

ORDINANCE NO. 6052, AS AMENDED

AN ORDINANCE AMENDING FGC CHAPTER 66, SOLID WASTE

WHEREAS, Chapter 66 of the Fairbanks Code of Ordinances covers all aspects of solid waste collection within the City; and

WHEREAS, the City's Public Works Department, under the guidance of Director Jeff Jacobson, has undertaken a complete review of Chapter 66; and

WHEREAS, key issues that were identified under this review were presented to the Council at a work session held on May 8 of this year; and

WHEREAS, it is the recommendation of the Department and its Director that the following rewrite of Chapter 66 be adopted.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. That FGC Chapter 66, Solid Waste, is amended by repealing it and reenacting the version set out below:

ARTICLE I. IN GENERAL

Sec. 66-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Animal Excreta* means animal feces.
- (2) *Ashes* mean the residue from fires used for cooking and for heating buildings.
- (3) *Garbage* means refuse and rubbish as defined in this section.
- (4) *Hazardous Waste* means waste that is capable of causing injury, disease or impairment of health, or property damage, including, but not limited to, poisons, pesticides, acids, caustics, infectious or pathological waste, radioactive materials, explosive or highly flammable materials, oil and petroleum products, batteries, burning or smoldering materials, or any item which, when disposed of into a landfill, will cause contamination of groundwater or cause the groundwater to not meet state drinking water standards.
- (5) *Home Medical Waste (Sharps)* means used and unused hypodermic needles, tattoo and body piercing needles, and lancets used for blood samplings.
- (6) *Organics* mean grass clippings, leaves, brush, and yard, garden, and tree trimmings.

(7) *Prohibited Items* mean auto parts, tires, animal hides or scraps from hunting and fishing, and construction/demolition debris (such items will not be collected by the City and must be taken to the landfill).

(8) *Refuse* means animal or vegetable wastes which arise from the use, preparation or storage of food for human consumption, not including wastes from industrial processes and manufacturing operations.

(9) *Rubbish* means nonputrescible material, such as paper cartons, boxes, wood, furniture, metal, plastics, glass, and ceramics, not including, auto parts, tires, gravel, sand, dirt, building materials and industrial wastes and organics such as yard and tree trimmings.

(10) *Solid Waste* means all types of waste defined in this section.

Sec. 66-2. Use of service required; exceptions.

(a) The city has undertaken the collection of solid waste in the residential areas of the city, with curbside pickup in approved containers. All persons shall use the City's residential solid waste collection services, unless specifically excluded under this chapter.

(b) The collection of commercial solid waste is left to licensed commercial refuse collectors.

(c) The city council may award contracts for collection and disposal of solid waste at such times as it deems proper.

Sec. 66-3. Duties of director of public works.

(a) The director of public works shall investigate all complaints issued by any licensee or any resident of the city pertaining to accumulating, collecting, hauling, or disposing of solid waste within the city and shall submit a report to the mayor regarding such activities.

(b) The director of public works shall periodically inspect the manner in which any licensee is collecting, hauling, and disposing of solid waste in the city and shall notify the licensee of any violations of this Code, the regulations under this Code, or of the laws of the state. Upon the failure of a licensee to correct or remove any existing violation, the director of public works shall initiate necessary enforcement action.

(c) The director of public works shall periodically inspect the manner in which solid waste is being accumulated, stored, and disposed of by persons living within the city and, upon evidence of violations of this Code, the regulations under this Code, or of the laws of the state relating to solid waste, take appropriate action to notify the person of such violation and, where necessary, initiate legal action concerning such violation.

(d) The director of public works shall submit to the city council annually a summary report on the status of solid waste collection within the city.

Sec. 66-4. Regulations authorized.

The Mayor is empowered to make such rules, not in conflict with the provisions of this chapter, related to the collection, storage, and disposal of solid waste as are necessary to protect public property or the safety or health of the public.

Secs. 66-5 – 66-20. Reserved.

ARTICLE II. ACCOUNTS

Sec. 66-21. Residential, commercial accounts.

(a) *Residential accounts.* Except as provided in subsections (a)(1) and (2), the residential rates for solid waste collection shall be chargeable to the property owner of each residence, whether or not the owner or occupant elects to use the city's collection service, and shall apply to all residential living units unless it falls within the exemptions for commercial accounts.

