

**Title 8**

**HEALTH AND WELFARE**

**Chapters:**

**8.04 Garbage and Refuse Regulations**

**8.10 Anti-Litter**



## Chapter 8.04

### GARBAGE AND REFUSE REGULATIONS

#### Sections:

- 8.04.010 Definitions.
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For statutory provisions authorizing municipalities to establish, maintain and operate a system of garbage and solid waste collection see AS 29.48.033.

#### **8.04.010 Definitions.**

The following words when used in this chapter shall have the meanings ascribed to them:

“Ashes” includes the solid waste products of coal, wood and other fuels used for heating and cooking, from all public and private establishments and from all residences.

“City” means the city of Craig.

“Collector of refuse” or “collector” means the city of Craig or its designated representative or employee.

“Garbage” includes all putrescible wastes except sewage and body wastes, including vegetable wastes, but not including recognized industrial byproducts, and shall include all such substances from all public and private establishments and residences.

“Person” means every person, firm, partnership, association, institution and corporation. The term shall also mean the occupant and/or the owner of the premises for which service mentioned in this chapter is rendered.

“Refuse” includes garbage, rubbish, ashes, and all other putrescible and nonputrescible wastes except sewage, from all public and private establishments and residences.

“Rubbish” means all nonputrescible wastes, including, but not limited to, wastepaper, boxes, debris, grass, leaves, weeds and cuttings from trees, lawns, shrubs and gardens from all public and private establishments and residences, but shall not include recognized industrial byproducts. [Ord. 153 § 5, 1979.]

#### **8.04.020 Refuse containers.**

It shall be the duty of every person in possession, charge or control of any dwelling, flat, rooming house, apartment house, trailer camp, hospital, hotel, school, club, restaurant, boardinghouse, or eating place, or in possession, charge or control of any shop, place of business or manufacturing establishment where refuse is created or accumulated, at all times to keep or cause to be kept portable cans of approved size, type and construction, to deposit, or cause to be deposited, said refuse therein. Refuse storage containers shall be of an approved type as designated by the city, and shall be strong, watertight, not easily corrodible, rodent proof, insect proof, of not less than 20 and not more than 38 gallons capacity, have handles at the sides and tight-fitting overlapping covers, and shall not exceed 75 pounds in weight when full. Each refuse storage container shall be kept clean inside and out so that no odor nuisance shall exist. Covers shall not be removed except when necessary to place refuse in the storage container or take the same therefrom. Containers shall not be overloaded to the extent that covers cannot be securely replaced. When necessary, a suitable raised platform hanger or device shall be provided so that containers shall not freeze into the ground or rest in water or on ice or be tripped over by animals. Refuse storage containers shall be kept so that the collector can have direct access to the same at any time. [Ord. 545 § 4, 2005; Ord. 153 § 5, 1979.]

#### **8.04.030 Collection by city.**

The city council shall provide for the regular and systematic collection and disposal of all refuse of whatever description, and shall, in their discretion and upon such terms and conditions as they may determine, enter into any contract or franchise for

such purpose, or grant such permits in connection therewith as they shall deem fit. [Ord. 153 § 5, 1979.]

**8.04.040 Rates for collection.**

The applicable monthly rates for refuse collection by the city or its designated or authorized agent shall be as appears set forth in Schedule “A” attached to the ordinance codified in this section, and incorporated in this chapter by reference. [Ord. 738 § 5, 2021; Ord. 722 § 5, 2019; Ord. 712 § 5, 2018; Ord. 699 § 5, 2017; Ord. 666 § 4, 2015; Ord. 618 § 5(a), 2010; Ord. 608 § 5(a), 2009; Ord. 598 § 5(a), 2008; Ord. 582 § 5(a), 2007; Ord. 546 § 5(a), 2005; Ord. 531 § 5(a), 2004; Ord. 511 § 5(a), 2002; Ord. 341 § 5(a), 1992; Ord. 153 § 5, 1979.]

