

## Chapter 8.12

### COLLECTION AND DISPOSAL OF SOLID WASTE

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#### **8.12.010 Mandatory Collection, Rationale – Exceptions.**

A. No place of human habitation nor business within the City shall be permitted to refuse to subscribe to and pay for the solid waste disposal service provided by this chapter. The City Council finds that mandatory disposal of solid waste through a City-organized solid waste disposal utility is just as

important to the health and welfare of the citizens of the City as mandatory use of City-provided sewer and water utilities. The City Council finds that all citizens benefit from the orderly and sanitary disposal of solid waste even though some residences and businesses generate little or no solid waste subject to disposal by the solid waste utility. Therefore, the fact that a dwelling or business generates no solid waste shall not exempt the property owner or tenant from the payment of the regular charges established for the solid waste disposal service.

- B. The City Council further finds that because the City is providing for the health and welfare of its citizens by providing water, sewer, and solid waste utility services to its citizens, the citizens should be required to compensate the City or its contractor for all services in order to receive any of said services. Therefore, the City Council shall provide in Chapter 15.05 for the termination of all City utility services to a residence or business which does not meet the obligation to compensate the City or its contractor for all of said services.
- C. The City Council may, upon a finding that a particular business or residence receives no direct or indirect benefit from the City's solid waste utility, except such business or residence from the mandatory requirements of this chapter.
- D. It is unlawful for anyone other than the City solid waste collection and disposal utility or the City's contractor to collect solid waste in the City for compensation. (Ord. 1543, 1985)

**8.12.020 Definitions.** As used in this chapter, the following shall have the meanings ascribed to them in this section:

- A. "Contractor" means any authorized person or entity contracting with the City to dispose of solid waste from within the City. It also means any commercial refuse collector authorized to continue collection of solid waste in newly annexed areas of the City pursuant to RCW 35.13.280.
- B. "Garbage" means all putrescible animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food in any private dwelling, multiple dwelling, hotel, restaurant, building, or institution.
- C. "Rubbish" is defined as follows:
  - 1. "Bulk rubbish" means discarded household furniture, appliances, bedding, and mattresses, and similar large items.
  - 2. "Commercial rubbish" means garbage and all other solid waste originating in and around businesses and publicly owned facilities.
  - 3. "Normal rubbish" means all cardboard, plastic, metal, glass, waste paper, rags, sweepings, small pieces of wood, rubber, leather, and similar waste materials that ordinarily accumulate around a home, business, or industry, including lawn cuttings. It does not include tree and hedge trimmings, dead animals, hazardous materials, industrial waste, or building waste resulting from construction or alterations.
  - 4. "Yard rubbish" means tree trimmings and hedge trimmings and includes limbs, trunks, and stumps.
- D. "Solid waste" means both garbage and rubbish. (Ord. 1543, 1985)

**8.12.030 Contract Services, Billing, and Scheduling.**

- A. The City Council may, from time to time, as provided by RCW 35.21.120, award a contract or contracts for the collection of solid waste based upon competitive bids. The City may contract with the contractor for services, including the service of billing for the charges incurred in providing the solid waste collection and disposal service by contract. The provisions of Chapter 15.05 with respect to the enforcement of the collection of utility charges shall apply whether the City or the contractor does the billing for solid waste utility services.
- B. If the City provides solid waste collection and disposal by contract, the contractor shall be required to schedule such services and notify City customers of pickup schedules and changes in schedules; provided, that the minimum service for residential customers shall be once-weekly collection. (Ord. 1543, 1985)

**8.12.035 Scavenging Prohibited.** It is unlawful for any person, firm, or corporation, other than the City, the City's recycling contractor, or a private disposal company franchised by the City to scavenge, remove, or collect any garbage, refuse, or recyclable materials or yard waste materials once they are set out on the curbside or other approved location. Once such materials have been set out on the curbside or such other location as authorized by the City, ownership of those materials passes to the City, recycling contractor, or private disposal company, as the case may be. (Ord. 1727, 1992)

**8.12.040 Collection Fees – Determination.**

The City Council shall, from time to time, by resolution, determine the collection fees

and container use fees to be charged by the City if the City operates the utility or by the contractor if the City contracts for the solid waste utility service. (Ord. 1543, 1985)

