

ORDINANCE NO. 6196

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE CHAPTER
66 ARTICLE II ACCOUNTS FOR RESIDENTIAL AND COMMERCIAL
SOLID WASTE COLLECTION**

WHEREAS, Fairbanks General Code Chapter 66 Article II sets the accounts for residential and commercial solid waste collection; and

WHEREAS, the Administration, with input from the Finance Department staff, is proposing revisions to this Article; and

WHEREAS, the City Finance Committee reviewed and recommends these changes.

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

SECTION 1. Fairbanks General Code Chapter 66 Article II is hereby amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

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, **regardless of vacancies**, 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. **A single, residential four-plex shall receive collection service by the city, except in the event that the owner requests commercial service for no less than one year and completes a four-plex exemption form with the city finance department.** 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 **without signing the four-plex exemption form.** ~~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.* **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.** A store, shop, business, or assisted living facility shall be considered a commercial account. These commercial accounts ~~may~~ **should** 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~~ **the capital fund.**
- (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 audit** 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~~ **department**. **Oversized item collection can be requested with the public works department, the fee is listed in the schedule of fees.**
- (b) A customer shall be assessed an additional charge for failing to properly dispose of home medical wastes, hazardous wastes, and ashes, per section 66-42, and for failing to maintain their container or receptacle in a proper manner per section 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~~ **Chief Financial Officer** 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 **first day of the third month in the billing cycle.**
- (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 **account.**

- (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.~~ **Delinquent accounts are subject to lien filings.** 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. **Property owners involved in a Fairbanks North Star Borough foreclosure proceedings will retain ownership during the redemption period and responsibility of the charge for services.**
- (e) *Property owner liable for payment of solid waste service fees.* The owner of record of the real estate receiving service shall be chargeable for the service and such fees shall be a lien against the real estate.

SECTION 2. That the effective date of this ordinance will be the 19th day of February 2022.



Jim Matherly, Mayor


AYES: Marney, Clark, Therrien, Gibson, Rogers, Cleworth
NAYS: None
ABSENT: None
ADOPTED: February 14, 2022

ATTEST:

APPROVED AS TO FORM:



D. Danyielle Snider, MMC, City Clerk



Paul Ewers, City Attorney