

CITY OF WHITE SALMON
ORDINANCE NO. 2012-12-908

AN ORDINANCE OF THE CITY OF WHITE SALMON REVISING WSMC CHAPTER 8.08 AND REPEALING FORMER PROVISIONS RELATING TO GARBAGE COLLECTION AND DISPOSAL, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of White Salmon provides refuse collection services to the residents of the City; and

WHEREAS, the Council finds that WSMC Ch 8.08 is in need of revision to compensate for increased garbage collection and disposal costs; and

WHEREAS, the Council finds that the current rates do not allow the garbage collection service to be self-sustaining, so an increase in rates is necessary.

WHEREAS, the Council further finds Chapter 8.08 requires other changes as set forth below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1 - REPEALER: Ordinance 2008-11-828 Chapter 8.08 §1(part) (WSMC 8.08) is hereby repealed.

SECTION 2 - WSMC CH 8.08 REPLACED: WSMC Chapter 8.08 Garbage Collection and Disposal in its entirety is hereby replaced with the following:

Chapter 8.08

GARBAGE COLLECTION AND DISPOSAL

Sections:

8.08.010	Purpose of ordinance.
8.08.020	Administration and enforcement authority.
8.08.030	System use-- mandatory for city residents.
8.08.040	Recycle or construction collection.
8.08.050	Garbage deposit requirements.
8.08.060	Container placement.
8.08.070	Collection times.
8.08.080	Holiday pickup schedule.
8.08.090	Prohibited garbage.
8.08.100	Yard waste.
8.08.110	Administrative rules and regulations.
8.08.120	Rates and charges--basis.
8.08.130	Rates and charges--schedule.

- 8.08.140 Rates and charges--low-income elderly rate reductions.
- 8.08.150 Disability assistance.
- 8.08.160 Residential refuse service rates (35 Or 65 gallon containers only).
- 8.08.170 Rates and charges--billing.
- 8.08.180 Billing--method--payment date.
- 8.08.190 Failure to pay for service.
- 8.08.200 Failure to use system--collection by city authorized when--costs.
- 8.08.210 Prohibition of illegal burning.
- 8.08.220 Theft of service--prosecution.
- 8.08.230 Theft of container.
- 8.08.240 Theft of container--reporting.
- 8.08.250 Violation--penalty.

8.08.010 Purpose of ordinance. The purpose of this Ordinance is to establish regulations for the collection of refuse within the City of White Salmon. A Fee Schedule is set forth in section 8.08.130-.160 below, and will be modified periodically by the City Council and adopted by resolution in accordance with section 8.08.120 - Rates and charges—basis, of this chapter.

8.08.020 Administration and enforcement authority. The regulation of the disposal and hauling of garbage and rubbish in the city shall be under the supervision of the city administrator; provided, however, that the city administrator may delegate the duty of enforcing the provisions of this chapter to the assistant director of public works who shall prepare reasonable regulations concerning the days of collection of refuse, location of waste containers, and any other regulation pertaining to the collection and disposal of waste as he/she may deem advisable, subject to the approval of the city administrator, and provided that such regulations are not contrary to this chapter.

8.08.030 System Use - mandatory for city residents. It is the duty of every person in possession, charge or control of any structure within the city where waste is created or accumulated at all times to use city-owned containers or other containers as approved by the city, in accordance with this chapter, and to deposit or cause to be deposited refuse therein.

No person shall place any garbage, rubbish, refuse or recycling materials in any city-owned container other than the container which was assigned by the city to such person and as directed by the city. Every owner or occupant of premises within the city, shall be charged for a minimum of one container per week, shall use the garbage collection and disposal system provided by the city, and shall deposit or cause to be deposited all garbage, refuse, trash and rubbish of such a nature that is permissible.

8.08.040 Recycle or construction collection. Every person or business desiring to engage in the collection of recyclables or construction debris for compensation within the city who is not acting as an agent for the city shall make written application to the city. The city shall prepare reasonable rules and regulations for the licensing, control and approval of any application, including fees to cover the cost of administrating, controlling and overseeing any collector; large business may be required to enter into a franchise fee agreement. Approval shall not be granted in any case where such collection will adversely affect the city.

The collector of recycling material shall collect, remove and dispose of all recyclable materials in the residential section of the city at least once every other week, and from hotels, restaurants, boarding houses, eating places, apartment houses, schools, hospitals, and in the business sections of the city as shall be required to maintain a healthful and sanitary condition.

