

ANCHORAGE, ALASKA
AO NO. 2010-61(S)

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.

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7 THE ANCHORAGE ASSEMBLY ORDAINS:

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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.**

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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.

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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 conditionally exempt the property from municipal
29 collection service under this section upon these qualifications:

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31 **1. The customer's service location was in receipt of single-**
32 **operator service as of January 1, 2010.**

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34 **2 [1]. The property continuously maintains one-operator solid waste**
35 **container collection and disposal service from a certified provider.**
36 **Upon failure to continuously maintain one-operator solid**
37 **waste container collection and disposal service from a**
38 **certified provider, the exemption shall expire as of the date**
39 **continuous service lapses. If the lapse is without timely**
40 **notice from the certified provider and the customer, failure to**

1 continuously maintain required service shall result in
2 permanent loss of exemption for the service location.

3
4 3 [2]. The service level at the location is offered within the service area,
5 but remains unavailable from SWS. If the service level is
6 discontinued by the certified provider, or the director
7 reinstates the availability of municipal single-operator service
8 to the service location, the exemption shall expire. The
9 director shall establish the effective date of reinstatement of
10 municipal service and fees, and provide the customer with
11 advance written notice. Notice shall be sufficiently in advance
12 to allow the customer to cancel service from the certified
13 provider without incurring a cancellation fee, and the
14 reinstatement date for municipal service shall be set to avoid
15 an overlap in service and fees.

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17 4 [3]. The director shall receive annual verification the property has
18 continuously maintained service, and the level of service
19 maintained.

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21 5 [4]. The customer and the qualified solid waste provider agree that the
22 director shall be notified within 30 days by the qualified solid waste
23 provider if the service is changed or discontinued.

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25 6. The director may re-evaluate the director's determination for
26 exemption when service from a certified provider is changed
27 or discontinued. If the conditions of exemption are no longer
28 met, the exemption shall expire and the director shall establish
29 the effective date for reinstatement of municipal service and
30 fees. If the provider and the customer have provided timely
31 notification to the director, notice shall be sufficiently in
32 advance to allow the customer to cancel service from the
33 certified provider without incurring a cancellation fee, and the
34 reinstatement date for municipal shall be set to avoid an
35 overlap in service and fees.

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37 7 [5]. If the terms of the qualified exemption are not met, the exemption
38 shall expire without the requirement of action by the director.

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40 8. Unless otherwise specified in this section, the customer shall
41 be responsible for payment of municipal solid waste collection
42 fees effective immediately upon expiration of the exemption.

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44 B. Prior to granting the exemption, the director may require documentation
45 directly from the certified solid waste collection provider, and verification
46 that the terms of the qualified exemption will be met.
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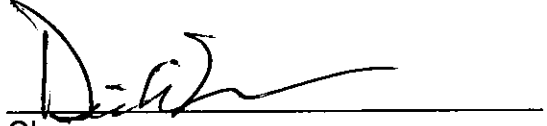
C. For purposes of this section, the term *certified solid waste collection provider* shall mean a person or entity holding a valid certificate from the former Alaska Public Utilities Commission or from the Regulatory Commission of Alaska, authorizing the services.

(CAC 11.12.020)


Section 2. Unless renewed or extended by ordinance prior to May 31, 2012, the provisions of subsections A-C of AMC 26.70.030 shall expire on May 31, 2012 without further action of the Assembly. This sunset provision shall be noted by the Code Revisor and tracked by the Municipal Clerk as provided in AMC 1.05.110.

Section 3. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 28th day of September, 2010.


Chair

ATTEST:


Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
No. AM 500-2010

Meeting Date: September 14, 2010

1 **From:** ASSEMBLY VICE CHAIR FLYNN

2 **Subject:** AO 2010-61(S)— 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.**
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9 AO 2010-61(S) includes revisions to clarify responsibilities in meeting and maintaining the
10 customer's qualifications for the conditional exemption. Failure to maintain the qualifying
11 conditions will cause the exemption to expire and the customer will be responsible for
12 payment of municipal solid waste collection fees as set out in the ordinance.
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14 AO 2010-61(S) also establishes a sunset date of May 31, 2012, mandating Assembly
15 review of the exemption provisions at that time.
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18 Respectfully submitted:
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21 Assembly Member Patrick Flynn, Section 1
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