**8.04.045 Collection from owner of property.**

The rates and charges established for garbage and refuse collection services shall be collected from the owner of record of the real property receiving garbage and refuse collection services. “Owner” means the person or persons, corporation or other legal entity holding title to land, or as a vendee or vendees under a land sales contract, or holding any other title or interest in land, including, but not limited to, equitable, legal or joint interest of record; provided, however, in determining such ownership, the owner as shown on the most current assessment records of the city of Craig may be relied upon by the city in its sole discretion as conclusive determination of such ownership for collection of amounts owed for the services. The amount of garbage and refuse collection user charges assessed, levied or charged regarding the property, together with penalty and interest, and all such charges shall constitute a lien against the property, which lien shall be enforceable as provided in AS 09.45.170 through 09.45.220. Such lien shall be prior and paramount to all other liens or encumbrances against the property except those for property taxes or special assessments. All garbage and refuse collection user charges, penalty, and interest may be collected by a personal action in court brought in the name of the city or by foreclosure of the lien, or both. Nothing in this section shall be construed to restrict or compromise the city’s right and discretion to accept payment for

garbage and refuse collection from other than the owner and the city may, in its discretion, pursue any legal remedy, including an action in court, to collect payment for garbage and refuse services from any owner, tenant, occupant or user of real property. [Ord. 624 § 4, 2010.]

**8.04.050 Permit required.**

It shall be unlawful for any person, firm or corporation to haul, transfer or convey for hire any refuse of whatsoever description upon or through the streets of the city without having first obtained a contract, franchise or permit therefor from the council. [Ord. 153 § 5, 1979.]

**8.04.060 Disposal of refuse – Prohibitions.**

It shall be unlawful for any person to deposit refuse which may be offensive, noxious or dangerous to the public health on any private property, public ground, alley, street or areaway or on any other public place within the city limits where it may become dangerous or offensive to the public health.

Outside burning of rubbish or other combustible materials shall be restricted to authorization or special permit of the fire chief. Nothing contained in this chapter shall be construed to prevent a person from removing rubbish from his private property and transporting it to an approved disposal area; provided, that all city regulations relating to the use of disposal area are complied with. [Ord. 153 § 5, 1979.]

**8.04.070 Unauthorized use of refuse storage containers.**

A. No person may deposit refuse in or about a refuse storage container owned or leased by another unless the person depositing the refuse has been authorized to do so by the owner or lessee of the container.

B. No person may deposit refuse in or about a refuse storage container placed by a government agency on public property unless the refuse was generated while making a permitted use of the public property associated with the container. Unless otherwise posted on the containers, refuse storage containers placed by a government agency within highway, scenic pullouts or overlooks, highway rest areas and similar places serving the traveling

public may be used only for the deposit of refuse generated while making a lawful use of such area or while traveling upon the streets and highways.

C. Unless authorized in writing by the city, no person may deposit refuse in or about a refuse storage container which is on a facility or property which is a part of a municipally operated small boat harbor unless the refuse was generated during the use of a boat, whether it was generated while the boat was inside the harbor or was afloat or underway outside the harbor.

D. No person or establishment which generates refuse in a residential, commercial, or other structure or similar place, may cause or permit such refuse to be deposited in a refuse storage container other than one provided by the person or establishment or provided for the structure or place. [Ord. 269 § 4, 1988.]

#### **8.04.080 Unified billing and credits.**

The city may submit a statement for different utility services on one bill or invoice, separately identifying the charges for water, sewer and/or garbage service. Payments shall be applied first against accounts past due then current accounts. Payments received in an amount less than charged for services shall be credited pro rata according to the utility charges billed, but the subsequent billing shall simply designate the deficiency in lump sum as “past due” without identifying the delinquency attributable to each different utility. The city shall not be required to apply a utility account deposit to an unpaid bill for service; said deposit is intended to secure payment to the city upon termination of service. [Ord. 269 § 5, 1988; Ord. 153 § 5, 1979.]

#### **8.04.090 Mailing bills.**

All bills shall be mailed on or before the last working day of the month. [Ord. 269 § 5, 1988; Ord. 234 § 4, 1985.]