8.08.050 Garbage deposit requirements. All residential, commercial and/or industrial garbage deposited in city garbage containers, as hereinafter provided, must be placed in a plastic bag or other suitable material, and all garbage must be placed or kept by the occupant or owner of the premises in manner that ensures a watertight seal of the container(s); the containers shall be covered at all times, and shall be kept in a clean and sanitary condition. Container's that are filled in a manner that limits the container lid from closing tightly will not be picked up until the occupant or owner has loaded the container in accordance with this chapter. The City reserves the right to assign container size and/or number of containers to ensure a sanitary and/or hazard free environment; Owners or occupants who consistently have additional garbage beyond the capacity of their container(s) will be assigned a container and/or containers that are adequate in size to accommodate the amount of garbage produced by the premise.

8.08.060 Container placement. All garbage containers shall be placed by the occupant or owner of the premises at a location determined by the city. The garbage container placement required is 15 feet of overhead clearance and three feet unobstructed clearance on all sides of the garbage container. Senior citizens and people with disabilities may apply for an exemption from requiring placement of garbage at curbside.

8.08.070 Collection times. The collection and disposal of garbage from all residences and businesses within the city shall be made no less than once per week. All garbage containers shall be placed before 6 a.m. and removed by 6 p.m. on the day of pickup. Containers that are not place in accordance with section 8.08.060 of this chapter will not be dumped. A request of the property owner or occupant to return to the location for pickup will be charged a five dollar (\$5.00) return dump fee.

8.08.080 Holidays pickup schedule. Other than specified in this section all residential and/or commercial garbage containers will be picked up a day behind normal weekly schedule. Residential and/or commercial garbage on the Thanksgiving holiday and/or holidays that fall on a Friday will be picked up a day prior to normal weekly schedule.

8.08.090 Prohibited garbage. No sand, dirt, sod, rocks, demolition lumber, broken concrete, asphalt, plaster, tile, brick or other construction material will be collected. No automobile or motorcycle parts. No tires, motor oil or hazardous liquids. No food and/or other garbage with moisture content higher than 20% will be accepted.

8.08.100 Yard waste. Yard waste must be placed in composting bags provided by the City of White Salmon. Composting bags can be purchased at City Hall. Fees for said composting bags will be established by resolution. Composting bags not provide by the City will not be accepted.

Yard waste will be collected on Fridays from 7:30 a.m. to 9:30 a.m. at the City Fire Hall parking lot located on Church Street. It must be separate from regular trash. Yard waste consists of grass, tree limbs, leaves and plants. Tree limbs must be no larger than one and one-half (1 ½) inches in diameter and no longer than three (3) feet in length, and tied with a biodegradable material in a small bundles no bigger than 8 inches in diameter. **NO OTHER GARBAGE WILL BE ACCEPTED.**

8.08.110 Administrative rules and regulations. The city shall have the power, from time to time, and in an appropriate manner, to set forth and determine rules, regulations, rates, duties and responsibilities, necessary salaries, and such other matters as may, in the discretion of its council, be necessary for the proper execution and administration of this chapter.

8.08.120 Rates and charges--basis. The property owners or occupants of premises which shall be serviced under the provisions of this chapter shall pay for such collection and disposal at rates or charges

based upon the quantity of garbage collected from the premises, the rates or charges for such collection and disposal to be determined by the city council from time to time and incorporated in a schedule or schedules of rates and charges for garbage collection and disposal, which schedule shall be kept at all times at the city hall in the city for public inspection.

8.08.130 Rates and charges--schedule. The following schedule of monthly rates for garbage collection is enacted, to be effective as of the effective date of this ordinance but which may be revised from time to time by a Resolution adopted by City Council pursuant to WSMC 8.08.120, which monthly rates and dimensions of containers, as hereinafter set, shall be adopted, namely:

MONTHLY SANITATION SERVICE CHARGE FOR RESIDENTIAL SERVICE

Container Gal/Yard	Minimum Pickup	Monthly Fee Single Cntr.	Extra Fee Per Container	Rental Fee Per Container	Extra Pickup Fee Per Container	Fee To Place 1,2,3 Yard Container
A. 35 gal.	Weekly	\$15.00	\$15.00	\$1.00	\$5.00	N/A
B. 65 gal.	Weekly	\$27.00	\$27.00	\$1.25	\$8.00	N/A
C. 95 gal.	Weekly	\$39.00	\$39.00	\$1.50	\$12.00	N/A
D. 1 yard.	Weekly	\$60.00	\$60.00	\$25.00	\$15.00	\$25.00
E. 2 yard.	Weekly	\$80.00	\$80.00	\$25.00	\$20.00	\$25.00
F. 3 yard.	Weekly	\$100.00	\$100.00	\$25.00	\$25.00	\$25.00

