

CITY OF VALDEZ, ALASKA

ORDINANCE NO. 20-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ,  
ALASKA, AMENDING TITLE 8, CHAPTER 8.08, TITLED GARBAGE  
COLLECTION AND DISPOSAL

WHEREAS, the following amendments to Title 8, Chapter 8.08, of the Valdez Municipal Code establish regulations related to garbage collection and disposal.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA THAT the following amendments are made to Chapter 8.08 of the Valdez Municipal Code:

Section 1. Chapter 8.08 of the Valdez Municipal Code is hereby amended to read as follows:

**Chapter 8.08**

**GARBAGE COLLECTION AND DISPOSAL**

Sections:

- 8.08.010 Purpose of chapter.
- 8.08.020 Definitions.
- 8.08.030 Garbage ~~and refuse~~ containers required—Use of containers.
- 8.08.040 Collection and disposal—provided by city.
- 8.08.050 Collection and disposal—Frequency of collection.
- 8.08.060 Burning and dumping of ~~refuse or~~ garbage.
- 8.08.070 General prohibitions s regarding garbage disposal.
- 8.08.080 Damage, loss, theft, and removal of city issued garbage containers and dumpsters.
- 8.08.090 Ownership, maintenance, and replacement of city issued garbage containers and dumpsters.
- 8.08.100 Fine schedule.

**8.08.010 Purpose of chapter.**

The maintenance of health and sanitation requires, and it is the intention of this chapter to make, the collection removal and disposal of garbage ~~and refuse~~ in the city compulsory and universal. (Prior code § 21-2)

**8.08.020 Definitions.**

For the purpose of this chapter, these terms shall have the following definitions:

“Garbage ~~and refuse~~” means all unwanted or discarded solid or semisolid materials whether putrescible or non-putrescible originating from any source including, but not limited to, trash, rubbish and debris, refuse, waste and discarded food, animal and

vegetable matter, waste paper, cans, glass, boxes and paper cartons, metal, plastic, rubber, cloth and ashes. Waste shall not include materials subject to manufacture into byproducts.

“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 and burning or smoldering materials, or any item which, when disposed of into landfill, will cause contamination of groundwater or cause the groundwater to not meet state drinking water standards.

“IGBC” means the International Grizzly Bear Committee.

“Putrescible waste” means material capable of being decomposed so as to cause a nuisance or obnoxious odors.

“Industrial solid waste” means any waste substance or a combination thereof resulting from the operation of or from any process of industry, manufacturing, trade or businesses, from the development of any agricultural or natural resources, junked vehicles and equipment, material and debris resulting from construction or demolition projects and abandoned or decaying structures. (Prior code § 21-1)

#### **8.08.030 Garbage and refuse containers required—Use of containers.**

A. It shall be the duty of every person in possession, charge or control of any premises, business establishment or industrial establishment where garbage and refuse is created or accumulates, at all times, to keep or cause to be kept dumpsters or portable garbage ~~metal or plastic~~ containers for the deposit therein of garbage and refuse; and to deposit or cause to be deposited the same therein. Only those portable garbage containers approved or issued by the City of Valdez with an IGBC Certification will be collected. Portable garbage containers shall be secured in such a manner that they are water-tight and consistent with the criteria of their IGBC Certification. ~~Non-dumpster containers shall be water-tight and of not more than 32-gallons capacity and shall have two handles at the sides thereof and tight-fitting lids. Such lids shall remain on the containers at all times, except when necessary to place garbage and refuse in the containers. Such containers shall be kept in a sanitary condition, free from accumulating grease and decomposing material.~~ Portable containers shall not be kept at the curbside, except during authorized periods of collection. During authorized periods of collection portable garbage containers shall be placed in an area accessible to the collector of garbage. ~~Such containers shall be kept in a place accessible to the collector of garbage and refuse. The weight of any one such container shall not exceed seventy-five pounds.~~

B. Waste paper or office supplies, brush, grass, leaves and cuttings from trees, lawns and gardens may be deposited in containers or other suitable receptacles, and shall be covered or otherwise contained so as to prevent the contents from being scattered by the wind or other causes. (Prior code § 21-3)

**8.08.040 Collection and disposal—provided by city.**

A. The city, either with its personnel and equipment or by contract, shall provide for the garbage ~~and refuse~~ collection and disposal service for all areas of the city.

B. It is unlawful for any person other than the city, its agents, servants, employees, contractors or permittees to engage in the business of collecting, removing and disposing of garbage ~~and refuse~~ from the city, or for any person other than the city, its agents, servants, employees, contractors or permittees to do or perform any of the things required in this chapter to be done or performed by the city.

