

Introduced by: Thor Williams
Date Introduced: March 9, 2004
Public Hearing Date: March 23, 2004
Action: Passed 4-3(Rodgers, Notti, Short)
Date Enacted: July 1, 2004

CITY OF BETHEL, ALASKA

ORDINANCE #04-03

AN ORDINANCE AMENDING SECTIONS 13.12.010, 13.12.160 AND 13.12.280 OF THE BETHEL MUNICIPAL CODE REGARDING SOLID WASTE COLLECTION AND DISPOSAL BY DEFINING NON-RESIDENTIAL CUSTOMERS, REQUIRING NON-RESIDENTIAL CUSTOMERS TO USE DUMPSTERS, AND CLARIFYING THAT NON-AUTHORIZED USE OF DUMPSTERS OR OTHER GARBAGE CONTAINERS OWNED BY OTHERS IS PROHIBITED, AND AMENDING SECTION 13.16.010 TO CREATE A SEPARATE FEE FOR NON-RESIDENTIAL SOLID WASTE SERVICE CUSTOMERS AND INCREASE COMMERCIAL SERVICE RATES

WHEREAS solid waste service customers who own non-residential properties, including commercial businesses, industrial businesses, restaurants, multi-family dwellings and apartments, accumulate more garbage, rubbish and waste materials than single family residential service customers;

WHEREAS to more equitably assess costs, the City Council determines that a new rate category is appropriate for non-residential properties that are provided solid waste collection and disposal services;

WHEREAS to prevent garbage, rubbish and waste materials on non-residential properties from overflowing, the City Council determines that such customer should be required to use dumpsters;

WHEREAS to insure against use of dumpsters and other garbage containers by unauthorized users, the City Council is clarifying that Section 13.12.280 of the Bethel Municipal Code prohibit any unauthorized use of dumpsters as well as any garbage container;

WHEREAS the City Council instructs the City of Bethel or through its contractor to negotiate the purchase of dumpsters to be used by all non-residential customers, with any needed appropriation for the dumpsters to be addressed in a separate ordinance; and

WHEREAS it is expected that since the City of Bethel or its contractor will need to appropriate funds for purchase of the dumpsters for all non-residential customers, and order, receive, and dispense the dumpsters, that the required use of a dumpster will not be effective until such date.

BE IT ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amendment. Section 13.12.010 of the Bethel Municipal Code entitled “Definitions” is amended by adding an additional definition to read as follows (new language is underlined and old language is stricken out):

13.12.010 Definitions.

Whenever, in any section of this chapter, the following terms are used, they shall have the meaning respectively ascribed to them in this section:

- A. “City” means the city, acting through its city council and/or its city manager.
- B. “Collection” means the operation of gathering together and transporting to the point of disposal garbage, rubbish and waste material.
- C. “Contractor” means the person, persons, firm or corporation entering into a contract with the city for the collection and disposal of garbage, rubbish and waste material.
- D. “Department” means the city public works department.
- E. “Disposal” means the complete operation of treating and/or disposing of the accumulation of garbage, rubbish and waste material, and the product or residue arising from such treatment.
- F. “Garbage” means and includes all animal and vegetable refuse from kitchens, all household waste which has been prepared from food or shall have resulted from the preparation of food, all table refuse or offal, and every accumulation of animal, vegetable, or other matter that attends the preparation, consumption, marketing, packing, canning, storage, and decay of meat, fish, fowl and vegetables, and fruit intended for human consumption; also dead animals and the accumulation from restaurant grease traps, but not dishwater nor wastewater.
- G. “Non-residential customer” means any owner of property provided solid waste services that is not a single family dwelling, including industrial properties, commercial properties, restaurants, multi-family dwellings and apartments.
- H. “Person” means and includes individuals, firms, associations and corporations.

I. “Rubbish” means and includes tree and shrubbery trimmings, lawn renovating grass, weeds, leaves, chips, paper, pasteboard, magazines and books, rags, rubber, carpets, clothing, boots, shoes, hats, straw packing, boxes and cartons, crates, packing materials, furniture and all other kinds of combustible rubbish, trash or waste material which ordinarily accumulates in the operation of a household or business. “Rubbish” does not include manure or waste from any poultry yard or stable.