**8.12.050 Special Rates and Special Services.**

- A. Residences and businesses desiring pickup of bulk rubbish or yard rubbish or solid waste in excess of the amounts allowed by regular collection, or in excess of the frequency of regular collection, shall use the City or contractor solid-waste disposal service, and shall be required to pay for the additional services at rates specified by the City Manager if the City operates the utility or by the contractor if the utility is operated by contract; provided, however, that if the utility is provided by contract the solid waste service board may review and adjust charges made for special services upon receipt of an application for review of charges from the customer.
- B. The City or the contractor may provide special services and/or special rates for low-income senior citizens or low-income disabled persons. Applications for special services or special rates shall be approved only if the applicant meets the criteria established by the City Council or, at the election of the City Council, criteria established by the solid waste service board. Applications for special rates or special services shall be made to the City Manager or his designee, and appeals from the decision of the City Manager or his designee shall be made to the Utility Hearing Examiner. (Ord. 1543, 1985)

**8.12.060 Solid Waste Service Board Established – Special Rate Determination.**

- A. If the City solid waste utility is run by contract there shall be established a solid waste service board which shall be

composed of five members, one of whom shall be an owner of the contractor, one of whom shall be appointed by the contractor, one of whom shall be a City Council person, one of whom shall be a City employee selected by the City Manager, and one of whom shall be appointed by the City Council. The decision of the majority of the board shall be binding.

- B. When the utility is run by contract, the solid waste service board shall make the final determination with respect to rates charged for special services and with respect to applications for special rates or special services from low-income senior citizens and low-income handicapped. (Ord. 1543, 1985)

**8.12.070 Enforcement of Payment.**

- A. Whether the solid waste utility is operated by the City or by a contractor, all dwellings, businesses, and public agencies within the City shall be required to subscribe to the solid waste disposal service.
- B. The solid waste disposal service shall not be terminated by reason of nonpayment, but rather all water, sewer, and solid waste utility services shall be terminated in the event of nonpayment pursuant to the procedures established by Chapter 15.05 of this code. (Ord. 1543, 1985)

**8.12.080 Vacancy Credits – Residential.**

Single dwellings and multiple-dwelling accounts shall be eligible for vacancy credits for any vacancy of thirty days or longer. Credits shall not be computed for a fraction of a month, but will be rounded off to the nearest multiple of thirty. The City will provide a vacancy credit application in the event the City operates the utility, and the contractor will provide a vacancy credit

application in the event a contractor operates the utility. No credit of less than two dollars will be given for any one billing period. Persons filing vacancy credit applications found to be false shall, in addition to any other penalties, be ineligible to receive future vacancy credits. (Ord. 1543, 1985)

**8.12.090 Vacancy Credits – Commercial.**

Business and public and agency accounts shall be eligible for temporary suspension of service for a period of thirty days or more if an application for temporary suspension of service is made in advance of the period of temporary suspension of service. The application shall be based upon the vacancy of the property and shall be made upon a form provided by the City if the City operates the utility or upon a form provided by the contractor if the utility is operated by contract. Failure to apply for continuation of services within ten days of the renewed occupancy of the premises shall result in charges being imposed for solid waste services without regard for any period of vacancy. (Ord. 1534, 1985)

**8.12.100 Administration.**

The administration of the disposal and hauling of solid waste in the City shall be under the supervision of the City Manager; provided, that the City Manager may delegate the duty of administration to the Director of Public Works. (Ord. 1534, 1985)

**8.12.110 Container Requirements.**

A. Required. It shall be the duty of every person in possession, charge, or control of any single-family dwelling, multiple dwelling, commercial establishment, or public agency where solid waste is created or accumulated, at all times to keep or cause to be kept portable containers as described herein, and to deposit or cause to be deposited said solid waste therein.

B. Waste containers shall be provided as follows:

1. Single-family. For single-family buildings and duplex residential buildings, household refuse containers shall be provided by the owner or occupant and shall not be more than thirty gallons, fitted with two handles and a tight cover with a handle.

2. Multifamily. Multifamily dwelling units shall be furnished with and charged for at least one thirty-gallon container per unit. Such container is to be furnished by the owner and/or occupants, provided that bulk containers may be used at the request of the owner.

3. Commercial. Commercial users generating solid waste may be required to use bulk refuse containers. If the City operates the utility, the type of container used for commercial accounts shall be determined by the City Manager or his designee, with appeal from the decision being to the City utilities hearing examiner. If the utility is operated by the City by contract, the type of container used for commercial accounts shall be determined by the contractor, with appeal from the decision being to the solid waste service board.

C. Maximum Weight. Solid waste containers not designated for lifting by mechanical means shall have a maximum gross weight of seventy-five pounds.

D. Container Identification. All solid waste containers shall bear the address of the premises served by the container in

permanent lettering with a minimum height of three inches.