~~C. All persons are required to use the system of garbage disposal as herein provided. A permit may be obtained to use the city landfill upon the payment of the prescribed fee. The permittee shall follow all rules and regulations in connection therewith as adopted by the city.~~

~~C.D.~~ Collection of garbage ~~trash~~, rubbish and other non-putrescible material including food waste from residential, commercial and institutional property not in city issued or approved-type containers as established for the service shall be collected upon request, ~~on an as-available basis~~, by the property owner or tenant on an as-available basis, and extra charges will be assessed. (Prior code § 21-4)

**8.08.050 Collection and disposal—Frequency of collection.**

The schedule of services for collection of garbage ~~and refuse~~ under this chapter shall be based on weekly pickup, or other such schedule as may be established by the city manager. Increased frequency of service may be provided as necessary to the maintenance of general health and sanitation in the city. (Prior code § 21-5)

**8.08.060 Burning and dumping of ~~refuse or~~ garbage.**

No person shall burn any garbage ~~or refuse~~ without permission ~~a permit~~ from the fire chief, except wastepaper, boxes, rubbish, debris, brush, grass, weeds and cuttings from trees, lawns or gardens, which may be burned in a covered incinerator.

No person shall ~~or~~ dump or deposit any garbage ~~or refuse~~ on any street, alley, beach, waters, tidelands, public or private property in the city. (Prior code § 21-7)

**8.08.070 General prohibitions s regarding garbage disposal.**

A. No person shall keep on or about the premises owned or occupied by him, any garbage, unless the same shall be in an approved-type container. No person shall keep on the premises owned or occupied by him, any garbage for a longer period than the frequency of collection established by the city.

B. No person shall deposit any garbage, ~~refuse or rubbish~~ upon any property owned by another or in another's garbage ~~refuse~~ container, except with the consent of the other and for the purpose of collection. Garbage, ~~refuse and rubbish~~ containers or receptacles shall not project from any lot line.

C. Industrial solid waste may be hauled to the landfill by the owner of such material; however, the city reserves the right to refuse such material at the landfill.

D. No person having the care, either as occupant or owner of any premises shall fail to maintain such premises in a clean and sanitary condition as far as garbage, ~~refuse and rubbish~~ is concerned. The city shall have the right to clean such premises and require reimbursement from such person for the cost incurred and to prosecute such person for noncompliance of this section.

E. No person shall, either through their depository in a garbage container or directly into the landfill, dump, throw, drop, or deposit any hazardous waste in the city disposal facilities.

F. No person shall deposit in the city's disposal facilities any garbage or ~~refuse~~ generated from a location outside the city unless that person has obtained written permission from the Public Works Director ~~from the city a permit~~ authorizing such disposal.

G. The city reserves the right to not accept garbage ~~refuse~~ at its disposal facility that the city feels could be hazardous to the operation of that disposal ~~refuse~~ facility. The city reserves the right to limit garbage ~~refuse~~ removal from the disposal ~~refuse~~ facility. (Prior code § 21-8)

**8.08.080**      **Damage, loss, theft, and removal of city issued garbage containers and dumpsters.**

A. No person in possession of a city issued garbage container or dumpster shall cause damage aside from normal wear and tear, lose, steal or remove such container or dumpster from the premises for which it is issued.

B. Violation of this section requires reimbursement for the cost of repair or replacement of city issued garbage containers or dumpsters.

**8.08.090**      **Ownership, maintenance, and replacement of city issued garbage containers and dumpsters.**

Unless expressly provided otherwise, the city maintains ownership of all city issued garbage containers and dumpsters. The city may in its discretion collect city issued garbage containers or dumpsters at any time for purposes of maintenance, replacement, or otherwise.

**8.08.100**      **Fine schedule.**

The penalty for violations of Chapter 8.08 shall be reflected in the fine schedule set forth in this section.

Code Section	OFFENSE DESCRIPTION	Court Appearance	Penalty/ Fine
8.08.030	Garbage containers required-Use of containers —first offense	Optional	\$100.00
8.08.030	Garbage containers required-Use of containers —second offense	Optional	\$250.00
8.08.030	Garbage containers required-Use of containers —third and subsequent	Optional	\$500.00
8.08.040	Burning and dumping of garbage —first offense	Optional	\$100.00
8.08.040	Burning and dumping of garbage —second offense	Optional	\$250.00
8.08.040	Burning and dumping of garbage —third and subsequent	Optional	\$500.00
8.08.070	General prohibitions regarding garbage disposal —first offense	Optional	\$100.00
8.08.070	General prohibitions regarding garbage disposal —second offense	Optional	\$250.00
8.08.070	General prohibitions regarding garbage disposal —third and subsequent	Optional	\$500.00
8.08.080	Damage, loss, theft, and removal of city issued garbage containers and dumpsters	Mandatory	\$500.00

Section 2. This ordinance shall take effect immediately upon passage and approval by the Valdez City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF VALDEZ, ALASKA

\_\_\_\_\_  
Jeremy O'Neil, Mayor

ATTEST:

\_\_\_\_\_  
Sheri L. Pierce, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jon Wakeland, City Attorney  
Brena, Bell, & Walker, P.C.

First Reading:  
Second Reading:  
Adoption:  
Yeas:  
Noes:  
Absent:  
Abstaining: