

ARTICLE IX. - COMMERCIAL REFUSE COLLECTOR^[9]

Footnotes:

--- (9) ---

Cross reference— Solid waste, ch. 66.

DIVISION 1. - GENERALLY

Sec. 14-336. - Definitions.

The words, terms and phrases, when used in this article, shall have the meanings ascribed to them in section 66-1, except where the context clearly indicates a different meaning.

Cross reference— Definitions generally, § 1-2.

Secs. 14-337—14-360. - Reserved.

DIVISION 2. - LICENSE

Sec. 14-361. - License required; fee; duration.

- (a) No person shall operate as a commercial refuse collector in the city without first obtaining a refuse collector's license.
- (b) License fees are set forth in the city's schedule of fees and charges for services.
- (c) Commercial refuse collector licenses will be valid for two years from the date of issuance unless revoked or suspended by the City Clerk's Office.

(Code 1960, §§ 1.115(10), 12.203(a), (b); Ord. No. 5744, § 34, 7-1-2008; [Ord. No. 6007, § 1, 4-16-2016](#))

Sec. 14-362. - Application required.

Any person desiring to engage in business as a commercial refuse collector will make application for such license to the city clerk upon forms furnished by the city clerk.

(Code 1960, § 12.203(c); [Ord. No. 6007, § 1, 4-16-2016](#))

Sec. 14-363. - Contents of application.

- (a) The application for a refuse collector's license must contain the following:
 - (1) The date of the application.
 - (2) The complete legal name and address of the company to whom the license, if granted, is to be issued.
 - (3) The nature of the company under which the applicant intends to do business (sole proprietorship, partnership, association, corporation).
 - (4) The name and address of the owner of the company if a sole proprietorship; or the names and addresses of the partners or members if the company is a partnership or association; or the names, addresses and positions of the corporate officers if the company is a corporation.

- (5) The exact name which the applicant will display upon the exterior of the vehicles to be operated under the license. The distinctive color scheme which the applicant intends to apply to the exterior of each vehicle to be operated under the license, including the color scheme of any lettering or numbers to appear on the exterior.
- (6) A current copy of the company's State of Alaska and City of Fairbanks business licenses.
- (7) The location and phone number of the office from which the applicant intends to conduct business.
- (8) The location of the garage or yard from which the vehicles will be operated.
- (9) The number of vehicles which will be operated under the license and the description, including the year, make, model, VIN, license plate number, and record owner of each vehicle.
- (10) The amount of bodily injury, property damage, and uninsured motorist insurance coverage on each vehicle as outlined in section 14-364, the name of the insurer and the insurance policy number.
- (11) A statement by the applicant that he has complied with applicable state certification requirements by and through the public utilities commission, which are currently embodied in AS 42.05.221 et seq., along with a copy of the certificate issued to the applicant by the public utilities commission.
- (12) A statement by the applicant that he agrees to submit to the city finance department within ten days following the issuance of a commercial refuse collector's license, and on a quarterly basis for as long as the license remains in effect, a report containing the names and addresses of all commercial and residential customers within the city being served by the applicant. The applicant must also affirm that it will maintain adequate accounting records open to the city finance department for inspection, upon reasonable notification and request.
- (13) A statement by the applicant that he will collect and charge such fees only for the collection and hauling of commercial garbage, rubbish and ashes as are authorized in the license; that the applicant will abide by all lawful rules, directives and orders of this article; and that the applicant will use the landfill area designated by the borough, and will pay such fees required to dispose of all refuse collected under a refuse collector's license.

(b) The application must be signed by the applicant or, where proper, a partner or officer of the applicant.

(Code 1960, § 12.203(d); [Ord. No. 6007, § 1, 4-16-2016](#).)

Sec. 14-364. - Vehicle registration and proof of insurance.

Applications for a commercial refuse collector license must include a copy of current vehicle registration and copies of policies of commercial liability or indemnity insurance providing coverage and protection against loss through personal injury or property damage arising from negligence covering the vehicles to be operated under the license. Such insurance must afford coverage in an amount not less than \$300,000.00 for all personal injuries sustained in any one accident, coverage in the amount of \$50,000.00 for property damage arising out of any one accident, and \$100,000.00 for all persons injured or who died in any one accident caused by an uninsured motorist. Each policy must contain a clause, addendum or endorsement providing that the insurer or his local agent will give written notice of the cancellation, revocation, termination or expiration of that policy, such notice to be submitted to the city clerk not later than five days prior to such eventuality.

