

**CITY OF WASILLA
ORDINANCE SERIAL NO. 00-30**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 11.12.010 - .030, LITTER SANITATION MEASURES, REPEALING WMC 11.12.040, PENALTY, 11.12.050, CIVIL CAUSE OF ACTION, 11.12.060, INJUNCTION, 11.12.070, DAMAGES, AND 11.12.080, SANITATION OFFICER, AMENDING WMC 11.16.010, LITTER UNLAWFUL, WMC 11.20.010, SEWAGE DISPOSAL AND REPEALING WMC CHAPTER 11.24, AIR POLLUTION.

BE IT ENACTED:

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Amendment of section.** WMC 11.12.010 - .030, Litter Sanitation Measures, is hereby amended to read as follows:

11.12.010 REFUSE [TRASH] ENCLOSURE REQUIRED.

(A) All commercial and industrial establishments; and all multi-family dwellings larger than a duplex must [ARE REQUIRED TO] have an on-premises can, receptacle, dumpster or facility which may be used as a point of pick-up or storage for refuse [TRASH OF ANY KIND].

(B) Enclosures constructed or furnished to comply with this section shall be closed at all times except during deposit or removal of refuse [TRASH]. Enclosures shall be adequate [TO ACHIEVE THE PURPOSE OF THIS CHAPTER I.E.,] to prevent access to and the spreading of refuse [GARBAGE] by animals, wind or other means [PHENOMENON].

11.12.020 UNAUTHORIZED USE.

It shall be unlawful for any person to deposit refuse [TRASH] into a dumpster, refuse [TRASH] container or refuse [TRASH] enclosure without the express approval of the owner or authorized representative [OF THE OWNER OF THE DUMPSTER, TRASH CONTAINER OR TRASH ENCLOSURE].

11.12.030 COLLECTION AND TRANSPORTATION OF REFUSE [SOLID WASTES].

(A) All refuse [TRASH, GARBAGE AND SOLID WASTES] shall be collected in a sanitary manner and transported to an approved disposal facility in a covered container. Refuse [SOLID WASTES] shall not be permitted to be wind blown or otherwise distributed from the collector's property or transporting vehicle. Refuse [SOLID WASTE] blown from the collector's property or spilled during collection or transportation shall be immediately retrieved by the collector or transporter, returned to the collector's property or vehicle and the area cleaned. Contractual or other arrangements for the removal of accumulated refuse [solid waste] shall not relieve any [A] person of this primary responsibility.

* **Section 3. Repeal of sections.** WMC 11.12.040, Penalty, 11.12.050, Civil Cause of Action, WMC 11.12.060, Injunction, WMC 11.12.070, Damages, and WMC 11.12.080, Sanitation Officer are hereby repealed in their entirety:

[11.12.040 PENALTY.

A PERSON FOUND TO BE IN VIOLATION OF SECTION .010-.030 SHALL BE GUILTY OF AN INFRACTION AND MAY BE REQUIRED TO PAY A FINE, NOT TO EXCEED \$200.00. EACH INSTANCE OF VIOLATION CONSTITUTES A SEPARATE OFFENSE.]

11.12.050 CIVIL CAUSE OF ACTION.

THE CITY MAY BRING A CAUSE OF ACTION AGAINST ANY INDIVIDUAL, CORPORATION, PARTNERSHIP, COMPANY OR OTHER ENTITY FOR VIOLATION OF ANY PROVISION OF THIS CHAPTER, AND THE SUPERIOR COURT OF THE STATE OF ALASKA SHALL HAVE JURISDICTION IN THE MATTERS UNDER THE PROVISIONS OF THIS CHAPTER.

11.12.060 INJUNCTION.

IN ANY SUIT BROUGHT UNDER THE PROVISIONS OF SECTION .050, THE COURT MAY ENJOIN THE PARTY SUBJECT TO SUIT FROM FURTHER VIOLATIONS OF THIS TITLE.

11.12.070 DAMAGES.

IN ANY SUIT BROUGHT UNDER THE PROVISIONS OF THIS CHAPTER IN WHICH IT IS DETERMINED THAT THE PARTY SUBJECT TO SUITE IS IN VIOLATION OF ANY SECTION OF THIS CHAPTER, THE PARTY SUBJECT TO SUIT SHALL BE LIABLE TO THE CITY OF ITS ACTUAL DAMAGES, BUT IN NO CASE SHALL THE AMOUNT OF SUCH DAMAGES BE DETERMINED TO BE LESS THAN \$100,000.00, NOT INCLUDING ATTORNEY FEES AND COSTS OF THE ACTION.

11.12.080 SANITATION OFFICER.

THE MAYOR SHALL ACT AS CHIEF SANITATION OFFICER WHO SHALL HAVE AUTHORITY TO INVESTIGATE COMPLAINTS CONCERNING VIOLATIONS UNDER THIS CHAPTER AND TO ISSUE CITATIONS, FILE COMPLAINTS AND TO SERVE CITATIONS, SUMMONS AND COMPLAINTS FOR VIOLATIONS OF THIS CHAPTER. THE SANITATION OFFICER IS ALSO AUTHORIZED TO REQUIRE MODIFICATIONS

OR ADDITIONAL STRUCTURES IN SITUATIONS WHERE THE EXISTING ENCLOSURE IS NOT WORKING. THE CHIEF SANITATION OFFICER MAY, AS NECESSARY, APPOINT DEPUTY SANITATION OFFICERS TO CARRY OUT THE PROVISIONS OF THIS CHAPTER. EACH DEPUTY SANITATION OFFICER SHALL HAVE THE SAME POWERS ACCORDED TO THE CHIEF SANITATION OFFICER, EXCEPT THE POWER TO APPOINT DEPUTIES.]