- A. 35 gallon container.
 - a. One 35 gallon container, one pickup per week for fifteen dollars per month.
 - b. Each additional 35 gallon container, one pickup per week for fifteen dollars per month.
 - c. Extra 35 gallon container pickups; five dollars per container per pickup.
 - d. Each 35 gallon container is subject to a one dollar rental fee.

- B. 65 gallon container.
 - a. One 65 gallon container, one pickup per week for twenty-seven dollars per month.
 - b. Each additional 65 gallon container, one pickup per week for twenty-seven dollars per month.
 - c. Extra 65 gallon container pickups; eight dollars per container per pickup.
 - d. Each 65 gallon container is subject to a one dollar and twenty-five cent rental fee.

- C. 95 gallon container.
 - a. One 95 gallon container, one pickup per week for thirty-nine dollars per month.
 - b. Each additional 95 gallon container, one pickup per week for thirty-nine dollars per month.
 - c. Extra 95 gallon container pickups; twelve dollars per container per pickup.
 - d. Each 95 gallon container is subject to a one dollar and fifty cent rental fee.

- D. 1 yard container.
 - a. One 1yard container, one pickup per week for sixty dollars per month.

- b. Each additional 1 yard container, one pickup per week for sixty dollars per month.
 - c. Extra 1 yard container pickups; fifteen dollars per container per pickup.
 - d. Each 1 yard container is subject to a twenty-five dollar rental fee.
 - e. Each 1 yard container is subject to a place fee of twenty-five dollars per container per customer.
- E. 2 yard container.
- a. One 2 yard container, one pickup per week for eighty dollars per month.
 - b. Each additional 2 yard container, one pickup per week for eighty dollars per month.
 - c. Extra 2 yard container pickups; twenty dollars per container per pickup.
 - d. Each 2 yard container is subject to a twenty-five dollar rental fee.
 - e. Each 2 yard container is subject to a place fee of twenty-five dollars per container per customer.
- F. 3 yard container.
- a. One 3 yard container, one pickup per week for one hundred dollars per month.
 - b. Each additional 3 yard container, one pickup per week for hundred dollars per month.
 - c. Extra 3 yard container pickups; twenty-five dollars per container per pickup.
 - d. Each 3 yard container is subject to a twenty-five dollar rental fee.
 - e. Each 3 yard container is subject to a place fee of twenty-five dollars per container per customer.

8.08.140 Rates and charges--low-income elderly rate reduction. All persons qualifying as low-income senior citizens, pursuant to RCW 74.38.070, or upon filing a claim in the office of the Washington Gorge Action Program, being of the age of sixty-two years or older and meeting the standards for low income established each year by Washington State, shall be granted a twenty-percent reduction of garbage rates for one single 35 gallon or 65 gallon container as indicated in the monthly fee single container chart below. The twenty-percent reduction can only be applied to one container monthly; all other associated fees, rental fees, extra container fees and extra pickup fees will be pay in accordance with section 8.08.100 rates and charges--Schedule.

MONTHLY SANITATION SERVICE CHARGE FOR LOW-INCOME ELDERLY AND RATES

Container Gal/Yard	Minimum Pickup	Monthly Fee Single Cntr.
35 gal.	Weekly	\$12.00
65 gal.	Weekly	\$22.95

8.08.150 Disability assistance. Property owners or occupants who have permanent, or temporary disabilities, which would prevent them from being able to place their container(s) at the assigned location for pickup may apply for a disability residential refuse permit. For applicants to qualify for a disability residential refuse permit they must provide a letter from their physician or licensed advanced registered nurse practitioner indicating how long the disability will limit the individual’s ability from performing work as described in this chapter; and attest that there are no other occupants of the dwelling unit that could assist the disabled individual. All permits are good for one year unless otherwise approved by the City Clerk Treasurer and/or otherwise limited by the physician.