(Code 1960, § 12.203(e); [Ord. No. 6007, § 1, 4-16-2016](#).)

Sec. 14-365. - Written notice of changes required.

Before changing minimum insurance requirements for commercial refuse collectors within the city, the city clerk will provide written notice to all existing licensees of the action which the city council proposes to take, and give licensees a reasonable amount of time in which to voice any objections. .

(Code 1960, § 12.203(f); [Ord. No. 6007, § 1, 4-16-2016](#).)

Sec. 14-366. - Issuance of license; non-transferability.

Upon an applicant's compliance with the requirements of this article, the city clerk will issue a commercial refuse collector license to the applicant. Commercial refuse collector licenses are not transferrable or assignable.

(Code 1960, § 12.203(g); [Ord. No. 6007, § 1, 4-16-2016](#).)

Sec. 14-367. - Effect of issuance.

The issuance of a commercial refuse collector's license constitutes an agreement by the applicant to abide by this article and such license regulations approved by the city council, and that the applicant will haul refuse for any person in the city making application for such service upon proper payment or upon arrangements satisfactorily made for payment or compensation as provided in this article. The intention of this section is to make it incumbent upon all licensed commercial refuse collectors to respond to calls from any person in the city who desires the licensee's service except for just cause shown, and to perform the service requested within a three day period. Failure on the part of a licensee to provide service as outlined in this section will be grounds for suspension or revocation.

(Code 1960, § 12.203(h); [Ord. No. 6007, § 1, 4-16-2016](#).)

Sec. 14-368. - Suspension and revocation.

- (a) A commercial refuse collector's license may be temporarily suspended or permanently revoked by the city clerk for any of the following occurrences:
- (1) Breach by the licensee of any covenant or agreement undertaken under a commercial refuse collector license or of any terms and provisions of its currently effective tariffs on file with the city.
 - (2) Any false statement in the application.
 - (3) Violation of any provision of this article, or of any applicable section of chapter 66 or of any license regulations.
 - (4) Failure to give regular service to customers.
 - (5) Failure to maintain minimum insurance requirements as outlined in section 14-364.
- (b) The city clerk will notify the licensee of a suspension or revocation of a license by certified mail. Upon such action, the licensee must immediately cease operation of the commercial refuse collection business. A suspension or revocation of a commercial refuse collector license may be appealed to the city council by filing a written appeal with the city clerk within 30 days of the date of revocation or suspension.

(Code 1960, § 12.203(i); [Ord. No. 6007, § 1, 4-16-2016](#).)

Sec. 14-369. - Reserved.

Editor's note— [Ord. No. 6007, § 1, effective April 16, 2016](#), repealed former § 14-369 in its entirety which pertained to transferability and derived from the Code of 1960, § 12.203(j).

Secs. 14-370—14-390. - Reserved.

DIVISION 3. - REGULATIONS

Sec. 14-391. - Hauling of refuse within city.

- (a) It is unlawful for any licensed refuse collector or other commercial refuse collector to transport refuse upon the streets of the city except in a covered, watertight, and drip-proof vehicle equipped with a metal box with welded seams; however, non-liquids and innocuous substances may be conveyed in suitable containers with appropriate coverings to safeguard against littering.
- (b) Refuse-hauling vehicles will be thoroughly washed or treated regularly so as to maintain a reasonably sanitary condition. No person will operate a refuse collection vehicle within the business district of the city between the hours of 10:00 a.m. and 12:00 p.m. of each day. The business district is defined as that portion of the city encompassed and bounded on the north by First Avenue; on the east by Noble Street; on the south by Seventh Avenue; and on the west by Wickersham Street.

(Code 1960, § 12.205; [Ord. No. 6007, § 1, 4-16-2016](#))

Sec. 14-392. - Filing of tariffs.

Every licensee under this article will file with the city clerk its complete tariff showing all rates, rentals and charges collected and all classifications, rules, regulations, and terms and conditions under which it furnishes its services and facilities to the public, together with a copy of every special contract with customers which in any way affects or relates to its rates, rentals, classifications, services or facilities. The licensee will clearly print or type its complete tariff and keep an up-to-date copy of it on file at its principal business office. Tariffs will be made available for inspection by the general public on demand.