J. “Waste material” means and includes broken crockery, broken glass, ashes, cinders, shells, bottles, tin cans, metals and other similar noncombustible waste material resulting from the operation of a household or business, but does not include discarded automobile or truck bodies or other bulky or heavy objects, nor waste material resulting from any manufacturing, building or construction operation.

SECTION 3. Amendment. Section 13.12.160 of the Bethel Municipal Code entitled “Bulk containers” is amended as follows (new language is underlined and old language is stricken out):

13.12.160 Bulk containers.

A. No other type of container or receptacle shall be permitted for the accumulation and collection of rubbish and waste materials from residence, dwelling, commercial and industrial units, except certain bulk rubbish and waste material containers approved by the public works department of the city and supplied to the residence or dwelling unit by the city or contractor, as the term contractor is defined by this chapter. Such bulk rubbish and waste material containers shall be kept in a clean and sanitary condition by the person occupying or having charge or control of the residence, dwelling, commercial or industrial unit for which such bulk rubbish or waste material container is provided. Such bulk rubbish and waste material containers shall be provided with lids which shall be kept tightly closed at all times except during the process of filling or emptying such bulk containers.

B. All non-residential customers shall be required to have and use a dumpster that is supplied by the city or its contractor.

SECTION 4. Amendment. Section 13.12.280 of the Bethel Municipal Code is repealed and reenacted to read as follows (new language is underlined and old language is stricken out):

13.12.280 Depositing trash on land of another.

No person shall place or deposit any can, trash, refuse, rubbish, garbage, offal, nauseous substance, tree trimmings, grass cuttings, animal or vegetable matter, muck, automobiles, automobile bodies, trucks, truck bodies or any material which may become a nuisance, decayed or putrid:

A. On land owned by another without the owner’s permission; or

- B. In any garbage container owned by another, including a bulk container or dumpster, without the owner's permission.

~~No person shall place or deposit on land of another any tin can, trash, refuse, rubbish, garbage, offal, nauseous substance, tree trimmings, grass cuttings, animal or vegetable matter, muck, automobiles, automobile bodies, trucks, truck bodies or any material which may become a nuisance, decayed or putrid.~~

SECTION 5. Amendment. Section 13.16.010 of the Bethel Municipal Code entitled "Bulk containers" is amended as follows (new language is underlined and old language is stricken out):

13.16.010 Solid waste collection.

For the collection, removal and disposal of residential/non-residential/commercial garbage, rubbish and waste materials within the city, the following charges shall be made:

- A. Residential/non-residential/commercial scheduled rates:

1. Residential service:

Frequency of Service	Rate
Monthly flat rate	\$12.00 per month

2. **Non-residential service**

<u>Frequency of Service</u>	<u>Rate</u>
<u>Monthly flat rate</u>	<u>\$75.00 per month</u>

3. Commercial service:

Frequency of Service	Rate
Four yard dumpster per pick up	\$40.00 30.00 per pick up
Eight yard dumpster per pick up	\$50.00 40.00 per pick up

- B. Residential/non-residential/commercial on-call rates:

1. Residential services, ten dollars and ninety cents per call;
2. Non-residential service, twenty-five dollars per call;
3. Commercial services, forty-five dollars per call.

- C. Public use of the municipal landfill:

Frequency of Service**Rate**Four cubic yards or
less per day

Free

More than four
cubic yards

\$5.00 per cubic yard

The landfill subject to approval by the city council, shall establish and may periodically adjust additional rates, charges, and fees for the use of the landfill, including but not limited to rates, charges, and fees for dumping oil, glycol, and oversized items.

SECTION 6. Effective Date. This ordinance shall become effective immediately upon passage by the City Council, except for Sections 3 and 5. Section 3 shall become effective for non-residential customers only after the City or its contractors has purchased and provided dumpsters to non-residential customers, and therefore this section is given an effective date of July 1, 2004. Section 5 shall become effective 30 days after passage in order to give additional notice to customers of solid waste services and collection about the rate changes.

PASSED AND APPROVED THIS ____ DAY OF _____ 2004, by a vote of __ in favor and __ opposed.

Hugh Short, Mayor

ATTEST:

Amanda Byington, City Clerk