

CHAPTER 8.12 - SOLID WASTE DISPOSAL^[1]

Footnotes:

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Editor's note— Ord. No. V-49, § 1(a)—(c), adopted August 24, 2010, repealed the former Ch. 8.12, §§ 8.12.010—8.12.055, 8.12.070, 8.12.085, 8.12.100—8.12.160, which pertained to garbage disposal and derived from Ord. No. R-10, § 1(part), adopted 1997. Per said ordinance, §§ 8.12.060, 8.12.075, 8.12.090 and 8.12.095 shall be retained until further notice. Ord. No. V-46, §§ 1—89, adopted August 24, 2010, enacted a new Ch. 8.12, §§ 8.12.100—8.12.608, as set out herein.

8.12.010—8.12.055 - Reserved.

8.12.060 - Application for service—Deposit.

Every person, firm, corporation or institution shall make application for garbage collection service at the office of the city clerk, city hall, in the city, on forms furnished by the city clerk prior to the time of occupancy of the premises. Such application shall contain a description of the premises to be served, the name of the applicant and the name of the legal owner if the applicant is a tenant, the type of service required, and such other information as may be required.

Any applicant, not being a property owner, shall deposit at the time of making application for garbage collection, and keep on deposit, such sum of money as may be required by the finance director of the city as continuing security for the payment of garbage collection charges. No deposit shall be for less than two months minimum charges for service applied for.

(Ord. No. R-10, § 1(part), 1997)

8.12.070 - Reserved.

8.12.075 - Credit for vacancies.

Credit for vacancies will be allowed only when finance department records reflect reasonable advance notice. It shall be the responsibility of the premises owner/occupant to notify the finance department of any changes in service.

- (a) Those wishing to have utility services and charges suspended must provide the city with notice of their intent within three business days of wanting the change to be made. Garbage containers must be moved and kept out of site of the garbage collector until service is to be restarted. The customer must notify the city when they wish service to be resumed.
- (b) If the water meter is pulled then the charges for water, sewer and garbage can be withheld.
- (c) If the electric meter is shut off or recorded as disconnected, then the charges for water, sewer, garbage and electricity can be withheld.
- (d) When the water meter is pulled on a temporary basis there will be a \$25.00 disconnect fee and a \$25.00 reconnect fee charged.
- (e) If it is discovered and proven by the city that services having been disconnected, have been delivered and/or used at the property recorded as disconnected, charges for those services will then be levied back to the original disconnect date.

- (f) Fees for temporary electrical service disconnects can be found in title 14 of the Cheney Municipal Code.

(Ord. No. R-10, § 1(part), 1997)

8.12.080, 8.12.085 - Reserved.

8.12.090 - Payment of charges—Delinquency a lien—Interest.

- (a) The city shall mail each service user a statement each month setting forth the charges for usage. The charges for usage shall be due and payable 15 days after the mailing of such statements and shall become delinquent the next following business day after the 15th day.
- (b) Delinquent charges shall bear interest at the rate of one percent per month, with a minimum service charge of \$1.00.
- (c) All charges for garbage service and usage all service charges provided in this chapter, or as may hereafter be amended, together with penalties and interest thereon, shall be a lien upon the property to which such garbage service is rendered, superior to all other liens and encumbrances whatsoever, except for general taxes and local special assessments. Enforcement of such liens shall be in the manner provided by law.

(Ord. No. R-10, § 1(part), 1997)

8.12.095 - Under billing or over billing.

Where an account is under billed because of city error, not the customer fault, the city back charge period is up to six months. Where an account is over billed or overpaid because of city error, not the result of customer fault, the refund period is up to six months. The city does not issue cash refunds or rebates. Approved funds are administered by an account credit for the premises served.

(Ord. No. R-10, § 1(part), 1997)

8.12.100 - Definitions.

The following definitions apply to this chapter.

(Ord. No. V-46, § 2, 8-24-2010)

8.12.102 - City.

"City" is the City of Cheney.

(Ord. No. V-46, § 3, 8-24-2010)

8.12.104 - Collection day.

"Collection day" means the day of the week scheduled for city solid waste collection service.

(Ord. No. V-46, § 4, 8-24-2010)

8.12.106 - Collection service—Kind of service.

