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## MEMORANDUM

**Date:** 3/20/2023  
**To:** Code Review Committee  
**From:** Greta Hayden-Pless, Acting City Clerk  
**Subject:** Municipalities Dumpster Ordinance Research

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In researching multiple municipalities in regard to ordinances with a focus on dumpster covers. I have focused on three Alaskan municipalities; Bethel, Anchorage, and Valdez. I have broken down the municipalities into their own sections with a focus on the container requirements.

All sections are listed as they live in code, with the exception of the highlighted section, where I defined the acronym for clarity.

*Bethel:*

**13.12.130 Containers required.**

Every person occupying or having control of any residence, dwelling, commercial or industrial unit in the city shall provide a type of container or receptacle suitable for the accumulation and collection of rubbish and waste material, the type of container or receptacle to be in conformity with the provisions of this chapter. [Prior code § 11.08.100.]

**13.12.140 Container racks.**

Every person occupying or having charge or control of any residence, dwelling, commercial or industrial unit in the city shall provide a type of container or receptacle rack so designed as to prevent the upsetting or spillage of such containers or receptacles by wind, weather, dogs, cats and/or other animals, or accidents. [Prior code § 11.08.110.]

**13.12.150 Container specifications.**

All containers or receptacles for the accumulation and collection of garbage, rubbish and waste material from residence, dwelling, commercial or industrial units shall conform to the following minimum specifications:

- A. Each such container or receptacle shall have a maximum capacity of forty (40) gallons.
- B. Each such container or receptacle shall have a maximum weight when filled of seventy-five (75) pounds.
- C. Each such container or receptacle shall have a maximum weight when empty of thirty (30) pounds.
- D. Each such container or receptacle shall be constructed of metal, plastic or rubber, of sufficient quality to serve as such a container or receptacle; provided, however, that no corrugated cardboard box shall be permitted to serve as such container or receptacle, except as provided in

this chapter; and provided further, that no fifty- (50-) gallon or fifty-five- (55-) gallon steel petroleum drums or barrels shall be permitted, unless properly cut down and provided with a tight-fitting lid and handles. [Prior code § 11.08.120(1).]

#### **13.12.240 Nonconforming receptacles.**

After July 1, 1977, all rubbish and waste material receptacles and containers which do not conform to the specifications contained in this chapter shall become illegal for the collection and disposal of rubbish and waste materials from all residence, dwelling, commercial or industrial units. If, after July 1, 1977, such nonconforming containers and receptacles are placed in a position for collection and disposal, such nonconforming containers and receptacles shall be collected by the city. Every person occupying or having charge or control of any residence, dwelling, commercial or industrial unit in the city may request that such nonconforming rubbish and waste material containers or receptacles be removed by the city at no expense to the owner or occupier of the residence, dwelling, commercial or industrial unit. [Prior code § 11.08.190.]

#### **13.12.310 Violation – Infraction.**

Any person, firm or corporation violating any of the provisions of this chapter is guilty of an infraction, and each such person, firm or corporation is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted. Each infraction of this chapter shall be subject to a maximum penalty of one thousand dollars (\$1,000). [Ord. 07-28 § 2; prior code § 11.08.260.]

### Valdez:

#### **8.08.030 Garbage 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 is created or accumulates, at all times, to keep or cause to be kept dumpsters or portable garbage containers for the deposit therein of garbage; 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 **International Grizzly Bear Committee** (IGBC) certification will be collected. Portable garbage containers shall be secured in such a manner that they are watertight and consistent with the criteria of their (IGBC) certification. 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.

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. (Ord. 20-01 § 1 (part): prior code § 21-3)

#### **8.08.060 Burning and dumping of garbage.**

No person shall burn any garbage without permission 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 dump or deposit any garbage on any street, alley, beach, waters, tidelands, public or private property in the city. (Ord. 20-01 § 1 (part): prior code § 21-7)

#### **8.08.070 General prohibitions 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.

#### **8.08.100 Fine schedule.**

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

CODE SECTION	OFFENSE DESCRIPTION	COURT APPEARANCE	PENALTY/FINE
<a href="#">8.08.030</a>	Garbage containers required—Use of containers—first offense	Optional	\$100.00
<a href="#">8.08.030</a>	Garbage containers required—Use of containers—second offense	Optional	\$250.00
<a href="#">8.08.030</a>	Garbage containers required—Use of containers—third and subsequent	Optional	\$500.00
<a href="#">8.08.040</a>	Burning and dumping of garbage—first offense	Optional	\$100.00
<a href="#">8.08.040</a>	Burning and dumping of garbage—second offense	Optional	\$250.00
<a href="#">8.08.040</a>	Burning and dumping of garbage—third and subsequent	Optional	\$500.00
<a href="#">8.08.070</a>	General prohibitions regarding garbage disposal—first offense	Optional	\$100.00
<a href="#">8.08.070</a>	General prohibitions regarding garbage disposal—second offense	Optional	\$250.00
<a href="#">8.08.070</a>	General prohibitions regarding garbage disposal—third and subsequent	Optional	\$500.00