- E. Location. No container shall be kept or stored within the confines of any street or public alley in a residential area. In blocks in which there are alleys, such containers shall be kept on private property in a convenient and accessible location adjacent to such alley. In blocks in which there are no alleys, such containers shall be kept on private property without interfering with the reasonable enjoyment of such private property or adjoining property. On the day that solid waste is normally collected, containers shall be placed in a readily accessible location not farther than ten feet from the traveled roadway.
- F. Mobile Home Parks. Mobile home parks shall be required to provide central storage areas throughout the mobile home park for the location of solid waste containers. Containers shall be located so that no mobile home is more than one hundred fifty feet from the closest container.
- G. Special Containers. All solid waste containers, other than those can-type containers used principally for residential purposes, will be provided and maintained by the City if the City provides the solid waste disposal service or by the contractor if the contractor provides the solid waste disposal service. The rates schedule established by resolution by the City Council shall include the charge for use of such containers.
- H. Deteriorated Containers. Containers that have deteriorated to the extent of being hazardous to the collectors in handling such containers, or to the extent that lids will not fit tightly or securely, or are so

badly damaged and bent that they will not allow free discharge of the solid waste or do not meet the general specifications of this chapter will be replaced by the owner of the container.

- I. Frequency of Collection. Residential solid waste collection service shall be provided on a weekly basis. The customer and the Director of Public Works if the City provides the service, or the contractor if the contractor provides the service, shall determine the frequency of collection required for accounts other than residential accounts; provided, that disputes regarding the frequency of service required shall be resolved by the City utility hearing examiner if the utility is operated by the City or by the solid waste service board if the utility is operated by a contractor. (Ord. 1543, 1985)

**8.12.120 Garbage – Draining, Wrapping, and Sanitary Conditions Required.** All garbage shall be drained of liquids and wrapped in paper or other material before being deposited in the solid waste disposal container. The solid waste utility may refuse to collect undrained garbage of a liquid or semi-liquid state, unwrapped, and improperly placed. The owner and tenant shall maintain garbage containers in a clean and sanitary condition. (Ord. 1543, 1985)

**8.12.130 Disposal of Dead Animals.** Dead dogs and cats and other animals upon the public ways will be collected and disposed of upon call to the City if the City operates the solid waste utility and to the contractor if the utility is operated by contract. Such service shall be provided at no extra charge. Dead animals in excess of one hundred pounds, condemned animals, or parts of animals from slaughterhouses or similar places, regardless of size, will not be collected and disposed of by the City solid

waste utility. Dead animals shall not be placed in solid waste containers. (Ord. 1543, 1985)

**8.12.140 Unacceptable Solid Waste.** The following solid wastes shall be considered unacceptable for collection without the special permission of the Director of Public Works if the City operates the solid waste utility or the contractor if the utility is operated by contract:

- A. Hazardous waste, dangerous materials, or substances such as poisons, acids, caustics, infected materials and explosives;
- B. Unusual quantities of materials resulting from the repair, excavation, construction of buildings;
- C. Materials which have not been prepared for collection according with these regulations;
- D. Solid waste resulting from industrial processes; and
- E. Manure or animal droppings. (Ord. 1543, 1985)

**8.12.150 Solid Waste Burning Prohibited – Exceptions.** It is unlawful for any person to burn any solid waste in the City limits; provided, that solid waste may be burned by permit issued by the Director of Public Works, approved by the Fire Chief, and where required by state law, only if a permit is also obtained from the Puget Sound Air Pollution Control Agency. (Ord. 1543, 1985)

**8.12.160 Solid – Waste – Burying Prohibited.** It is unlawful to bury solid waste in any place in the City. (Ord. 1543, 1985)

**8.12.170 Inspection Authorized, Abatement of Nuisance.** The City Manager or his designee shall have the power to enter upon private property at reasonable times for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this chapter. Should the City Manager or his designee determine that there exist accumulations of solid waste detrimental to the public health, and in violation of the requirements of this chapter, the City Manager may cause the solid waste to be removed at the expense of the owner of the property upon which the nuisance is found. (Ord. 1543, 1985)

**8.12.180 Violations – Notice.** Whenever the City Manager or his designee may determine that there is a violation of any provision of this chapter, notice shall be given to the owner and/or occupant of the premises upon which the alleged violation has occurred. Such notice shall state the nature of the violation and a reasonable time for correcting such violation. Such notice shall be given by personal service or by certified mail, return receipt requested. (Ord. 1543, 1985)

**8.12.190 Violations – Penalty.** Violation of this Chapter shall be considered a civil violation pursuant to SMC 1.01.080 and Chapter 1.14 SMC, except as otherwise provided therein. (Ord. 1543, 1985; Ord. 1927, 1999; Ord. 2155, 2008)