8.08.160 Residential refuse service rates (35 or 65 gallon containers only). Property owners or occupants may apply for a residential service pickup at their dwelling. There will be a seven dollar (\$7.00) monthly service fee for each container. All permits are good for one year from date of approved application.

City Employees will not enter into the premises of the residents and/or other building to pickup containers. Private road ways or driveways must be kept clear of snow, ice and/or debris, or any other condition that would prevent the operator from entering and exiting the premises in a safe manner. The operator has the authority to determine the safe condition of the roadway or driveway.

8.08.170 Rates and charges--billing. The city, by and through its clerk-treasurer, is authorized and directed to permit and make garbage billings to property owners or occupants, as set forth in this chapter.

8.08.180 Billing--method--payment date.

- A. The billings for all services provided for in this chapter shall be mailed, emailed or otherwise sent to and be the responsibility of the owner and/or occupant of the property served. The billings shall be mailed to the owner's and/or occupant's address, as used by the Clerk Treasurer's office of the City of White Salmon for the mailing of other utility billing.
- B. All charges for services provided for in this chapter shall be due and payable by the twentieth day of the month following the billing period.

8.08.190 Failure to pay for service. If a customer fails to pay a garbage service billing on or before its due date, a service charge of ten dollars shall be added to the account. The city shall have a lien on the property serviced by the refuse collection for any sums owing for refuse collection, as provided by RCW 35.21.140 through 35.21.150 and may suspend garbage collection and shall suspend water service as provided in WSMC Section 13.16.075 until any overdue balance and reinstatement charges are fully paid, and shall continue to charge the applicable rate notwithstanding the collection suspension. The city may take any legal action to collect the overdue balance in addition to the right to suspend service. All payments made for garbage, water or sewer services shall first be applied for reinstatement charges for garbage service, then reconnection charges for water service then late charges on any account, then to sewer charges, then to garbage charges and finally to water charges.

8.08.200 Failure to use system--collection by city authorized when--costs. Should any owner or occupant of premises within the city permit garbage, rubbish, refuse or trash to accumulate thereon, or that would have the effect to cause or present a public health issue, or fail or refuse to deposit such garbage, rubbish, refuse or trash in suitable containers in accordance with the provisions hereof, the city, in the discretion of its officials and employees, may collect and dispose of such garbage, rubbish, refuse or trash, and the entire expense of such collection and disposal, as determined by the City, shall be charged against such premises in addition to the regular charge for collection and disposal of such garbage.

8.08.210 Prohibition of illegal burning. The use of burning barrels and the burning of garbage are prohibited as set forth in Municipal Code Chapter 8.30 - Fire Restrictions. The burning of garbage and disposable plastic items in stoves or fire places within any residential structure is prohibited.

8.08.220 Theft of service--prosecution. Any person who deposits garbage, refuse, rubbish, trash in a collection container not on his property, or property they rent, lease, or otherwise control, shall be deemed to have committed a gross misdemeanor and shall be subject to prosecution for theft of service as

per RCW 9A.56.050 and penalized in the sum not to exceed five-thousand dollars and/or sentenced up to one year in jail, and/or both fine and jail sentence may apply.

8.08.230 Theft of container. Any person who has in their possession a garbage container not assigned to them and/or to their address of occupants shall be deemed to have committed a gross misdemeanor. Upon conviction the person or persons can be fined no less than one-hundred dollars and up to five hundred dollars.

8.08.240 Theft of container – reporting. The property owner(s) or occupant(s) of premises, who has been assigned a garbage container, is required to file a police report within twenty-four hours of the garbage container theft. Property owner(s) or occupant(s) of premises, who failure to report a theft of a garbage container will be held accountable for said container; and will be billed for the replacement of the container and all associated cost.

8.08.250 Violation--penalty. Any person violating any of the provisions of this chapter shall be deemed to have committed an infraction, and shall be penalized in the sum not exceeding one hundred fifty dollars, or the amount owed for services, whichever is greater, plus any court costs and/or attorneys fees, with the exception that the penalty for theft of service as set forth in 8.08.200 of this chapter shall apply for such violation.

SECTION 3 - SEVERABILITY: If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence or phrase of this Chapter.

SECTION 4 - EFFECTIVE DATE. This ordinance shall become effective following passage and publication as provided by law.

PASSED in regular session this 5th day of December, 2012.

David Poucher, Mayor

Leana Johnson, Clerk/Treasurer

APPROVED AS TO FORM:

Kenneth B. Woodrich, City Attorney