Anchorage:

**15.110.010 General purpose.**

This code chapter regulates how all solid waste within the Municipality of Anchorage is handled by property occupants and owners. In the event of inconsistency with other code sections, this chapter controls. (AO No. 2019-74(S) , § 1, 6-18-19)

**15.110.020 Municipal manager authorized to issue rules.**

The municipal manager (or designee) may adopt rules and regulations that the manager determines are reasonably necessary to implement the requirements of this chapter. (AO No. 2019-74(S) , § 1, 6-18-19)

**15.110.030 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bear-resistant container* means a container that meets the requirements for such a container as certified by the Interagency Grizzly Bear Committee (IGBC), or the equivalent or greater as certified by the waste management provider.

*Containers* means all cans, dumpsters, or similar containers designed and used to hold trash, rubbish, recyclables, and all other waste.

*Rubbish* means non-putrescible solid wastes (excluding ashes) or recyclable material consisting of either: combustible wastes such as paper, cardboard, plastic, yard waste, grass clippings and wood; or noncombustible wastes such as metal, glass and crockery.

*Structure* means that which is built or constructed, an edifice or building of any kind, or any piece of artificially built up or composed of parts joined together in some definite manner.

*Temporary construction dumpster* means a dumpster rented or leased for less than 90 days for temporary use in collecting residential or commercial construction debris, yard waste, or other non-putrescible solid wastes.

*Trash* means any solid or liquid waste, whether combustible or noncombustible. Trash includes, without limitation, garbage, rubbish, rubble, refuse, industrial waste products, brush, vehicle tires, vehicle bodies or parts, household items, organic material, animal or vegetable waste resulting from the preparation, cooking, and serving of food, paper, ashes, cardboard, cans, cups, plastic, yard clippings, wood, branches, twigs, glass, rags, soiled diapers, and wearing apparel of any kind.

*Violator* means any person(s), organization, company, business, corporation, property owner, tenant, contractor, contractee, lessor, lessee or other entity that handles solid waste/garbage in a manner not in compliance with the requirements of this Code. (AO No. 2019-74(S) , § 1, 6-18-19)

#### **15.110.040 Trash handling standards.**

A. All trash containers shall be rodentproof, insect proof, watertight, structurally strong to withstand handling stress, and easily filled, emptied and cleaned; shall be provided with tightfitting covers or similar closures; and shall be maintained at all times in a clean, sanitary condition.

1. Plastic bags shall not be used without the container for on-site storage of trash except for bags containing only rubbish.

2. This provision shall not apply to temporary construction dumpsters.

B. All trash containers shall be placed or stored in a manner to prevent the occurrence of spillage and littering and in the manner required by applicable provisions of this title, title 26 or state law relative to interim solid waste storage and solid waste collection. Where inconsistent, the more restrictive provision controls.

C. The total capacity of all provided trash containers shall be sufficient to meet the reasonable ordinary household needs of the occupants of the dwelling.

D. Locked bear-resistant trash containers may be placed for pick up no more than 12 hours prior to the day of collection and retrieved not later than 9:00 p.m. of the same day.

E. All other trash containers shall be placed for pick up the morning of collection and retrieved not later than 9:00 p.m. of the same day. This provision shall not apply to temporary construction dumpsters.

F. When not set out for collection, trash containers shall be stored inside a structure or within five feet of the principal (main) structure. This provision shall not apply to temporary construction dumpsters.

G. No person shall place into the public right-of-way or yard setback any trash container that is not securely closed, regardless of whether it contains refuse attractants. (AO No. 2019-74(S) , § 1, 6-18-19)

#### **15.110.050 Violations.**

In any instance where solid waste, trash/garbage or junk of any kind is placed, deposited in, on, under or adjacent a garbage can/refuse container not in compliance with this section, the owner of the property shall be responsible and is defined as a violator. If a violator, other than the property owner, handles solid waste/garbage in a manner not in compliance with the requirements of this Code as described above, both the violator and property owner may be defined as violators. (AO No. 2019-74(S) , § 1, 6-18-19)

**15.110.060 Penalties.**

A. The department may seek any or all of the following penalties: Recover a fine as set forth in section 14.60.030.

B. Failure to comply with any of the standards in this chapter is defined as a violation for each day the violation exists.

C. It is an affirmative defense to a citation under this section if the violator can show a good faith effort to obtain a compliant bear-resistant container from their solid waste service hauler or provider and the solid waste service did not supply them with one. (AO No. 2019-74(S) , § 1, 6-18-19)

**15.110.070 Secure trash regulation zones.**

A. The municipal manager or designee may recommend that the assembly by resolution designate an area, neighborhood, or specific location to be a secure trash regulation zone when the municipal manager or designee determines

1. That the area, neighborhood, or specific location has experienced wildlife in trash, the presence of wildlife has greatly increased the likelihood of wildlife in trash, or any other potential wildlife-in-trash hazard exists; and

2. The designation is in the best interests of the municipality.

B. Requirements for secure trash regulation zones:

1. All trash containers in a secure trash regulation zone shall be bear-resistant containers except temporary construction dumpsters.

