

**CITY OF WHITE SALMON
ORDINANCE NO. 2014-10-950**

AN ORDINANCE OF THE CITY OF WHITE SALMON, WASHINGTON, AMENDING WSMC CHAPTER 8.08 PROVIDING EXCEPTIONS FOR REQUIRED GARBAGE SERVICE AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City finds that requiring garbage service is necessary to maintain residents' health and safety; and

WHEREAS, garbage service in the City is provided by the current WUTC license holder; and

WHEREAS, the City recognizes there are circumstances where residents may be relieved from the garbage pickup requirement due to multiple accounts or physical constraints, and wishes to allow those exceptions.

NOW, THEREFORE, the City Council of the City of White Salmon do ordain as follows:

Key: Added = underlined
Deleted = ~~strikethrough~~

Section 1. Amending WSMC 8.08 MUNICIPAL CODE CHAPTER 8.08 GARBAGE SERVICE REQUIRED (Ord. No. 2014-08-945)

Sections:

- 8.08.010 Purpose.
- 8.08.020 Definitions.
- 8.08.030 Garbage Collection Required; ~~Exceptions~~
- 8.08.040 Failure to Maintain Garbage Service; Penalty

3.43.010 Purpose

The City finds that uniformly requiring garbage service for city residents is the fairest and most economical way to ensure that solid waste is regularly removed from residences and businesses, thereby avoiding accumulation, unsanitary conditions, rodent infestation and so forth.

8.08.020 Definitions

"Customer" is the person responsible for paying the bills. If the house is a rental, the customer may not be the owner of the property.

"Owner" means the property owner as reflected in the County Assessor records.

"WUTC" means the Washington Utilities and Transportation Commission.

"WUTC Permit Holder" means the person or organization holding a valid WUTC certificate for solid waste collection in the City of White Salmon.

8.08.030 Garbage Collection Required

All property owners are hereby required to maintain a regular garbage collection service with the WUTC Permit Holder designated to collect solid waste in the City of White Salmon. Alternatively, an owner may permit its tenant to be a customer of the WUTC Permit Holder to satisfy this requirement. However, the owner is ultimately responsible for compliance with this section. . ~~If an~~

~~owner or tenant is has regular garbage service for their business within the city limits, then they are not required to maintain regular garbage service at their residence provided that in so doing they do not create a nuisance as determined in WSMC 8.07 Nuisances.~~

- (1) Exceptions: This mandatory provision does not apply where in the following cases:
- a. Where the customer has a commercial solid waste disposal account in the City with the City's WUTC provider, the resident may be exempt from one residential account provided the commercial account has sufficient volume to accommodate both facilities and the resident regularly disposes their residential waste in their commercial disposal facility; or
 - b. Where a resident establishes to the reasonable satisfaction of the City, all of the following:
 - i. That the WUTC provider informs the City it is unable to pick up the resident's garbage due to topographic conditions that prevent the WUTC provider from accessing the resident's can(s); and
 - ii. The resident has physical limitations that prevent the resident from bringing the can(s) to the curb; and
 - iii. The resident establishes he or she has an alternative plan to dispose of garbage and presents the plan in writing to the City, and complies with that plan.

8.08.040 Failure to Maintain Garbage Service; Penalty

A property owner's failure to maintain service whether through refusal, neglect or non-payment shall result in a fine of \$25 per month for a residence, and \$50 per month for a business, plus the cost for the City and/or the WUTC Certificate Holder to pick up and dispose of the garbage. Failure to pay any fine so assessed within thirty (30) of its mailing to the property owner at the address provided by the County Assessor shall result in a doubling of the amount due plus any subsequent charges, and shall become a lien on the owner's property as provided by RCW 35.21.130.

SECTION 2- 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 3 - EFFECTIVE DATE. This ordinance shall become effective following passage and publication as provided by law.

PASSED in regular session this 15th day of October, 2014.


David Poucher, Mayor


Leana Johnson, Clerk/Treasurer

APPROVED AS TO FORM:


Kenneth B. Woodrich, City Attorney