- (a) Collection services are identified in relation to:
 - (1) Style or capacity of container and associated department collection vehicles and equipment: "Commercial/residential" and "automated/semi-automated" service. In limited circumstances, as permitted by the director, an account may be served manually, i.e. without the direct assistance of equipment;
 - (2) Time services are provided: Day/early day service;
 - (3) Pickup location: "Alley/curb/rollout."
- (b) Commercial/residential service. "Commercial or residential" service is based upon the type of container necessary to serve the Premises, considering the nature and the quantity of solid waste generated, the public health and safety, and business efficiency, as determined by the director.
 - (1) "Commercial service" is provided through large capacity containers, which include one- to eight-cubic yard dumpsters, front or rear loaded, and ten- to 40-cubic yard roll off containers. Such containers are supplied by the city.
 - a. Commercial service further includes the compactor container service. Customers may supply containers for compactor services ranging from two- to 40-yard capacity, subject to approval by the department for compatibility with collection vehicles.
 - b. Commercial service containers are associated with business and commercial customer needs, and large multi-unit residential premises.
 - c. Similar commercial service containers, except compactors, are used for general-mixed solid waste and source separated recyclable materials.
 - (2) "Residential service" for general-mixed solid waste is provided through city-furnished containers of different capacity.
 - a. Additional charges will be assessed for containers filled beyond rated capacity.
- (c) Automated/semi-automated service. "Automated service" is provided through a single operator and collection vehicle. It is distinguished from "semi-automated service," which uses a different collection vehicle and, occasionally, a two-person crew. Most residential and commercial service is automated service.
- (d) Day/early day service. Collection services are provided in two time shifts:
 - (1) "Day" service starts at 6:00 a.m.
 - (2) "Early-day" service starts at 5:00 a.m.
- (e) Alley/curb/rollout service. "Alley," "curb," or "rollout" service refers to the service pickup location for the container.
 - (1) "Alley service" collects solid waste from areas located in or along alleys. It is provided for some residential and commercial container service.
 - (2) "Curb service" collects solid waste at the street curb adjacent to the premises, including adjacent sidewalk area.
 - (3) "Rollout service" is solid waste collection from a location more than ten feet from the vehicle access point for automated service, or more than 15 feet from the vehicle access point for semi-automated service areas.

The director determines which locations are best suited for pickup based on considerations of vehicle access, site configuration, operational efficiency and convenience. For residential areas, curb pickup is preferred unless otherwise determined by the director.

(Ord. No. V-46, § 5, 8-24-2010)

8.12.108 - Combined city utilities bill.

"Combined city utilities bill" refers to the combining of utility billing for municipal water, sewer, electricity, and solid waste in a single account.

(Ord. No. V-46, § 6, 8-24-2010)

8.12.110 - Customer—Giving notice.

- (a) "Customer" is the person making arrangements or receiving solid waste collection service from the department.
 - (1) Because solid waste collection service is mandatory for all premises, "customer" includes all owners and occupants of premises generating or accumulating solid waste.
 - (2) Where arrangements have been made for billing to be sent to an address other than the premises serviced, "customer" includes the persons at such billing address.
- (b) Notice given by the city under this chapter is sufficient if it is either mailed, given, or left at the premises served or the billing address.
 - (1) For premises with multi-unit dwellings or where several buildings are served with one account, notice is sufficient if personally served or mailed to the agent or representative of the account.
 - (2) Nothing herein limits the city's right to recover any obligation from any person determined to be responsible for charges incurred or persons who have received direct benefit from services provided.

(Ord. No. V-46, § 7, 8-24-2010)

8.12.112 - Department—Regional system.

- (a) "Department" means the city department of solid waste management.
- (b) The "regional solid waste system" is a joint operating entity established by interlocal agreement between the city and County of Spokane with coordinating functions for regional disposal planning and the waste-to-energy plant.

(Ord. No. V-46, § 8, 8-24-2010)

8.12.114 - Director.

"Director" means the director of public works or designee.

(Ord. No. V-46, § 9, 8-24-2010)

8.12.116 - Generator.

"Generator" is any person originating solid waste including the owner and/or occupant of any premises on which solid waste is located.

(Ord. No. V-46, § 10, 8-24-2010)

8.12.118 - Health officer.

"Health officer" is the appointed health officer of the Spokane Health District. The director may also exercise any health officer function for the purpose of this chapter.

(Ord. No. V-46, § 11, 8-24-2010)

8.12.120 - Premises—Premises with multi-unit dwellings.

- (a) "Premises" means a specific lot or area of real property.
 - (1) "Premises" includes permanent and transient dwellings and places of accommodation, commerce or recreation.
- (b) "Premises with multi-unit dwellings" means premises operating in whole or part under unified management or ownership with housing facilities for more than a single-family residence. Such facilities include duplex or multiplex dwellings, apartments, condominiums, trailer parks or other accounts, including planned unit developments.
 - (1) The above does not include hotels, motels, hospitals, nursing homes, or other congregate-care or institutional facilities, which are generally served as a commercial-service account.

(Ord. No. V-46, § 12, 8-24-2010)

8.12.122 - Recyclable materials.

- (a) "Recyclable materials" or "recyclables" means materials which are source-separated from the general waste stream for recycling or reuse, as opposed to disposal, and accepted under the recycling program operated by the department.
- (b) The director, through policy, may adjust the city's recycling program consistent with regulatory requirements solid waste management planning, prevailing market conditions and administrative convenience or efficiency.

(Ord. No. V-46, § 13, 8-24-2010)

8.12.124 - Solid waste—Separated wastes.

- (a) "Solid waste or waste" means the entire local general-mixed solid waste, separated waste and recyclable materials generated or accumulated in the city. General-mixed solid waste includes:
 - (1) "Garbage" which is solid and semi-solid putrescible, discarded materials such as food, animal and vegetable wastes; and
 - (2) "Refuse" which is nonputrescible discarded materials, such as rubbish, ashes or other miscellaneous wastes.
- (b) "Separated wastes" are discarded materials of a uniform content, quality or consistency approved by the director for acceptance as separated wastes. Types of separated wastes may change from time to time, depending on the market conditions, operational efficiencies and other factors, in the director's discretion. Currently identified categories are:
 - (1) Separated yard and garden waste, also referenced as "clean green" wastes;
 - (2) Other composts;
 - (3) "Demolition debris" which is materials such as concrete, brick, metals, wood, and glass as a result from demolition of a building or other structure.
- (c) "Solid waste" is distinguished from sewage or other water-carried wastes, which are handled by the city sewer utility or lawful on-site sewage disposal systems. "Solid waste" includes infectious and

hazardous wastes, to the extent these materials are accepted for city collection or disposal but not including materials handled under procedures administered pursuant to a preemptive regulatory program by another governmental entity, acting within its lawful jurisdiction.

- (1) "Solid waste" includes recyclables from residential-use premises unless otherwise specifically indicated or apparent from context.

(Ord. No. V-46, § 14, 8-24-2010)

8.12.126 - Spokane County Comprehensive Solid Waste Management Plan.

"Spokane County Comprehensive Solid Waste Management Plan," sometime referenced as "Spokane Solid Waste Plan" or in shorter terms, means a plan prepared by Spokane County in cooperation with the City of Cheney and others pursuant to the requirements of RCW 70.95.080 guiding the City of Cheney's goals and priorities for implementing and evaluating municipal solid waste management functions.

(Ord. No. V-46, § 15, 8-24-2010)

8.12.128 - Transfer station.

"Transfer station is a permanent, fixed supplemental collection and transportation facility used by persons and collection vehicles to deposit solid waste into a larger transfer vehicle for transportation to a disposal site.

(Ord. No. V-46, § 16, 8-24-2010)

8.12.130 - Waste-to-energy plant.

"Waste-to-energy plant" or "waste-to-energy facility" (W-T-E) is the Spokane Regional Solid Waste Disposal System Incinerator operated as a solid waste disposal and energy-recovery facility.

Words herein used in the present tense shall include the future tense, and in singular shall include the plural and in the plural shall include the singular, and in the masculine shall include the feminine gender.

(Ord. No. V-46, § 17, 8-24-2010)

8.12.200 - Solid waste department fund—Established.

There is established a solid waste fund of the city. All money and receipts from the collection and disposal of solid waste shall be deposited with the city treasurer into the fund. The expense of collecting solid waste, separated waste and recyclables, to include billing and costs and fees, shall be paid there from. The city council may provide for additional revenue to be paid into such fund from time to time.

(Ord. No. V-46, § 18, 8-24-2010)

8.12.202 - Reserve fund.

There is established a fund within the solid waste fund to be known as the solid waste reserve fund. All money received from the Spokane Regional Solid Waste System Landfill Closure Rebate Program shall be deposited into the established fund. Moneys may be withdrawn from the fund to pay for liabilities assigned to the city under the Comprehensive Environmental Response, Compensation, and Liability Act

(CERCLA) or the Model Toxic Control Act (MTCA), or for any solid waste purpose as determined by the city council.

(Ord. No. V-46, § 19, 8-24-2010)

8.12.204 - Universal service by the city.

The City of Cheney, pursuant to RCW 35.21.152, exercises full authority to establish and operate a solid waste collection and disposal service for the city through the department of solid waste management. The city asserts exclusive and universal control over the business of all solid waste collection, disposal and other handling functions within the city. This authority includes collection and handling of recyclable materials, as further described in this chapter.

(Ord. No. V-46, § 20, 8-24-2010)

8.12.206 - Private hauling prohibited—Special reports.

- (a) Except where preempted by state law or pursuant to a written city franchise as provided hereafter, no person may engage in the business of providing solid waste collection or disposal services or residential recycling collection services within the city.
 - (1) The use of roll-off boxes or tilt-frame trucks by persons other than the solid waste management department or persons authorized by the city is prohibited.
 - a. A "roll-off box" is defined as a non-motorized container that is located on premises to receive deposited trash, construction debris and/or garbage. It is normally metal and capable of being hauled to be dumped elsewhere.
- (b) Engaging in the business of private junk removal or hauling services is prohibited to the extent it involves collection or hauling of solid waste. Private cleanup services not involving regular routes may be permitted where:
 - (1) The primary charge is for premises cleanup with labor and hauling charges incidental thereto;
 - (2) All non-recyclable materials are source separated and disposed of at the regional solid waste system;
 - (3) Disclosure and reporting requirements as prescribed by the director are followed;
 - (4) No solid waste hauling which could be the subject of any WUTC regulatory action occurs; and
 - (5) Parties engaged in such activities accept and agree to any other regulation or policy as the director may determine appropriate.
- (c) Solid waste franchises.
 - (1) Persons holding a state certificate of public convenience and necessity within any areas annexed and entitled to an exclusive municipal franchise following annexation under RCW 35A.14.900 are hereby granted an exclusive franchise as provided by law commencing at the effective date of annexation.
 - a. The city council may extend the term of such franchises, considering the value of any interests cancelled because of an annexation.
 - (2) Any person or entity collecting solid waste in the city pursuant to this subsection (c) is subject to the following:
 - a. The franchise shall not exceed the scope of permission as to kind of service, territory or any other matter relating to solid waste granted by any state certificate of public convenience and necessity subject to state law in effect prior to the time of annexation.

