

**PETERSBURG BOROUGH
ORDINANCE #2021-15**

**AN ORDINANCE UPDATING CHAPTER 9.04 OF THE MUNICIPAL CODE, ENTITLED
“DISEASE CONTROL”, TO UPDATE LANGUAGE AND REFLECT BOROUGH
INCORPORATION**

WHEREAS, on January 3, 2013 the Election Division for the State of Alaska certified the election results of the December 18, 2012 incorporation election for the Petersburg Borough, and

WHEREAS, the certified election confirmed the incorporation of the Petersburg Borough and dissolved the City of Petersburg, and

WHEREAS, Petersburg Borough Charter, Section 19.06 requires all ordinances, resolutions, regulations, orders and rules in effect for the former City of Petersburg to continue in full force and effect within the Petersburg Borough, Service Area 1, until expressly reaffirmed, revised or repealed by the assembly, and

WHEREAS, Chapter 9.04 of the ordinances of the former City of Petersburg was originally adopted in 1973, and requires substantial update in order to move it into the current municipal code.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS, Chapter 9.04, as set out below, is hereby adopted as a borough ordinance.

Section 1. Classification: This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

Section 2. Purpose: The purpose of this ordinance is to update the language of the chapter.

Section 3. Substantive Provisions: Chapter 9.04 of the former Petersburg City Code, as amended herein, is hereby adopted as a Borough ordinance and shall read as follows:

Chapter 9.04 - DISEASE CONTROL

9.04.010 - General powers and duties of health officer.

It shall be the duty of the health officer to enforce all ordinances containing provisions for the protection of public health, ~~to make inspections of foodstuffs and of the premises used for storing or selling of provisions as may be provided by ordinance; and shall and to perform~~ such other duties and functions as may be ~~directed~~required by ~~the borough manager or assembly statute or ordinance~~. The chief of police is designated as a duly authorized agent of the ~~borough~~city health officer ~~for enforcement purposes~~.

9.04.020 - Screening ~~and detention of~~ any persons coming into the borough ~~immigrants for disease;~~ temporary quarantine of exposed persons.

A. The health officer may, whenever the officer deems it necessary and under the direction of the borough manager or assembly, ~~require the examination, examine or cause to be examined~~ by some competent physician, of any ~~all~~ persons entering the borough ~~city~~ from any town, city, borough ~~district~~, location, state or other place where the officer has reason to believe there are any cases of cholera, yellow fever, smallpox, or other contagious or infectious diseases. For the purpose of making such examination, the health officer shall have authority to enter any ship, vessel ~~steamboat~~ or other water craft, or any vehicle; and said health officer may direct and enforce the quarantine ~~cleansing and purifying~~ of any such ship, vessel ~~steamboat~~ or other water craft, or any vehicle.

B. By and under the direction of the borough manager or assembly, the health officer may:

(i) The health officer may establish and provide, ~~by and with the consent of the city council,~~ a suitable place for the temporary quarantine ~~detention~~ of persons who have been exposed to the infection of cholera, yellow fever, smallpox or other infectious or contagious diseases, ~~and the health officer shall have the power to order and~~ compel said person or persons to remain in such place of quarantine ~~detention~~ for such time as may be necessary, and determine the conditions and duration of such quarantine; and, ~~and to forbid and prevent any and all communications with such person or persons. The health officer shall have the power to~~

(ii) forbid or prevent any and all persons from living in or otherwise entering ~~being in or about~~ any ~~such~~ house or premises in which ~~where~~ any person is or has been sick with smallpox, cholera, yellow fever or any other infectious or contagious disease, and prevent any and all persons already in such house or premises from leaving such house or premises without first having obtained permission to do so from the health officer.

9.04.030 - Reporting by health officer.

The health officer shall ~~make such~~ provide reports to the borough assembly ~~city council~~ as may be required. ~~The~~ officer shall also make recommendations to the assembly for rulings, ~~orders or ordinances~~ respecting the public health whenever ~~he is~~ requested to do so, or whenever the officer deems it necessary or advisable.

9.04.040 - Directives of the health officer.

Any directive of the health officer issued under the authority of this chapter shall state:

1. the facts upon which the directive is based;
2. the specific actions being directed or prohibitions imposed by the health officer;

3. the belief that it is in the best interest of public safety and health, and the protection of property, that the directive be issued, including any temporary limitation of the exercise of certain rights; and

4. that the conditions of the directive are designed to provide the least necessary restrictions.

Any directive issued hereunder shall supersede any inconsistent or conflicting borough ordinance or regulation.

The health officer shall ensure that due process is provided to any person who is the subject of a health directive which orders the involuntary quarantine of that person, including reasonable notice of the directive, delivery of the evidence supporting the directive, and an opportunity to be heard in objection to the directive.

9.04.050 - Compliance with health officer directives; Violations.

A. No person shall fail or refuse to comply with any directive of the health officer issued under the authority of this chapter, or the lawful orders of duly authorized law enforcement officers or personnel acting under such directive.

B. Violation of this section shall be a strict liability violation, subject to a fine as provided in the fine schedule set forth in Section 1.16.030 of the Borough Code; if the offense is not listed in the fine schedule, the person must appear in court, and shall be punished by imposition of a fine in accordance with Section 1.16.010.

~~9.04.040 – Power to compel vaccination.~~

~~The health officer may enforce compulsory vaccination on persons or passengers coming from infected places or parts, and when he deems it necessary for the promotion and protection of health of the city, may also enforce compulsory vaccination of the inhabitants.~~

~~9.04.050 – Investigation and removal of afflicted persons.~~

~~The health officer shall make it his duty to investigate all cases where it is alleged that cases of communicable, infectious or contagious diseases are said to exist. Whenever he may deem it necessary, he may remove or order the removal from the premises occupied of any person having such communicable, infectious or contagious disease. The expense of said removal shall be paid by the city.~~

~~9.04.060 – Power to quarantine.~~

~~The health officer shall have charge of the enforcement of quarantine rules. Whenever a case of smallpox, cholera, yellow fever, diphtheria or scarlet fever, or other contagious, infectious or communicable disease, is found to exist, the health officer shall have the power and authority to place any premises within which a contagious or epidemic~~

~~disease occurs under quarantine. He shall cause suitable notice setting forth the facts to be posted in appropriate places and shall determine the time when the quarantine ends.~~

~~9.04.070 – Conditions of quarantine.~~

~~No person or persons except a physician, clergyman, undertaker or those having written permits from the health officer shall enter or depart from any house where smallpox, yellow fever, cholera, diphtheria, or scarlet fever exists or while the corpse of any person who has died of such disease remains within the house, nor within ten days thereafter, or until the building and its contents shall have been disinfected or otherwise disposed of to the satisfaction of the health officer.~~

~~9.04.080 – Disinfection of premises.~~

~~The health officer shall have power, during the prevalence of an epidemic, to fumigate and disinfect any premises which, in his judgment, require disinfection.~~

Section 4. Fine Amounts: The following fine amount is adopted for a violation under Section 9.04.050, and shall be administratively incorporated into Section 1.16.030 of the Borough Code:

Section Number	Description of Violation	Fine Amount
9.04.050A	Failure or refusal to comply with health officer directive, or the lawful order of law enforcement personnel	\$500.00

Section 5. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

Section 6. Effective Date: This Ordinance shall become effective immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this ____ day of _____, 2021.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk

Adopted:
Noticed:
Effective: