

Memo

Thru: Mark Gorman, Municipal Administrator

To: City and Borough of Sitka Assembly

From: Jay Sweeney, Chief Financial and Administrative Officer

Date: December 14, 2015

Re: Introduction of Ordinance Increasing Solid Waste User Fees

At its meeting on October 27th, the Assembly of the City and Borough of Sitka accepted a proposal for solid waste disposal services, voted to award a contract for such services, and directed the Administrator to develop and execute the written contract form for the services.

In order to pay for the costs associated with the new contract, the City and Borough of Sitka (CBS) must raise solid waste user fees, which must be accomplished by ordinance per the Home Rule Charter (Article III, Section 3.01 CBS HRC). The reason fees must be raised is that solid waste costs under the new multi-year contract will rise substantially. As the Assembly was informed at its October 27th meeting, some component costs associated with the new contract are increasing over 20%.

The accompanying ordinance enacts a new solid waste fee structure necessary to pay for increased contractual costs. The proposed rate structure was presented to the Solid waste Advisory Committee and the Committee concurred with the proposed rate structure.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-59

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 15 OF THE SITKA GENERAL CODE TO ESTABLISH NEW SOLID WASTE DISPOSAL POLICIES, CLARIFY EXISTING POLICIES, AND CHANGE RATES AND FEES FOR SOLID WASTE DISPOSAL SERVICES AT SECTION 15.06.020 ENTITLED "SOLID WASTE DISPOSAL POLICY AND RATES", AND 15.06.035 ENTITLED "RATES FOR TREATMENT AND COLLECTION"; TO COMBINE SOLID WASTE DISPOSAL POLICIES PREVIOUSLY SET FORTH IN SECTION 15.06.025 INTO ONE COMPREHENSIVE SECTION 15.06.020; TO ESTABLISH DEFINITIONS APPLICABLE TO SOLID WASTE DISPOSAL POLICY IN A NEW SECTION 15.06.070, AND TO MAKE CLARIFYING EDITS.

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. **PURPOSE.** The purposes of this ordinance are to consolidate all solid waste disposal policies and associated fees into one comprehensive section; tighten and clarify solid waste disposal policies; establish a policy that failure to pay any amount of utility user fees shall be grounds for disconnection of any or all utility services; establish a policy that there are no exceptions to the paying of a solid waste disposal fee regardless of the amount of waste generated; to change the rates and fees charged for various solid waste disposal services; to establish definitions for terms applicable to solid waste disposal, and, to make clarifying edits.

4. **ENACTMENT, NOW, THEREFORE, BE IT ENACTED** by the Assembly of the City and Borough of Sitka that SGC 15.06.020 and SGC 15.06.035 are amended to read as follows (new language underlined; deleted language stricken):

15.06.020 Solid waste disposal policy and rates.

~~A. Junk automobiles and small trucks (three-quarter ton or smaller) may be delivered to Gary Paxton industrial park (GPIP) scrap yard at a rate of three cents per pound.~~In order to promote public health and reduce littering and illegal dumping, every residential unit, business, and live aboard vessel within one mile of the Sitka road system shall be required to pay a waste disposal fee as set by the Assembly. There are no exceptions to paying a waste fee under these classifications regardless of the amount of waste generated and/or disposed. Failure to pay any amount of user and/or utility fees owed to the City and Borough shall be grounds for disconnection of any or all services and

46 utilities such as electrical service as provided for in SGC 15.01.030.

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48 B. Trucks larger than three-quarter ton, larger vehicles, heavy equipment, and old trailers
49 shall be billed at a rate of six cents per pound. Customers shall be permitted to dispose of
50 acceptable waste in collection contractor-provided receptacles. "Acceptable waste"
51 means all putrescible and non-putrescible waste including, but not limited to: garbage;
52 refuse; ashes; paper and cardboard; and approved special waste. "Special waste" means
53 any waste material which, because of its physical characteristics, chemical make-up, or
54 biological nature, requires either special handling procedures and permitting, or poses an
55 unusual threat to human health, equipment, property, or the environment. Customers shall
56 not be permitted to dispose of unacceptable and/or special waste in collection contractor-
57 provided receptacles. "Unacceptable waste" means waste that may not be disposed of at
58 the disposal site under federal, state or local law, regulation, rule, code, permit or permit
59 condition. Special waste shall be disposed of according to (C)(10) below or at bi-annual
60 city sponsored collection events.

61 C. Scrap metals shall be billed at a rate of six cents per pound. Fees and Policies
62 Applicable to Specific Solid Waste Categories.

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64 1. Junk automobiles and small trucks (three-quarter ton or smaller) may be delivered
65 to Gary Paxton industrial park (GPIP) scrap yard at a rate of three cents per pound.

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67 2. Trucks larger than three-quarter ton, larger vehicles, heavy equipment, and old
68 trailers shall be billed at a rate of six cents per pound.

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70 3. Scrap metals shall be billed at a rate of six cents per pound.

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72 ~~D.4.~~ Fuel tanks must be cleaned and cut into pieces less than five feet by twelve feet
73 (if over 500 gallons) prior to delivery to the GPIP scrap yard.

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75 ~~E.5.~~ Freezers, refrigerators, and air conditioning units shall be billed at a rate of
76 twenty dollars each.

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78 ~~F.6.~~ All other appliances or white goods besides freezers, refrigerators, and air
79 conditioning units shall be billed at a rate of six cents per pound.

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81 ~~G.7.~~ Recyclables including mixed paper, cardboard, and newsprint that are delivered
82 to the GPIP scrap yard shall be billed at a rate of four cents per pound.

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84 ~~H.8.~~ Tires off of large trucks and heavy equipment may be delivered to the transfer
85 station or GPIP scrap yard and shall be billed at a rate of twenty-five dollars each.
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~~I.9.~~ No construction and demolition debris shall be disposed of at any Sitka
~~Kimsham~~ Landfill unless otherwise authorized by the director of public works.

~~J.10.~~ Household hazardous or special waste may be disposed of during normal
business hours at the GPIIP scrap yard. Commercially generated household hazardous
waste will not be accepted at any time.

~~K.11.~~ Concrete and asphalt disposal shall be billed at a rate of twelve dollars per
cubic yard.

~~L.12.~~ Concrete and asphalt disposal is by appointment only with the public works
superintendent.

~~M.13.~~ Asbestos disposal shall be billed at a rate of fifty-five dollars per cubic yard.

~~N.14.~~ Asbestos disposal is by appointment only with the public works
superintendent.

~~15.06.025 Solid Waste Disposal Treatment and Refuse Collection.~~

~~Except as to vacant buildings, every residential unit and business in the municipality shall
use the solid waste service provided by the city and borough of Sitka. Customers shall be
permitted to dispose of acceptable waste in collection contractor provided receptacles.
"Acceptable waste" means all putrescible and non-putrescible waste including, but not
limited to: garbage; refuse; ashes; paper and cardboard; and approved special waste.
"Special waste" means any waste material which, because of its physical characteristics,
chemical make-up, or biological nature, requires either special handling procedures and
permitting, or poses an unusual threat to human health, equipment, property, or the
environment. Customers shall not be permitted to dispose of unacceptable and/or special
waste. "Unacceptable waste" means waste that may not be disposed of at the disposal site
under federal, state or local law, regulation, rule, code, permit or permit condition.~~

15.06.035 Rates for treatment and collection.

A. The following rates are effective as of ~~August 1, 2003~~January 13, 2016:

32-gallon container	\$25.00 <u>30.32</u> per month
90-gallon container	\$42.00 <u>50.94</u> per month
350-gallon container	\$170.00 <u>206.18</u> per month

- B. These rates are for one container that the refuse collection contractor picks up once a week. For customers that fall into one of the following three categories, the rates for treatment and collection will be:

For those customers in apartment complexes or other unique situations identified on the list maintained by the finance director	\$38.00 <u>46.09</u> per month
For those customers living within the harbor system	\$38.00 <u>46.09</u> per month
For those customers living on an island other than Baranof or connected by bridge to Baranof who do not receive any service from the refuse collection contractor	\$19.00 <u>23.04</u> per month

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15.06.040 Deposit required for ~~thirty-two-gallon container~~ smaller containers.

A fifty-dollar deposit is required before a ~~thirty-two-gallon container~~ smaller size container is delivered to the a customer. Such deposit will earn interest at the rate paid on a one-year U. S. Treasury note. After one year of service using the ~~thirty-two-gallon~~ smaller size container, the deposit and interest earned will be applied to the customer's bill. If the customer switches back to a ~~ninety-gallon~~ full size container within one year, the deposit and interest earned will be forfeited to the solid waste treatment fund. If the customer violates ~~rules as set out by the solid waste coordinator~~ procedures for solid waste disposal as set forth in the chapter within the first year of use of the ~~thirty-two-gallon~~ smaller size container, the customer will forfeit the deposit and interest earned to the solid waste treatment fund.

15.06.070 Definitions

- A. As used in Chapter 15.06, the following terms shall have the following meanings:
1. "Residential Unit" means any structure, portion of a structure, mobile home, or 5th wheel, which is not otherwise defined as a hotel, motel or other public accommodation per SGC 4.24.010. If a structure contains a room or set of rooms which are occasionally rented to transient guests through a bed and breakfast or

other similar arrangement, the structure shall be defined as a residential unit for purposes of this chapter.

2. “Business” means any structure, or portion of a structure, or business location which is (a) not otherwise defined as a residential unit and (B) not defined as a vessel or a liveaboard per SGC Chapter 13.04.

3. “Liveaboard” shall have the same definition as set forth in SGC 13.04.110.

B. In instances involving ambiguities as to whether or not any structure, abode, or real property shall be defined as a residential unit, business, or liveaboard required to utilize the solid waste services provided by the City and Borough of Sitka; or, whether such structure, abode, or real property shall be defined as a residential unit, business, or liveaboard, the Administrator shall have the authority to make binding decisions as to the application of the regulations set forth in this Chapter.

5. **EFFECTIVE DATE.** This ordinance shall become effective the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 12th day of January, 2016.

Mim McConnell, Mayor

ATTEST:

Sara Peterson, CMC
Municipal Clerk

1st reading 12/22/15

2nd reading 1/12/16