- b. Rates shall be fair and reasonable. Compliance with WUTC-approved rates for similar services shall be presumed fair and reasonable but rates in excess of such rates shall be presumed not to be fair and reasonable, all rates subject to review and approval by the director shall be guided by standards applicable to WUTC certificated haulers.
 - c. Service levels shall be adequate and sufficient to satisfy all customer needs. Service levels at least equal to the level currently provided by the city shall be presumed adequate and sufficient. Service is subject to review and approval by the director considering WUTC policies, practices and the existing certificate.
 - d. A person or entity collecting solid waste shall be solely and separately liable for all activities and shall not represent that it is an employee or agent of the city.
 - e. The person or entity shall indemnify and hold harmless the city, its officers, agents and employees from all loss or liability for the service provider's acts and omissions in connection with the enjoyment of service privileges.
 - f. Evidence of insurance, including naming the city as an additional named insured on the insurance policy as the director may reasonably require, considering the nature and scope of service activities and level of risk to the public there shall be provided to the city.
- (d) Commercial recycling hauling.
- (1) Persons engaged in commercial recycling hauling for hire are not subject to requirements of a municipal solid waste contract or franchise under this section, but must submit a written location disclosure report. The report must contain the following information: destination of haul, resulting useful product showing recycling use, and proof of commercial value of said product.
 - a. The report is due at or before the time of placement of any containers for recyclables collection.
 - b. All recycling containers placed must be clearly labeled "recyclables only" in large 12-inch block letters of contrasting colors on all exterior sides.
 - c. Haulers are also responsible to explain city requirements to segregate recyclables from solid waste to their customers.
 - d. Additionally recycling haulers must file a written annual report with the director of solid waste no later than February 1 for the prior year's recycling activities.
 - e. The report must contain information in substantially similar form to the Annual Recycling Survey submitted to Spokane County or the department of ecology required by chapter 70.95 RCW for the immediate past year.
 - (2) "Commercial recycling hauling" for purpose of report requirements consists of collection and transportation of source-separated (that is, separated by the original generator) recyclable materials from a drop-off box, or from a commercial or industrial generator of recyclable materials to a processor of recyclable materials or end user of recyclable materials.
 - a. Recyclable materials must contain no solid waste (non-recyclable materials). However, adjustments to this requirement may be made by the director, granted only in writing, if the applicant can demonstrate to the director that its activities are in the best interests of the public health and safety for meeting the recycling goals set forth in the Cheney Regional Solid Waste Management Plan.
 - b. All recyclable materials shall be processed and marketed in such a way that they are recycled rather than disposed of as solid waste.
 - c. All records of any party engaged in activities relating to collection of solid waste or recycling as identified under this section are subject to inspection and copying by the director. Such parties shall furnish promptly such records or information as the director may require, at no cost to the city.

- d. In addition to any other provision, any person in violation of applicable requirements in this section shall be subject to revocation of said party's collection privileges.
 - 1. Except in case of danger to the public health safety, as the director may determine, or where otherwise provided, no revocation shall occur prior the 30 days' written notice by the director to the party subject to revocation, specifying the violation and providing for an opportunity to correct the same.
 - 2. If the director determines such violation is not corrected after 30 days, the director may issue and order requiring the party to show cause before the city hearing examiner why collection privileges should not be cancelled.
 - 3. Upon receipt of such order, the hearing examiner schedules a hearing and determines the issue, subject to appeal within 14 days to city council on the record submitted, without additional testimony.
- (e) Upon cancellation of any collection privileges, the holder thereof shall peacefully surrender all territory, providing such information related thereto at no cost the city, as the director may require.
- (f) The director of solid waste management is vested with the duty of administering the provisions of this section. The director may prepare and require the use of such forms as deemed needed for administering the requirements of this section.

(Ord. No. V-46, § 21, 8-24-2010)

8.12.208 - Authority of the director.

- (a) Purpose. The director shall implement:

- (1) The Cheney Solid Waste Plan;
- (2) Chapter 70.95 RCW and other federal, state and local laws;
- (3) The means to assure prompt, safe and efficient solid; and
- (4) Solid waste collection and disposal services to the public.

The director administers and interprets this chapter and the operations and functions of the department. The director may delegate authority.

- (b) Policies and practices. The director may promulgate policies and practices to implement and enforce of this chapter.
- (c) Warnings—Orders. The director may issue warning notices and/or a notice of violation with a reasonable period to cure the violation. The director may take such remedial measures necessary to enforce any order, regulation or provision of this chapter, including clean-up operations to protect the public health and safety.
- (d) Procedures. The director may establish procedures to resolve disputes.
- (e) Penalties. If a notice of violation is not satisfactorily resolved according to the discretion of the director. A notice of infraction pursuant to RCW Chapter 7.80 may be issued.
 - (1) For single-family residences the civil penalty is a Class 4 infraction and may be assessed for up to the first five days of noncompliance. Thereafter, the civil penalty shall be a Class 2 infraction.
 - (2) For premises other than single-family residences, the civil penalty for a first time violation is a Class 2 infraction.
 - (3) In case of a continuing violation, each day is a new violation, and the civil penalty may be assessed for up to the first five days of noncompliance.
 - (4) Said penalties are in addition to actual costs of clean-up or other services provided by the city.

(Ord. No. V-46, § 22, 8-24-2010)

8.12.210 - Stopping service—In general.

Where the director deems it necessary for administrative reasons, emergency conditions, adverse weather, natural disaster, equipment failure, labor dispute, inaccessibility, enforcement measure, conservation of public moneys, or to protect the public health and safety, service may be stopped, suspended, limited or specially conditioned, with or without notice, to any premises, area, customer or group. No claim for damages by any person shall arise as a result of the director taking action under this section.

(Ord. No. V-46, § 23, 8-24-2010)

8.12.212 - Rates.

- (a) General rates and charges for solid waste collection or disposal service are set by the city council through Resolution pursuant to RCW 35A.21.152,. The rate structure considers the nature of the materials collected or received for disposal, how the materials are prepared, such as being baled or tied in bundles, or compacted, and the volume, weight or container holding the materials.
- (b) Specific charges may be waived by the director, in the exercise of reasonable business judgment and/or protection of the public health and safety.

(Ord. No. V-46, § 24, 8-24-2010)

8.12.214 - Charges by labor, equipment, weight or volume.

- (a) Rates and charges may be based upon labor, required equipment, weight, volume or any combination of the above.
- (b) Rates shall include a reasonable value for overhead charges and employee time, including clerical, administrative, legal, engineering and other professionals.
- (c) All costs of collection, including interest, filing fees or other administrative expenses, are added to amounts due.

(Ord. No. V-46, § 25, 8-24-2010)

8.12.216 - Taking of or snooping in garbage or recyclables prohibited.

- (a) No person shall take, examine, uncover, inspect, separate, gather, collect or salvage materials deposited in automated carts or containers, including recycling containers, bins, dumpsters or roll offs, for collection or acceptance by the department or other authorized persons.
 - (1) This prohibition applies when materials have been deposited in solid waste or recyclable bins, automated carts or containers or left in the vicinity of a container pickup location.
 - (2) For materials brought to a municipal disposal facility or transfer station area, the prohibition applies when materials arrive upon the site of the facility or transfer station.
- (b) Violations are punishable as a Class 2 infraction.
- (c) This section shall not be construed to create or recognize any right or expectation of individual privacy with respect to solid waste identifiable to any person or premises, nor shall it apply to government-authorized activities.

(Ord. No. V-46, § 26, 8-24-2010)

8.12.218 - Theft of collection service prohibited.

- (a) Only the owner, occupant or authorized individual may place or deposit materials in or around a solid waste receptacle or recycling container owned or provided by the premises.
- (b) Violations are a Class 2 infraction.

(Ord. No. V-46, § 27, 8-24-2010)

8.12.220 - All materials deemed abandoned—No claim recognized.

- (a) All materials, including solid waste, separated wastes or recyclables, deposited or left for collection by the department or brought for acceptance or disposal by the department are deemed irrevocably abandoned. No claim for loss or damage of said materials shall be recognized.
- (b) This provision applies at the point when any materials have been deposited in solid waste or recyclable bins, automated carts or containers or left in the vicinity of a container pickup location.
- (c) For materials brought to a municipal disposal facility or transfer station area, the provision applies unless materials arrive upon the site of the facility or transfer station.

(Ord. No. V-46, § 28, 8-24-2010)

8.12.222 - Burning, burying, on-site private disposal prohibited—Compost exception.

- (a) No person may burn, bury or otherwise dispose of or process solid waste on any premises except for composting of garden wastes in a compost process approved by the department.
- (b) This prohibition does not apply to outside burning of yard waste to the extent such activities may be allowed under the City of Cheney Fire Code and regulations of the Spokane County Air Pollution Control Board.

(Ord. No. V-46, § 29, 8-24-2010)

8.12.224 - Abatement of public nuisance.

