

See Ad 2010-61(S)

Submitted by: ASSEMBLY VICE CHAIR FLYNN
Prepared by: Assembly Counsel
For reading: August 31, 2010

ANCHORAGE, ALASKA
AO NO. 2010-61

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION
2 26.70.030, USE OF MUNICIPAL COLLECTION SERVICE REQUIRED, TO PROVIDE
3 A QUALIFIED EXEMPTION WHEN THE SERVICE LEVEL ESTABLISHED BY
4 MUNICIPAL CODE WITHIN THE SERVICE AREA CANNOT BE ACCOMMODATED
5 BY THE DEPARTMENT OF SOLID WASTE SERVICES.

6
7 THE ANCHORAGE ASSEMBLY ORDAINS:

8
9 **Section 1.** Anchorage Municipal Code section 26.70.030, Use of municipal collection
10 service required, is hereby amended to read as follows (*language indicating no*
11 *amendment is included for context only*):

12
13 **26.70.030 Use of municipal collection service required.**

14
15 Every person residing in or occupying a building within that service area which
16 comprises the area of the former City of Anchorage shall use the system of solid
17 waste collection and disposal provided by the municipality. The director may
18 exempt a person from this requirement if the director [HE] determines that the
19 person requires solid waste collection and disposal service which cannot be
20 provided by the municipal system.

21
22 A. When the director determines for any reason including safety that the
23 Department of Solid Waste Services cannot or will not provide one-
24 operator container service, established by rate schedule in AMC
25 26.70.040C2, Schedule 1, as requested for a service location within the
26 service area, and the customer presents written verification that a certified
27 solid waste collection provider is willing and able to provide the service,
28 the director shall exempt the property from municipal collection service
29 under this section upon these qualifications:

- 30
31 1. The property continuously maintains one-operator solid waste
32 container collection and disposal service from the certified provider.
33
34 2. The service level at the location is offered within the service area,
35 but remains unavailable from SWS.
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37 3. The director shall receive annual verification the property has
38 continuously maintained service, and the level of service
39 maintained.
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4. The customer and the qualified solid waste provider agree that the director shall be notified within 30 days by the qualified solid waste provider if the service is changed or discontinued.

5. If the terms of the qualified exemption are not met, the exemption shall expire without the requirement of action by the director.

B. Prior to granting the exemption, the director may require documentation directly from the certified solid waste collection provider, and verification that the terms of the qualified exemption will be met.

C. For purposes of this section, the term *certified solid waste collection provider* shall mean a person or entity holding a valid certificate from the former Alaska Public Utilities Commission or from the Regulatory Commission of Alaska, authorizing the services.

(CAC 11.12.020)

Section 2. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2010.

Chair

ATTEST:

Municipal Clerk



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 465-2010

Meeting Date: August 31, 2010

1 **From: ASSEMBLY VICE CHAIR FLYNN**

2 **Subject: AO 2010-61— AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL**
3 **CODE SECTION 26.70.030, USE OF MUNICIPAL COLLECTION SERVICE REQUIRED, TO**
4 **PROVIDE A QUALIFIED EXEMPTION WHEN THE SERVICE LEVEL ESTABLISHED BY**
5 **MUNICIPAL CODE WITHIN THE SERVICE AREA CANNOT BE ACCOMMODATED BY THE**
6 **DEPARTMENT OF SOLID WASTE SERVICES.**

7
8 Solid Waste Services (SWS) publishes a schedule of rates for garbage collection and disposal
9 services, including can or bag collection and one-operator container collection. The SWS
10 service area comprises the area of the former City of Anchorage. AMC 26.70.030 requires
11 that every person residing in or occupying a building within the SWS service area shall have
12 SWS-provided municipal collection service for garbage collection and disposal.
13

14 While I support this codified tenet of municipal policy, it is important to remember the former
15 City of Anchorage includes some of our community's oldest neighborhoods. Circumstances
16 occasionally create situations where it is difficult for Solid Waste Services to provide the
17 desired level of service set out in code, especially if a building or buildings lie along a narrow
18 street and container service (sized for one-to-eight cubic yards) is used by the customer. The
19 attached letter and explanation show how safety is a factor for SWS operations.
20

21 AMC 26.70.030 already allows for the Solid Waste Services director to exempt a person from
22 the requirement of municipal collection through SWS if the director determines that the person
23 requires solid waste collection and disposal service which cannot be provided by the municipal
24 system, but this exemption is almost never granted.
25

26 To date I am aware of at least two instances where Solid Waste Services has declined to
27 provide one-operator dumpster service which, in many circumstances, is the most economical
28 and appropriate level of service set out in municipal code for the customer. In each instance,
29 safety and potential municipal liability concerns stemming from operational limitations of
30 present SWS equipment were cited. Since Solid Waste Services' liability is ultimately that of
31 local taxpayers, and no commercial equipment operator should be required to risk safety, I
32 applaud consideration of the safety limitations by SWS. That said, I do not feel it is
33 appropriate to force a different level of service on property owners when the collection may be
34 safely accomplished with alternate equipment and an operator from another certified solid
35 waste collection service.
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37 AO 2010-61 amends AMC 26.70.030 so that if SWS is unable to accommodate the level of
38 SWS service in municipal code at the customer's location, then the customer shall have a
39 qualified exemption from the requirement to use SWS if (and only if) the consumer procures
40 and continuously maintains such service from another certified solid waste collector. This
41 amendment will both maintain the original legislative intent of AMC 26.70.030 and ensure
42 consumers safely receive the service that best meets their needs.
43

44 Respectfully submitted:
45 Assembly Member Patrick Flynn, Section 1

AO 2010-61