- (1) Any apartment building or complex which contains more than four apartment units (as defined by the Uniform Building Code), any assisted living facility, or any store, shop, or business shall be considered a commercial account. An apartment owner who owns more than one four-plex on adjoining lots may opt to contract with a commercial carrier in lieu of receiving and paying for city collection. A single, residential four-plex shall receive collection service by the city, except in the event that the owner of the four-plex requests commercial service for no less than one year.
- (2) The mayor, upon a finding by the public works director that service can be provided, may enter into agreements to provide residential refuse service for assisted living facilities, apartments (larger than a four-plex), condominiums, residential planned unit developments, or residential units located on military land or on private streets, upon the request from the owner of such dwellings, provided that such owner is willing to make a single quarterly payment for all residential units in the development and comply with all city solid waste collection regulations. Agreements authorized by this subsection shall charge each living unit the same rate per unit as paid by a single family home account, without the senior citizen discount (unless all residents qualify) and without any adjustment for vacancies.

(b) *Commercial accounts.* A store, shop, business, or assisted living facility shall be considered a commercial account. These commercial accounts may contract with a commercial licensed refuse collector.

Sec. 66-22. Rates.

(a) The rate for residential service shall be as set forth in the City's Schedule of Fees and Charges for Services. This rate shall be charged to each residential property owner whether or not the residential property owner elects to use the city's collection service. The schedule shall be adjusted by the city council effective in July of each year to reflect the annual change in the Anchorage Consumer Price Index (Annual CPI-U), changes in the cost of fuel, and changes in the tipping fees charged by the Fairbanks North Star Borough landfill. Twelve percent of the amount collected under this Chapter shall be placed in a city equipment account.

(b) The rate for collections made under section 66-24 shall be set forth in the City's Schedule of Fees and Charges for Services.

Sec. 66-23. Senior citizen rate.

(a) A qualified senior citizen may apply to the office of the city clerk or the city finance department for the senior citizen rate. The senior citizen rate will be as provided in the City's Schedule of Fees and Charges for Services and will become effective the first billing quarter following a qualified filing.

(b) The term "qualified senior citizen" as used in this section is defined as a person at least 65 years of age or a person at least 60 years of age who is the widow or widower of a person who was receiving the senior citizen rate at the time of their death. The widow or widower must file a new application for the senior citizen rate and must meet the requirements of subsection (c).

(c) To receive the senior citizen rate under this section, a qualified senior citizen must:

- (1) Be an owner of record of the property receiving the solid waste service.
- (2) Occupy the property as a permanent place of abode. If the qualified senior citizen owns multiple properties, only their primary residence will be eligible for the senior rate.
- (3) File for the senior citizen rate with the city clerk or the city finance department, provide proof of age, and have the application signature notarized. A qualified senior citizen need not file such an application for successive years if there is no change in ownership, no change in permanent place of abode, and no change as to the owner of record.
- (4) Maintain all city accounts in current status. The senior citizen rate will be revoked if a city account(s) is delinquent. The senior citizen rate will be reinstated without requiring a new filing when the account(s) is brought into current status.
- (5) If living in a residence provided service pursuant to section 66-21(a)(2), all residents must be qualified.

(d) Annually, the city finance department will review a minimum of ten percent of the accounts receiving the senior citizen rate to determine eligibility and compliance with this section.

(e) The qualified senior citizen receiving a senior citizen rate or their designated representative is responsible for notifying the city clerk or finance department of any change in ownership, residency, or permanent place of abode. Any account that is receiving the senior citizen rate for any period during which it is not eligible will be billed for the ineligible period at the regular collection rate and charged interest at the current rate for delinquent accounts.

Sec. 66-24. Charge for collection of oversized items; other charges.

(a) A customer shall be assessed an additional charge for the collection of any oversized items which cannot be collected during the routine weekly collection and which require a special trip by the department of public works.

(b) A customer shall be assessed an additional charge for failing to properly dispose of home medical wastes, hazardous wastes, and ashes, per Sec. 66-42, and for failing to maintain their container or receptacle in a proper manner per Sec. 66-62(c) after a second notice from the director of public works.