* **Section 3. Amendment of section.** WMC 11.16.010, Litter Unlawful, is hereby amended to read as follows:

11.16.010 Litter Unlawful.

No [It shall be unlawful for any] person, may [COMPANY OR ORGANIZATION TO] dispose of garbage, refuse or trash of any kind [WITHIN THE LIMITS OF THE CITY] other than at locations and in the manner [THE PLACES] designated by the [C]city [COUNCIL].

* **Section 4. Amendment of section.** WMC 11.20.010, Sewage Disposal, is hereby amended to read as follows:

No [It shall be unlawful for any] person, may deposit, dump, or otherwise dispose of sewage other than at locations and in the manner designated by the city [COMPANY OR ORGANIZATION TO DEPOSIT, DUMP OR IN ANY MANNER DISPOSE OF HUMAN WASTE, OFFAL OR EXCREMENT WITHIN THE LIMITS OF THE CITY OTHER THAN THE PLACES DESIGNATED BY THE CITY COUNCIL].

* **Section 5. Repeal of Chapter.** WMC Chapter 11.24, Air Pollution, is hereby repealed in their entirety:

[11.24.010 OPEN BURNING. WITHIN UNIFIED MUNICIPALITIES, INCORPORATED CITIES, AND AREAS HAVING REFUSE PICKUP:

A. OPEN BURNING IS PERMISSIBLE EXCEPT THAT THOSE MATERIALS WHICH TEND TO RESULT IN THE EMISSION OF BLACK SMOKE OR ODORS, INCLUDING BUT NOT LIMITED TO PUTRESCIBLE GARBAGE, ASPHALT, RUBBER, OIL WASTES, AND ASPHALT-IMPREGNATED MATERIALS, MAY NOT BE BURNED IN THE OPEN. PERMISSIBLE OPEN BURNING IS FURTHER SUBJECT TO THE LIMITATIONS OF 11.24.020(B) AND THE EXCEPTION OF (C) OF THIS SECTION.

B. THE OPEN BURNING OF DEBRIS, TREES AND BRUSH ACCUMULATED DURING LAND CLEARING OPERATIONS SHALL BE CONDUCTED, EXCEPT AS SPECIFIED IN 11.24.020(B), IN SUCH A WAY AS TO OBTAIN MAXIMUM COMBUSTION EFFICIENCY THROUGHOUT THE BURNING PERIOD. TIRES OR SIMILAR ORGANIC MATTER MAY NOT BE USED TO START OR MAINTAIN THE FIRE.

C. CONTROLLED FIRES FOR THE PURPOSE OF TRAINING FIRE FIGHTING PERSONNEL REQUIRE PRIOR WRITTEN APPROVAL FROM THE CITY. CONTROLLED FIRES FOR DISPOSING OF DEMOLITION WASTES REQUIRE PRIOR WRITTEN APPROVAL FROM THE CITY. AFTER SUCH FIRES HAVE BEEN CONDUCTED, SUMMARY REPORTS SHALL BE SUBMITTED TO THE CITY. (ORD. W75-H-1 §1 & 3 1 975)

11.24.020 PROHIBITED BURNING.

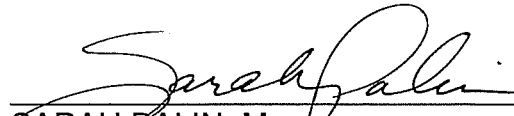
A. FOR AREAS NOT COVERED BY 11.24.010, OPEN BURNING FOR THE DISPOSAL OF OILS, OILY WASTES, ASPHALT AND TARS AND SIMILAR WASTED MATERIALS IS PROHIBITED UNLESS CONDUCTED PURSUANT TO PERMIT FROM THE DEPARTMENT.

B. NO OPEN BURNING SHALL BE ALLOWED IF AN AIR QUALITY ADVISORY IS BROADCAST ON A RADIO OR TELEVISION STATION IN AN AREA, STATING THAT BURNING IS NOT PERMITTED FOR THAT DAY. THIS ADVISORY SHALL BE BASED ON WEATHER CONDITIONS BEING SUCH THAT AIR VENTILATION IN THE AFFECTED AREA IS INADEQUATE TO PROVIDE FOR MAINTENANCE OF THE AMBIENT AIR QUALITY STANDARDS.

C. OPEN BURNING SHALL BE REGULATED AT LANDFILL SITES AS SPECIFIED IN TITLE 18 A.A.C. 60, SOLID WASTE MANAGEMENT. (EFF. 5/26/72, REG. 42; AM EFF. 5/8/74, REG. 50. AUTHORITY: AS 46.03.020(10)(A) AND AS 46.03.140.]

* **Section 6. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council, Alaska, on April 10, 2000.


SARAH PALIN, Mayor

ATTEST:


KRISTIE L. VANGORDER, CMC/AEE
City Clerk

[SEAL]

SUBJECT: Amending WMC Chapter 11

REQUESTED BY: City Clerk/Attorney

PREPARED BY: Jamie Newman

DATE: March 7, 2000

FOR AGENDA OF: March 13, 2000

SUMMARY:

In conjunction with our continuing code book re-codification project we are revising portions of WMC Chapter 11. The following is a detail of those proposed changes:

Section 2. Clarified verbiage/grammatical changes.

Section 3. Repealed, as information was either unnecessary or found in other areas of the code.

Section 4. Clarified verbiage/grammatical changes.

Section 5. Repealed reference to open burning as this is controlled by other regulatory agencies i.e., Mat-Su Borough and Division of Forestry.

FISCAL IMPACT: No Yes, amount requested: \$

Fund:

CLERK'S RECOMMENDED ACTION: Introduce and schedule for public hearing.

Administration Initial: 

Attachments:

Presented with: Ord 00-30
Date: 4/10/00 Verified by: AV