(Code 1960, § 12.207(a); [Ord. No. 6007, § 1, 4-16-2016](#))

Sec. 14-393. - Terms and conditions of services, facilities.

The terms and conditions under which each licensee offers its services and facilities to the public will be governed by the provisions of its currently-effective tariffs. No properly filed and effective tariff rate, charge, rental, rule, regulation or condition of service will be changed except as provided in this division. If more than one tariff rate or charge can reasonably be applied for billing purposes, the one most advantageous to the customer will be used.

(Code 1960, § 12.207(b); [Ord. No. 6007, § 1, 4-16-2016](#))

Sec. 14-394. - Reasonable rates.

All rates demanded or received by a licensee for a service furnished or to be furnished under this article will be just and reasonable. If the city clerk, after investigation, finds that a rate demanded, observed or collected by a licensee for commercial refuse collection, or that classification, rule, regulation, practice or contract affecting the rate is unjust, unreasonable, unduly discriminatory or preferential, the clerk will provide a report to the city council who will determine the just and reasonable rate, classification, rule, regulation, practice or contract to be observed or allowed.

(Code 1960, § 12.207(c); [Ord. No. 6007, § 1, 4-16-2016](#))

Sec. 14-395. - Fairness of rates; refunds.

- (a) No licensee under this article may grant an unreasonable preference or advantage to any of its customers or subject a customer to an unreasonable prejudice or disadvantage. No licensee may establish or maintain an unreasonable difference as to rates, either between localities or between classes of service.
- (b) No licensee will directly or indirectly refund, rebate or remit any portion of the rates and charges, or charge, demand or receive a greater or lesser compensation for its services than is specified in its effective tariff. If a licensee desires to charge all its customers in a particular class of service a lesser amount than in its current tariff, it may do so immediately but must apply the reduction to all its

customers in that class of service and immediately initiate action as specified in section 14-397 to revise its tariffs.

- (c) No licensee may extend to any customer any form of contract, agreement, inducement, privilege or facility, or apply any rule, regulation or condition of service except such as are extended or applied to all customers under like circumstances.
- (d) No licensee may offer or pay any compensation for or furnish the equipment to secure the use of its service unless it conforms to a tariff approved by the city, and unless the compensation or equipment is offered to all persons in the same classification using or applying for the service. In determining the reasonableness of such a tariff filed by a licensee, the city will consider, among other things, evidence of compensation paid by a competitor of the licensee to secure the use of the competitor's service.

(Code 1960, § 12.207(d); [Ord. No. 6007, § 1, 4-16-2016](#))

Sec. 14-396. - Fairness in service.

No licensee under this article may, as to service, grant an unreasonable preference or advantage to any person or subject any person to an unreasonable prejudice or disadvantage. No licensee may establish, maintain or provide an unreasonable difference in service, either between locations or between classes of service. Nothing in this section prohibits the establishment of reasonable classifications of service, or requires unreasonable investment in facilities.

(Code 1960, § 12.207(e); [Ord. No. 6007, § 1, 4-16-2016](#))

Sec. 14-397. - Change of rates or service.

- (a) Except as provided in section 14-395, no licensee under this article may establish or place in effect any new or revised rates, charges, rules, regulations, conditions of service or practices except after 45 days' notice to the public. Notice will be given to the city clerk by filing with the clerk's office and keeping open for public inspection the revised tariff provisions which plainly indicate the changes to be made in the schedules then in force, and the time when the changes will go into effect.
- (b) The notice to be given to the public shall be published in a newspaper of general circulation in the city not more than ten days after the notice is filed with the city clerk. If no public objection is filed within 15 days of the newspaper publication, the city clerk will approve the revised tariff provision. If any public objection is filed with the city clerk, the clerk will set a hearing date for the matter to be heard by the city council at the next regular meeting immediately following the close of the objection filing period. No such new or revised tariff shall be effective until it has been approved by the city clerk or the city council.

(Code 1960, § 12.207(f); [Ord. No. 6007, § 1, 4-16-2016](#))

Secs. 14-398—14-430. - Reserved.