper receptacle.

"Vehicle" means any motorized vehicle for use on land, in water, or in the air.

"Village Site" means all the lands, buildings, roads, trails, waterways, airport, and landfill site in and around the Village area, and lands surrounding the Village in the Core Township selected under the Alaska Native Claims Settlement Act.

Section 5. Solid Waste

A. Solid Waste Management and Disposal: The Nenana Tribal Council shall regulate and manage the solid waste disposal site. The Council shall strive to meet the standards established by the Alaska Department of Environmental Conservation, as funding permits. All household refuse shall be disposed of in the solid waste disposal site, except that combustible materials may be burned in household burn barrels and hazardous waste shall be disposed of in approved collection sites in accordance with state and federal regulation.

In order to reduce the risk of disease transmission and injuries associated with improper disposal of solid waste, the operation and maintenance of the sanitary landfill shall follow these guidelines:

1. As a policy, the landfill working surface shall be kept to as small as practical.
2. Trenches shall be dug perpendicular to the prevailing winds and not exceed 8 feet deep. Excavated soil shall be stockpiled for future use as a cover material.
3. Separate trenches shall be provided for household wastes, liquid wastes and animal remains.
4. Operational cover shall be applied to the compacted solid waste once a month. All animal remains and liquid waste should be covered immediately after disposal.
5. Signs shall be posted stating, "No Roadside Dumping." Directional signs may be provided advising the public of appropriate dumping locations.

6. A durable security fence, complete with locking gate, shall be provided to reduce paper scatter, limit public access to the area and to prevent access to the site by wildlife.
7. Burning of material at the solid waste disposal site shall be confined and controlled, and physically supervised during the duration of such burning.

B. Abandoning trash: Abandoning trash anywhere except in the designated solid waste disposal site is a violation. Persons convicted of dumping outside of the designated solid waste disposal site may be fined or sentenced to community service in addition to being required to properly dispose of abandoned trash.

C. Contractor Waste: Contractors shall comply with the hazardous waste regulations in this Code, and shall remove from Nenana any and all large items or equipment that the Nenana residents cannot use for their purposes. Contractors shall dispose of smaller waste in the Nenana landfill.

Section 6. Disposal of Dead Animals and any Parts of Animals

Disposal of dead animals and parts of dead animals will be done by removing them to the Village solid waste disposal site at a specific area designed to accommodate animal carcasses, or may be dealt with in a fashion as customary to the Nenana Tribe. All owners of domestic animals are responsible for the disposal of their own dead animals. All other dead animals and animal parts shall be disposed of by the person who so dispatched such animals. No dead animals or animal parts shall be left in the Village proper so as to create a health hazard to the people.

Section 7. Disposal of Vehicles

Vehicles shall be disposed of in an area designated by the Tribal Council. It is a violation to dispose of vehicles in any public place other than the designated area. Batteries shall be removed and all fluids drained and taken to an approved collection site in accordance with state and federal regulation prior to disposition of vehicles. Penalty for disposing of vehicles in public places other than in the designated area shall not exceed \$500. Additionally, the person or persons who abandoned the vehicle shall be required to move the vehicle to the designated area or pay for the cost of moving the vehicle and may be required to pay restitution for any personal or property damage. Abandoned cars on private property that are a threat to the safety of the residents of the Village shall be moved to the designated area for disposal of vehicles at the owners expense.

For violations of this Section, the Tribal Council shall deliver or mail a 15-day notice to respond back to the Council on the alleged violation. If the Council receives no response, a second notice giving the person or party 10 days to respond shall be delivered or mailed. If there is no satisfactory response to these notices, the case shall be turned over to the Tribal Court to set a hearing date with notification to the defendant.

Section 8. Littering

It is a violation to litter on any land or waterways in the Village site. Litter and waste materials that are not burned shall be brought back from picnic and camping areas and disposed of in the solid waste disposal site. Penalties shall increase for the number of violations of this Ordinance.