#### **8.04.100 Payment of bills.**

Each bill rendered shall be due when mailed. All bills not paid by the twentieth day of the month fol-

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lowing mailing shall be considered delinquent. [Ord. 269 § 5, 1988; Ord. 234 § 4, 1985.]

**8.04.110 Delinquency notice.**

The city clerk may, but shall not be required to, send a notice of delinquent account 10 days after the account becomes delinquent. [Ord. 269 § 5, 1988; Ord. 234 § 4, 1985.]

**8.04.120 Termination notice.**

Within 15 days after an account becomes delinquent, a notice of termination of service shall be sent to the customer. The notice shall state a date on or after which service will be terminated if the delinquent account is not paid in full prior thereto. Such date will be not less than five nor more than 15 days from the date of the notice. A delivery to the premises serviced, or mailing to the address of record for the customer, shall be considered a delivery to the customer. [Ord. 269 § 5, 1988; Ord. 234 § 4, 1985.]

**8.04.130 Termination of service.**

An agent of the city shall terminate service on the date specified in the notice of termination unless the account is paid in full. [Ord. 269 § 5, 1988; Ord. 234 § 4, 1985.]

**8.04.140 Restoration of service.**

Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges, and any restoration charge which the city council may have established by resolution, and posting a deposit in such amount as the city council may have established by resolution. [Ord. 269 § 5, 1988; Ord. 234 § 4, 1985.]

**8.04.150 Penalties for violation.**

Each violation of a legal duty imposed by this chapter is a noncriminal infraction, punishable by the fine established in CMC 1.16.040 if the offense is listed in that fine schedule or by a fine of up to \$300.00 if the offense is not listed in the CMC 1.16.040 fine schedule. [Ord. 671 § 4, 2015; Ord. 530 § 4, 2004; Ord. 269 § 6, 1988.]

**Chapter 8.10**

**ANTI-LITTER**

Sections:

- 8.10.010 Short title.
- 8.10.020 Definitions.
- 8.10.030 Litter in public places.
- 8.10.040 Litter thrown by persons in vehicles.
- 8.10.050 Litter in parks.
- 8.10.060 Litter in lakes and fountains.
- 8.10.070 Truck loads causing litter.
- 8.10.080 Dropping litter from aircraft.
- 8.10.090 Litter on occupied private property.
- 8.10.100 Owner to maintain premises free of litter.
- 8.10.110 Litter on vacant lots.
- 8.10.120 Clearing litter from public or private property by municipality.
- 8.10.130 Sweeping or depositing litter in gutters, streets or other public places prohibited.
- 8.10.140 Merchants' duty to keep sidewalks free of litter.
- 8.10.150 Placement of litter in receptacles to prevent scattering.
- 8.10.160 Throwing or distributing commercial handbills in public places.
- 8.10.170 Placing commercial and noncommercial handbills on vehicles.
- 8.10.180 Depositing commercial and noncommercial handbills on uninhabited or vacant premises.
- 8.10.190 Prohibiting distribution of handbills where properly posted.
- 8.10.200 Posting notices prohibited.
- 8.10.210 Distributing commercial and noncommercial handbills at inhabited private premises.
- 8.10.220 Penalties.
- 8.10.230 *Repealed.*

**8.10.010 Short title.**

This chapter shall be known and may be cited as the "Craig, Alaska Anti-Litter Ordinance." [Ord. 338 § 5, 1992.]

**8.10.020 Definitions.**

For the purposes of this chapter the following terms, phrases, words and their derivations shall

have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Aircraft" means any contrivance now known or hereafter invented, which is used or designated for navigation or for flight in the air.

"Authorized private receptacle" means a litter storage and collection receptacle which is fitted with a tight cover, kept tightly covered at all times except when necessary to place litter therein or remove litter therefrom, and from which the litter is removed and properly disposed of once a week or oftener. Such receptacle must be strong, watertight, not easily corrodible, rodentproof and insect-proof.

"Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copy of any matter or literature:

1. Which advertises for sale any merchandise, product, commodity or thing; or
2. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
3. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such a license is or may be required by any law of this state, or under any ordinance of this city; or

4. Which, while containing reading matter other than advertising matter, is predominately and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

"Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

"Junked vehicle" means a wrecked, inoperable or partially dismantled vehicle, whether ownership is ascertained or not, found on public or private land within a city, and of a value of \$50.00 or less.

"Litter" means "garbage," "refuse," and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to be offensive or noxious, or creates a danger to public health, safety or welfare.

"Minor littering violation" means a violation of this chapter involving littering having an aggregate weight of one-quarter pound or less.

"Municipality" means the city of Craig, Alaska.

"Newspaper" means any newspaper of general circulation as defined by general law, and any newspaper duly entered with the Post Office of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

"Noncommercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or other printed or otherwise reproduced original or copy of any matter or literature not included in the definitions in this section of a commercial handbill or newspaper.

"Park" means a park, reservation, playground, beach, recreation center or any other public area in the municipality devoted to active or passive recreation.

"Person" means any person, firm, partnership, association, corporation, company, political subdivision or organization of any kind.

"Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead ani-



mals, junked vehicles, abandoned vehicles and solid market and industrial wastes.

“Rubbish” means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, packing materials including but not limited to styrofoam pellets, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, construction or demolition waste, mud, dirt, sticky substances, foreign matter and similar materials.

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon highways, roads or trails, including devices for off-highway use. [Ord. 338 § 5, 1992.]

#### **8.10.030 Litter in public places.**

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the municipality except in public receptacles, in authorized private receptacles for collection, or in a disposal area designated by the municipality. [Ord. 338 § 5, 1992.]

#### **8.10.040 Litter thrown by persons in vehicles.**

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place, or upon private property, within the municipality. [Ord. 338 § 5, 1992.]

#### **8.10.050 Litter in parks.**

No person shall throw or deposit litter in any park within the municipality, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements, birds, animals or otherwise upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this chapter. [Ord. 338 § 5, 1992.]

#### **8.10.060 Litter in lakes and fountains.**

No person shall throw or deposit litter in any lake, stream, bay or any other body of fresh or salt water within the municipality. [Ord. 338 § 5, 1992.]

#### **8.10.070 Truck loads causing litter.**

A. No person shall drive or move any truck or other vehicle within the municipality unless such vehicle is so constructed or loaded as to prevent its load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the municipality, the wheels or tires of which carry litter onto or deposit in any street, alley or other public place.

B. Any person in charge of operating any truck or other vehicle having knowledge of his truck or vehicle causing litter to be deposited within the municipality shall immediately take all necessary steps to cease such littering and cause to be removed all litter which was deposited as a result of the operation of the truck or other vehicle it was his charge to operate.

C. Any person in charge of operating any truck or other vehicle having knowledge of such truck or other vehicle causing litter to be deposited within the municipality who is unable, for any reason except that person’s personal injury, to immediately cease such littering and cause it to be removed shall immediately report such littering to the city administrator or any other agent designated by the municipality. Removal of such litter may then, if deemed in the public interest, be removed at the expense of the owner or operator of the truck or other vehicle causing the litter. Such removal or cleanup shall be to the satisfaction of the city administrator or the city administrator’s agent. [Ord. 338 § 5, 1992.]

#### **8.10.080 Dropping litter from aircraft.**

No person in an aircraft shall throw out, drop or deposit within the municipality any litter or handbill. [Ord. 338 § 5, 1992.]

#### **8.10.090 Litter on occupied private property.**

No person shall throw or deposit litter on any occupied private property within the municipality whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements, birds, animals or otherwise upon any street, sidewalk or other public place or upon any private property. [Ord. 338 § 5, 1992.]

**8.10.100 Owner to maintain premises free of litter.**

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. [Ord. 338 § 5, 1992.]

**8.10.110 Litter on vacant lots.**

No person shall throw or deposit litter on any open or vacant private property within the municipality whether owned by such person or not. [Ord. 338 § 5, 1992.]