- (a) Failure of an owner or occupant of any occupied premises to receive weekly solid waste collection service is declared to be a public nuisance, as a condition tending to promote the breeding of vermin and spread of disease.
- (b) Notwithstanding any other provision of this chapter, and in addition thereto, the maintenance of any condition upon premises creating or tending to create a risk to the public health or safety, specifically including but not limited to the accumulation of solid waste, including garbage, refuse or any malodorous, unhealthful, flammable or putrescent materials in premises shall constitute a public nuisance and in the discretion of the fire inspector, building official, code enforcement official, health officer or director shall be susceptible to abatement by the city, with or without prior notice, at the expense and liability of the premises owner and/or the person causing or maintaining the same.
- (c) Costs of abatement of any nuisance as above defined are declared to be part of municipal solid waste collection and disposal service which may be billed as a utility service to the premises where the condition arose or exists. This section shall not limit the city or premises owner's rights to seek recovery against other responsible persons.
- (d) This section may be enforced pursuant to state law and city ordinance.

(Ord. No. V-46, § 30, 8-24-2010)

8.12.226 - Property clean-up—Right-of-way obstructions.

- (a) Property clean-up, whether carried out at the request of a customer (owner or occupant) or pursuant to a code enforcement or nuisance abatement function, with or without prior notice, are charged based upon time, distance of haul, accessibility of staff, vehicles and equipment to materials, cost of employees and equipment, volumes or weights of material removed, or any combination of these variables.
- (b) The department may trim any trees, shrubbery or remove any obstructions or obstacles to the safe and efficient collection of solid waste on, over or otherwise obstructing clear passage of solid waste collection vehicles or functions.
 - (1) Prior to taking action under this subsection (b), the director may cause reasonable notice to be given as set forth in 8.12.110(b). Notice is not required in case of emergent circumstances or where, in the city's judgment, there is a safety hazard, danger of damage to city equipment or undue delay in collection operations.
 - (2) Any charges for such action may be added to the combined municipal utility bill as a charge for solid waste service, provided the director may waive incidental or minor charges in the exercise of sound business discretion.

(Ord. No. V-46, § 31, 8-24-2010)

8.12.228 - Designation of area as "premises" for billing, enforcement.

The director may designate any area where solid waste is generated or persists as a "discrete premises" for administrative convenience, for purposes of presenting a bill or establishing an area subject to lien, to accomplish any enforcement actions, or whenever deemed necessary in the interest of the public health and safety. Such designation may include several lots or properties, where such areas are served as a group, as in premises with multi-unit dwelling or pursuant to any other combined billing arrangement.

(Ord. No. V-46, § 32, 8-24-2010)

8.12.230 - Inspections, testing, monitoring may be ordered.

The director may order inspections, examination of records, facilities and equipment as well as testing, monitoring or other measures deemed necessary to enforce this section for the protection of public health and safety. Where any violation of law, ordinance or regulation is determined, the cost of such measures shall be paid by the property owner or other responsible party.

(Ord. No. V-46, § 33, 8-24-2010)

8.12.232 - Refuse-only accounts.

Most premises in the city are billed through a combined city utilities bill. For premises not served with city water or sewer service, the billing is described as a "refuse-only" account. "Refuse-only" account customers must contact the director or designee for prior approval to initiate a refuse-only account.

(Ord. No. V-46, § 34, 8-24-2010)

8.12.234 - Under billing—Overbilling.

- (a) Policy. It is the policy of the city to collect all amounts identifiable as due and owing for solid waste collection and disposal service from the account served, recognizing losses from not collecting such amounts must be made up by moneys collected from all ratepayers. It is presumed that owners and occupants of premises are aware of the obligation to accept and pay for departmental services and the cost of such services for the premises concerned. Subject to this policy the director or administrative head of city utility billings has discretion to adjust billings considering individual account circumstances as follows:
 - (1) Under bill—Underpayment. Under billing or underpayment because of customer errors or other reasons not the result of city errors will be collected in full. Under billing or underpayment because of city error may be adjusted, considering the following criteria:
 - a. Where it appears a customer or other person responsible for payment did not know and had no reason to know of the error, accrued charges may be waived which are over six months in arrears.
 - b. In general, customers are presumed to know that solid waste collections and disposal service is not rendered for free, and there is a prima facie customer "reason to know" of an error where no charges are being assessed for premises receiving service, or failure to act or make reasonable inquiry promptly upon the presentation of a bill for services for premises inconsistent with services rendered thereto.
 - c. In considering in individual cases where a customer knew or had reason to know of an under billing error, the adjusting official may consider a customer's status as a single-family account compared to a larger volume user, with a presumption that larger volume users should have better awareness of the status of their service consumption and obligation to make proper payment therefore. Under billings because of customer error or where it appears a customer knew or should have known of the error should be paid in full.
 - (2) Overbill. Where an account is overbilled or overpaid because of city error, not the result of customer fault, the refund period is up to six months from the time the error is reported to the city. Approved refunds are generally administered by an account credit for the premises served.

(Ord. No. V-46, § 35, 8-24-2010)

8.12.236 - No gift, credit or free service.

- (a) No gift of public or departmental funds, free service or loan of credits or forbearance of collection of any obligation due and owing the department for services rendered by or available from the department shall be made.
 - (1) This provision shall not preclude the director from granting, through annual budget process, a credit for community cleanup purposes. The director establishes further conditions of use, consistent with the purpose.
 - (2) No credit may be carried over into a new calendar year.