2. All trash collection providers shall offer bear-resistant containers in multiple sizes.

3. No adult occupant of a single-family dwelling, duplex, triplex, or fourplex, no private owner, local agent or manager of any property, nor lessee leasing the entire premises shall fail to keep all trash in bear-resistant containers or securely stored within a house, garage, shed or other structure at least as secure as a bear-resistant container at all times, except when being transported and placed for pickup.

4. No person shall place into the public right-of-way or yard setback any bear-resistant container that is not securely closed, regardless of whether it contains refuse attractants.

5. No lessee or user of a temporary construction dumpster shall allow the disposal of any trash except residential or commercial construction debris, yard waste, or other non-putrescible solid wastes in a temporary construction dumpster.

6. No private owner, local agent or manager of any property, nor lessee leasing the entire premises, or adult occupant of a single-family dwelling, a duplex, a triplex, or a fourplex shall fail to repair or replace a damaged bear-resistant

container by the trash hauler's next scheduled delivery date after written notification by any municipal official, or such other time designated in the notice by the municipal official. No trash may be stored outdoors until the bear-resistant container is repaired to the working condition as designed or replaced.

a. Notice under this subsection is sufficient if hand delivered, emailed, mailed, telephoned to such person, or by posting on the premises.

b. It is not a defense to a violation of this section that a container or enclosure was damaged and the owner had not received the notice under this subsection.

C. After designation of an area, neighborhood, or specific location as a secure trash regulation zone, the municipal manager shall cause notice to be given to owners and residents of real property in the manner indicated by the resolution designating the secure trash regulation zone. (AO No. 2019-74(S) , § 1, eff. 3-1-20)

**15.10.070 - Garbage cans and refuse containers.**

A. All garbage cans and refuse containers shall be rodentproof, insect proof, watertight, structurally strong to withstand handling stress, and easily filled, emptied and cleaned; shall be provided with tightfitting covers or similar closures; and shall be maintained at all times in a clean, sanitary condition.

1. Plastic bags shall not be used without the container for on-site storage of trash except for bags containing only rubbish.

B. Garbage and refuse containers as well as bulk storage containers shall be placed or stored in a manner to prevent the occurrence of spillage and littering and in the manner required by applicable provisions of this title, title 26 or state law relative to interim solid waste storage and solid waste collection. Where inconsistent, the more restrictive provision controls.

C. All bulk storage containers shall have tightfitting lids in good working condition.

D. The total capacity of all provided garbage and/or refuse cans and bulk storage containers shall be sufficient to meet the reasonable ordinary household needs of the occupants of the dwelling.

E. Closed and secured trash containers shall be placed for pick up the morning of collection and retrieved not later than 9:00 p.m. of the same day.

F. When not set out for collection, trash containers shall be stored inside a structure or within five feet of the principal (main) structure.

G. No person shall place into the public right-of-way or yard setback any trash container that is not securely closed, regardless of whether it contains refuse attractants.

( AO No. 2016-76(S), § 6, 7-12-16 ; AO No. 2019-74(S) , § 3, 6-18-19)

**14.60.030 - Fine schedule.**

The fine schedule under this chapter is as follows:

15.10.060B.	Failure to store and dispose of rubbish in a clean, sanitary and safe manner	First offense in a calendar year: \$500.00 per violation and all administrative costs.
		Second offense in a calendar year: \$1,000.00 per violation and all administrative costs.
		Third and subsequent offenses in a calendar year: \$2,000.00 per violation and all administrative costs.
15.10.060C.	Failure to store and dispose of all garbage, refuse and any other organic waste which might provide food for insects or rodents in a clean sanitary, safe manner	First offense in a calendar year: \$500.00 per violation and all administrative costs.
		Second offense in a calendar year: \$1,000.00 per violation and all administrative costs.
		Third and subsequent offenses in a calendar year: \$2,000.00 per violation and all administrative costs.
15.10.060D., E.	Accumulating, placing or storing in a manner that may harbor, attract or feed rodents	First offense in a calendar year: \$500.00 per violation and all administrative costs.
		Second offense in a calendar year: \$1,000.00 per violation and all administrative costs.
		Third and subsequent offenses in a calendar year: \$2,000.00 per violation and all administrative costs.
<a href="#">15.10.070</a>	Failure to provide, maintain or use garbage cans or refuse containers	First offense in a calendar year: \$250.00 per violation and all administrative costs.  Second offense in a calendar year: \$500.00 per violation and all administrative costs.  Third and subsequent offenses in a calendar year: \$1,000.00 per violation and all administrative costs.