**8.10.120 Clearing litter from public or private property by municipality.**

A. Notice to Remove. The mayor or the mayor's designee is authorized and empowered to notify the owner of any private property within the municipality or the agent of the owner to properly dispose of litter located on public property or on the owner's property. The notice shall be served by certified mail, return receipt requested, addressed to the owner or agent at his last known address, or by hand-delivery to the owner or agent of the owner. If the owner is not known or the notice is returned because of inability to make delivery thereof, notice of the intended removal shall be published once in a newspaper of general circulation in the city.

B. Action upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter within 10 days after receipt of written notice provided for in subsection (A) of this section, or within 10 days after the date of publication of the notice in the event the same is returned to the municipality because of inability to make delivery thereof, or the owner is unknown, the mayor or the mayor's designee is hereby authorized and empowered to pay for the disposing of the litter or to order its disposal by the municipality.

C. Charge to Be Billed. When the municipality has effected the removal of the litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of eight percent per year from the date of the completion of the work, if not paid by the owner prior thereto, shall be charged to the owner of the property and forwarded to the owner

by the municipality, and said charge shall be due and payable by the owner within 25 days thereafter. [Ord. 603 § 4, 2009; Ord. 338 § 5, 1992.]

**8.10.130 Sweeping or depositing litter in gutters, streets or other public places prohibited.**

No person shall sweep into or deposit in or on any gutter, street or other public place within the municipality, the accumulation of litter from any building or lot, or from any public or private driveway or sidewalk. Persons owning or occupying property shall keep the sidewalk adjoining their premises free of litter. [Ord. 338 § 5, 1992.]

**8.10.140 Merchants' duty to keep sidewalks free of litter.**

A. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the municipality, the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway.

B. Persons owning or occupying places of business within the municipality shall keep the sidewalk adjoining their business free of litter, mud and dirt.

C. Persons owning or occupying places of business within the municipality, which places of business sell or make available for sale products for immediate use or consumption, shall place litter receptacles at or near the places of business at the persons' own expense and shall, at the persons' own expense, be responsible for the proper upkeep, maintenance and repair of the litter receptacles and for the removal of litter from those litter receptacles. [Ord. 338 § 5, 1992.]

**8.10.150 Placement of litter in receptacles to prevent scattering.**

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements, birds, animals or otherwise upon any street, sidewalk or other public place or upon private property. Public litter receptacles shall not be used for the depositing of household litter, dead animals or other putrescible matter. [Ord. 338 § 5, 1992.]

**8.10.160 Throwing or distributing commercial handbills in public places.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the municipality, nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it is not unlawful on any sidewalk, street, or other public place within the municipality for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it. [Ord. 338 § 5, 1992.]

**8.10.170 Placing commercial and noncommercial handbills on vehicles.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it is not unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial or commercial handbill to any occupant of a vehicle who is willing to accept it. [Ord. 338 § 5, 1992.]

**8.10.180 Depositing commercial and noncommercial handbills on uninhabited or vacant premises.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. [Ord. 338 § 5, 1992.]

**8.10.190 Prohibiting distribution of handbills where properly posted.**

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisements," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their privacy disturbed, or to have any such handbills left upon the premises. [Ord. 338 § 5, 1992.]

**8.10.200 Posting notices prohibited.**

No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law. [Ord. 338 § 5, 1992.]

**8.10.210 Distributing commercial and noncommercial handbills at inhabited private premises.**

A. General Provisions. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon the private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this chapter, the person, unless requested by anyone upon the premises not to do so, may place or deposit any such handbill in or upon the inhabited private premises, if the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about the premises or sidewalks, streets, or other public place, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

B. Exemption for Mail and Newspapers. The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. [Ord. 338 § 5, 1992.]

**8.10.220 Penalties.**

A. Any violation of this chapter is an infraction and shall be punished by the fine established in CMC 1.16.040.

B. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

C. In lieu of such fines for any violation hereunder, the violator may agree, as a community service, to pick up litter at the rate of \$5.00 per hour

until the cumulative value of such service equals the fine. [Ord. 671 § 4, 2015; Ord. 338 § 5, 1992.]

**8.10.230 Enforcement.**

*Repealed by Ord. 671.* [Ord. 338 § 5, 1992.]