(Ord. No. V-46, § 36, 8-24-2010)

8.12.238 - Service outside city limits.

- (a) The city solid waste department does not provide collection service outside city limits except as may be authorized by applicable law or contract, including appropriate arrangements with a private solid waste collection company.

- (b) In the event all aspects of service are not specifically addressed by contract or otherwise specifically provided, and other portions of this chapter may be applied by the director of solid waste management where deemed needed as terms and conditions of service to outside the city customers.

(Ord. No. V-46, § 37, 8-24-2010)

8.12.300 - Purpose.

To protect and maintain the public health, safety, and sanitation and aesthetics of the city, all generators of solid waste shall accept, arrange and pay for solid waste collection and disposal services established by the city. The mandatory service includes the collection of general-mixed solid wastes on a regular schedule by the department of solid waste management.

(Ord. No. V-46, § 38, 8-24-2010)

8.12.302 - Weekly collection mandatory, exceptions and temporary service.

- (a) Weekly collection service is mandatory for all occupied premises or any other premises generating solid waste. Unless otherwise defined, for purposes of this section, "occupied" means:
 - (1) Water or other utility service is currently received by the premises; or
 - (2) There are other signs of physical occupancy or human habitation.

The department may order collection more frequent than on a weekly basis, to protect the public health, safety or aesthetics. For unoccupied premises, service may be ordered by the director as determined necessary.

- (b) premises not required to have weekly service shall receive monthly service unless the director determines otherwise, considering the public health and safety, and business and administrative convenience. Premises considered eligible for monthly service are:
 - (1) Premises with limited or intermittent disposal needs, provided they generate solely nonputrescible wastes.
 - (2) Nonresidential premises, provided they generate solely nonputrescible, dry waste, that does not exceed 20 cubic yards per month, minimum volume.
- (c) A temporary collection includes construction, remodeling, demolition or other short-term events.
 - (1) Customer requests for temporary accounts may not exceed 120 days with any calendar year period.
 - (2) Use of a temporary container does not displace regular solid waste service. Regular solid waste generated by premises is not permitted in temporary containers.

(Ord. No. V-46, § 39, 8-24-2010)

8.12.306 - Days of service—Holidays.

- (a) Collection services are provided Monday through Friday except during holidays.
 - (1) Disposal facilities are open seven days a week, except holidays.
 - (2) Saturday collection occurs only after a Friday holiday.
 - (3) There is no regular Saturday or Sunday collection except as may be ordered by the director.
 - (4) Saturday and Sunday collection may be billed as an "extra" service in accord with administrative needs.

- (5) Weekly collection service is generally scheduled for the same weekday for specific premises or areas but is subject to modification by the director.
- (b) No collection occurs on the following holidays:
 - (1) New Year's Day,
 - (2) Martin Luther King Jr. Day,
 - (3) President's Day,
 - (4) Memorial Day,
 - (5) Fourth of July,
 - (6) Labor Day,
 - (7) Veteran's Day,
 - (8) Thanksgiving Day, and
 - (9) Christmas Day.Regular collection occurs the day after a holiday.

(Ord. No. V-46, § 41, 8-24-2010)

8.12.308 - Collection routes.

- (a) Collection routes, dates and times, and type of service (semi-automated or automated) are determined in the director's discretion, based upon the premises, reasonable business management practice and system operations.

(Ord. No. V-46, § 42, 8-24-2010)

8.12.310 - Collection schedule—Container placement.

- (a) Collection services are scheduled in two work shifts:
 - (1) Regular day schedule. Regular day schedule is primarily for residential automated cart customers outside the central city collection area.
 - a. Containers shall be ready for pickup by 6:00 a.m.
 - b. Collection occurs after 6:00 a.m.
 - c. After collection, containers not regularly stored at the container pickup location must be promptly returned to their regular storage area away from the curbs, sidewalk or pickup area no later than 9:00 p.m. in the evening of the collection day.
 - (2) Early day schedule. Collection occurs any time after 5:00 a.m. of the collection day.
 - a. Early day schedule is primarily for residential automated cart customers around Eastern Washington University Campus collection area.
 - b. Containers shall be ready for pickup by 5:00 a.m.
 - c. After collection, containers must be returned to their regular storage area promptly, but no later than 9:00 p.m. in the evening of collection day.

(Ord. No. V-46, § 43, 8-24-2010)

8.12.312 - Container location.

- (a) The director determines all container pickup locations, and may adjust or change such locations in the interests of operational efficiency.
- (b) The container pickup location will generally be at the curbside, sidewalk, or alley adjacent to the premises at the property line, unless arrangements have been made in advance for rollout service.
 - (1) Any location change requires advance director approval.
- (c) In addition to placement at the approved container pickup location, "available for collection" includes:
 - (1) Opening gates,
 - (2) Removing locks and chains,
 - (3) Making provision for inclement weather, including:
 - a. Snow removal,
 - b. Sanding icy areas,
 - (4) Clearing the area of vehicles or other blockages, and
 - (5) Removal of waste, debris and anything else required making the container accessible for dumping.