Sec. 66-25. Customer service policies.

(a) *Charge for service.* It shall be the duty of the finance director to keep accounts of solid waste customer accounts, to enter on such accounts all charges and penalties, and to establish billing dates for such service.

(b) *Billings, due dates, and delinquent dates.* The charges for services shall be billed during the first month of the service quarter. The billing shall be due on the last business day of the first month in the quarter of service. Failure of any person to pay the charges by the due date shall cause such charges to become delinquent. Failure to receive mail shall not be recognized as a valid excuse for failure to pay bills when due. A maximum legal rate of interest charge, but no more than 18 percent per annum, shall be added to the delinquent balance as of the day following the due date.

(c) *Automatic recurring bank payments.* Citizens may enroll in the Automated Clearing House (ACH) service for payment of quarterly bills from a personal checking or savings account. ACH transactions will be posted to customer accounts on the last day of the billing month. Non-sufficient funds (NSF) will result in a charge on the customer's next bill.

(d) *Action to collect delinquent accounts.* Accounts delinquent on the last day of the quarter following the due date will have liens placed on the property. All costs incurred by the city to record and release the lien will be applied to the owner's account. The lien will be released when the account is paid in full.

(e) *Property owner liable for payment of solid waste service fees.* The owner of a record of the real estate receiving service shall be chargeable for the service and such fees shall be a lien against the real estate.

Secs. 66-26 – 66-40. Reserved.

ARTICLE III. COLLECTION

DIVISION 1: REQUIREMENTS

Sec. 66-41. City Collection.

(a) The city shall collect all residential solid waste throughout the city, subject to the provisions of this chapter and on a schedule established by the director of public works.

(b) It is the responsibility of the owner or occupant, on the days allocated for collection, to position their garbage bags on their lot at roadside.

Sec. 66-42. Required containment.

(a) All garbage, organics, and ashes shall be kept inside tightly closed plastic bags. Single residences are encouraged to cover the bags with tarps or place them in an approved container or receptacle.

(b) Home medical wastes (sharps) shall be placed in an approved container or sealed thick-walled sturdy plastic container (such as those used for bleach, laundry detergent, etc.) labeled "Sharps" and placed outside of garbage receptacles.

(c) Hazardous wastes shall be disposed of in containers placed in cardboard boxes outside of garbage receptacles.

(d) Cold ashes shall be disposed of in plastic bags placed outside of garbage receptacles.

(e) Grass clippings and other organics, which can be placed in plastic garbage bags, will be collected.

(f) No returnable containers will be permitted, and no objects which would damage the packer truck will be taken.

(g) Prohibited items must be disposed of at the Borough Landfill.

Sec. 66-43. Containers/receptacles required.

(a) It shall be the duty of the owner of any dwelling, flat, apartment house, or trailer court to furnish, or to see that their tenants are supplied with, appropriate containers or receptacles approved by the director of public works or designee.

(b) Containers or receptacles shall:

- (1) Not be overloaded beyond the point where the contents can be securely contained;
- (2) Not be filled with liquids or semiliquid kitchen wastes which may be properly disposed of through the means of sanitary drains;
- (3) Be kept in sanitary condition with the outside free from accumulations of grease or decomposing matter; and
- (4) Be further kept in a sanitary manner so that no odor shall emit from the container or other nuisance arises because of the unsanitary condition of such container.

(c) Each container or receptacle shall be kept in a place reasonably accessible to collection personnel so that they will not be required to carry such container any distance in excess of that necessary.

(d) The property owner shall be solely responsible for the care and condition of their containers or receptacles.

Sec. 66-44. Placement of containers/receptacles.

(a) Except for purpose of collection, no person shall deposit any solid waste upon any street, alley or city-owned property, or upon any property owned by another. Solid waste containers or receptacles shall not project from the lot line more than three feet and shall be used by the resident as a temporary storage facility only.

(b) No container or receptacle or any solid waste shall be placed in the parking strips or otherwise in front of houses unless approved by the department of public works.

Sec. 66-45. Dumpsters.

(a) If service is provided by a licensed commercial refuse collector, all solid waste shall be put in dumpster units.

(b) All dumpster units shall be constructed of a durable metal, and all seams shall be watertight and shall have covers that are tightfitting.