Section 9. Burn Barrels

Individual burn barrels are permitted for residential use, however, the Council reserves the right to prohibit the use of them when fire hazard conditions are high. The Council may prohibit the use of burn barrels due to extreme fire hazard, may prohibit the type of

materials that may be burned, and may require someone to physically supervise the burning to protect the health and safety of tribal members. Such regulation shall be posted in at least three public places in the Village of Nenana. The Tribal Council may impose fines, restitution, and community service for violation of burn barrel regulation.

Section 10. Nuisances on Property within the Village

Any Village resident or tenant (permanent or temporary) on land in the Village site, who allows his or her property to fall into a condition that endangers the safety, health, comfort, or property of other Village residents shall be guilty of creating a nuisance.

Complaints under this Code shall be filed with the Tribal Council for investigation. The Council shall deliver or mail a notice to the offender allowing 15 days to respond. If the offender fails to respond within 15 days of receiving the notice, the Council shall issue a second notice allowing 10 days to respond. If the Tribal Council determines that the property owner is at fault, the Tribal Council shall request the owner to correct the problem within a reasonable time as determined by the Council. If the property owner does not comply with the request of the Tribal Council, the Tribal Council shall turn the matter over to the Tribal Court for enforcement. In addition to being fined by the Tribal Court, the property owner may be required to pay restitution to anyone who is injured on their property.

Section 11. Hazardous Waste

No material that is flammable, corrosive, reactive (explosive), toxic or otherwise considered hazardous by the Alaska Department of Environmental Conservation or Environmental Protection Agency shall be disposed of at the solid waste disposal site. Hazardous wastes or materials shall be disposed of at approved collection sites in accordance with federal and state guidelines. In addition to being fined by the Tribal Court for violating this Ordinance, persons or entities who dispose of hazardous waste in an

unapproved manner shall be responsible for the clean up cost and may be turned over to State and Federal authorities.

Section 12. Hazardous Materials

A. Transporting, storing, or using hazardous materials: No commercial or governmental transporter may transport hazardous material or waste through, store upon, or use on land in the Village site without prior notification and approval of the Tribal Council. Transporters shall provide copies of the manifest and other forms required by the federal government to the Tribal Council. Commercial or governmental transporters who obtain Council approval to transport, store, or use such materials within the Village site shall provide the Council with the following information:

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

B. Spills of hazardous materials: The Tribal Council may impose fines and require clean up and restitution for any spills of hazardous materials on any land or waters in the Village site.

Section 13. Outhouses and Human Waste

A. Outhouse regulation: In order to reduce the risk of disease transmission through poor maintenance of outhouses, Village residents shall build and maintain outhouses in a fashion that is safe and shall comply with the following:

1. All outhouses shall be constructed a minimum of 100 feet from any private water supply system and 200 feet from any community water supply system.
2. All outhouse pits that become filled to within 18 inches of the top of the ground or that are no longer in use shall be disinfected by pouring household bleach into the pit, then filled in with soil and compacted.

B. Disposal of human waste: All human waste shall be disposed in a safe and healthy manner.

D. Violations of outhouse regulations and disposal of human waste: Complaints about hazardous outhouses shall be made to the Tribal Council. The Tribal Council shall investigate, or appoint someone to investigate the complaint. If a person fails to comply with this outhouse Ordinance after the investigation, the Tribal Council shall turn the matter over to the Tribal Court for enforcement. The Tribal Court may order fines, community work sentences, and/or restitution for damages caused by a hazardous outhouse and costs associated with removal and clean up.

Section 14. Water Quality of Natural Waterways Used by Resident Members of the Tribe

The classification of the waterways used by the resident members of the Tribe shall be the most stringent under the classification system of the Alaska Department of Environmental Conservation in order to protect the natural water quality.

CERTIFICATE OF ADOPTION

The Health, Safety, and Environmental Code was submitted to a vote of the Nenana Tribal Council at an open meeting on _____ for which proper notice was provided, and was duly adopted by the Nenana Tribal Council by a vote of ____ in favor, and ____ opposed.

_____ Chief

_____ Second Chief

_____ Secretary/Treasurer

_____ Council Member

_____ Council Member

_____ Council Member

_____ Council Member

_____ Council Member

_____ Council Member