(c) Each dumpster unit shall bear the following legends:

- (1) The company name and phone number (located on the front of the receptacles).
- (2) "Keep covers closed by order of Public Works Director" (located on both the front and back in three-inch letters).
- (3) A unique number for identification purposes (located in the front, upper right-hand corner in four-inch letters).

(d) All dumpster units are to be kept well painted, clean, in good repair **and must comply with FGC Sec. 10-438(b)(9)**.

(e) Units holding wet refuse shall be cleaned and sanitized twice per year or as directed by the director of public works, at an approved location, by steam cleaning or other approved method.

(f) Dumpster customers shall be encouraged to use plastic garbage sacks to contain garbage.

(g) A receptacle which does not comply with this section is unlawful and constitutes a nuisance and shall be summarily abated by the director of public works or his agents by confiscation and removed no sooner than seven days after notification to the owner, by certified mail, of the container's noncompliance.

(h) Upon approval from the director of public works, enclosures to hold multiple bags or garbage until pickup may be constructed for buildings or complexes of more than one unit.

Secs. 66-46 – 66-60. Reserved.

DIVISION 2: PROHIBITIONS

Sec. 66-61. Sanitary conditions required.

No person having the care, either as owner or occupant, of any premises shall fail to maintain the premises in a clean and sanitary condition regarding solid waste. Such premises shall include the alley bordering the premises up to the centerline of the premises.

Sec. 66-62. Additional prohibited acts.

(a) No one shall place any trash bags within the street or alley right-of-way.

(b) No one shall place solid waste at the designated pickup location other than on scheduled collection days.

(c) If the owner or occupant fails to maintain a container or receptacle in a proper manner, the director of public works shall notify the owner that they have ten days to correct the problem. After the second such notice, the owner will be charged an additional fee, as set out in the City's Schedule of Fees and Charges for Services, until such time as the problem has been corrected.

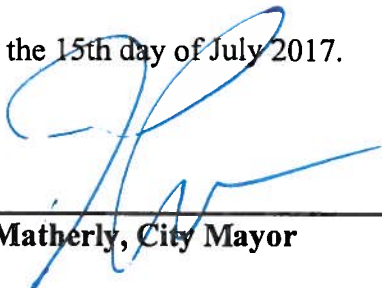
(d) It shall be unlawful and constitute a nuisance for the owner or agent of the owner of any lot or grounds within the corporate limits of the city, or upon any adjacent street or sidewalk, to keep or to permit to remain any solid waste for a period longer than the frequency of collection established pursuant to this Chapter and in no case for more than 10 days.

(e) It shall be the duty of the director of public works to give a written notice to the owner or agent of the owner of any such lot to remove any solid waste kept or permitted to remain on such

property in violation of the requirements of subsection (d). If the owner or agent of any such lot fails to comply with such notice within five days from receipt of the notice, they shall be deemed guilty of a minor offense. A person charged with a violation of this section must respond to the City Clerk's Office within 30 days of receipt of the citation. Disposition may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment of a fine of \$100 and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. The fines for this offense may not be judicially reduced.

(f) In addition to the penalty prescribed in subsection (e), the director of public works is authorized to remove any such solid waste from any lot, street or sidewalk, provided the owner or agent fails so to do after receiving such notice, ~~any such solid waste~~. The director of public works shall report the cost of the removal to the city council. The city council shall determine by resolution whether such cost is correct and may declare the cost to be a lien upon the real property from which the solid waste was removed. This lien shall be enforced as other city liens against real property.

SECTION 2. That the effective date of this Ordinance is the 15th day of July 2017.

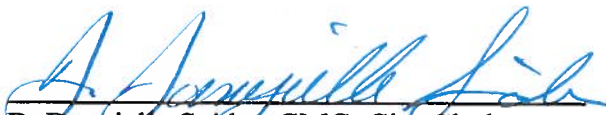


Jim Matherly, City Mayor


AYES: Cleworth, Rogers, Huntington, Therrien, Pruhs
NAYS: None
ABSENT: Seat D vacant
ADOPTED: July 11, 2017

ATTEST:

APPROVED AS TO FORM:



D. Danyielle Snider, CMC, City Clerk



Paul J. Ewers, City Attorney