Customers are responsible to clear away any obstructions or otherwise restore access by the second business day after adverse conditions.

- (d) Chains must be completely removed to protect vehicles and employees.
 - (1) All containers must be placed outside any fence or barrier 24 inches or higher.
 - (2) Employees will not access steep ramps, stairs or hazards to remove automated carts or containers in the performance of their duties.

(Ord. No. V-46, § 44, 8-24-2010)

8.12.314 - Customer responsible to accommodate departmental collection vehicle and equipment weight, clearance needs.

- (a) Customers are responsible to make premises conditions suitable for collection.
 - (1) Department collection vehicles and equipment providing service for residential-capacity containers such as automated carts and roll-off containers require an access route, a minimum of 12 feet wide, to the container pickup location. Height clearance requirements are a minimum of 14 feet.
 - (2) In addition, the premises site must have adequate access to permit vehicle turn-around.
- (b) Department collection vehicles and equipment providing service for residential capacity automated carts, dumpster containers (one to eight cubic yards), roll off containers (with a capacity greater than 15 cubic yard drop boxes or roll off compaction units) require access route and conditions as provided in subsection (a) of this section.

(Ord. No. V-46, § 45, 8-24-2010)

8.12.316 - Pickup area—Containers to be clean—Additional charges.

- (a) Customers are responsible to keep the pickup area and containers or carts in a sanitary condition with the outside thereof clean and free from accumulating grease, decomposing materials and litter.

- (1) Loose solid waste must be deposited in containers for collection.
 - (2) Clean-up effort by the department will result in an additional service charge against the account.
- (b) Where determined necessary, to protect the public health, safety, or aesthetics, the director may order or a customer may request a cleaned replacement container. A cleaning fee or refurbishing charge may be assessed.

(Ord. No. V-46, § 46, 8-24-2010)

8.12.318 - Container location—Combustibles separated.

Commercial-capacity containers or any container with a storage capacity equal to or exceeding one cubic yard may not be stored in buildings or placed within five feet of combustibles, including combustible walls, openings or combustible roof eave lines without prior written approval from the fire official. Containers with flammable contents, such as grease may not be stored in the same enclosure as general-mixed solid waste containers, except with written approval from the department.

(Ord. No. V-46, § 47, 8-24-2010)

8.12.320 - Premises generating food or other putrescible wastes.

- (a) Premises with activities tending to generate larger quantities of food or other putrescible wastes such as restaurants or other food preparation or processing activities must, in addition to the above requirements, provide year-round access to running water as well as a floor drain in the enclosure which drains to the sanitary sewer.
- (b) This drain shall be positioned so that only water originating on the slab, or running water necessary for maintenance of the container, reaches the sanitary sewer.
- (c) Those premises unable to comply with the above will be required to pay all costs necessary to maintain the container in a sanitary condition, and return the container to a usable condition, including refurbishing costs, as necessary.

(Ord. No. V-46, § 48, 8-24-2010)

8.12.322 - Address displayed—Visible at pickup site.

The owner or occupants of each premises is required to have the premises' address displayed or clearly visible at the pickup site.

(Ord. No. V-46, § 49, 8-24-2010)

8.12.324 - Lids to be kept closed on containers.

Container lids shall be operable and tightly fitted and closed.

(Ord. No. V-46, § 50, 8-24-2010)

8.12.326 - Overweight commercial container—Volume overloading containers forbidden.

- (a) Loading containers beyond volume or weight capacities in a manner which is unstable, likely to cause damage to the collection vehicle, create litter or impede collection is prohibited.

- (1) Objects should not project outside the container.
- (2) Loading shall be weight-centered in the base of the container.
- (3) Customers shall drain containers so that they are essentially liquid-free.
- (b) Customers are advised that the city has no on-site, immediate means of determining weights of filled containers at the pickup site and customers are responsible to familiarize themselves with the container weight limits set forth in this chapter, and to avoid overloading containers.
- (c) Overweight commercial container surcharge.
 - (1) For commercial containers that exceed weight limits, a rate surcharge is added to the account.
 - (2) If city equipment is damaged, repair or replacement charges shall be added to the account.

(Ord. No. V-46, § 51, 8-24-2010)

8.12.328 - Bulky loading prohibited.

- (a) Contents must be able to fall freely from the container when emptied.
 - (1) Overfilled or overloaded containers will be assessed additional labor and equipment charges.
 - (2) Alternatively, collection may be declined for an overfilled container.
- (b) Tree limbs and brush must be cut in three-foot lengths and tied in small bundles.
- (c) The department may decline to collect on regular routes appliances, furniture, tree stumps and other oversized wastes.

(Ord. No. V-46, § 52, 8-24-2010)

8.12.330 - Assistance to elderly and/or disabled individuals.

- (a) Low income elderly or disabled residents who are unable to place their containers for collection pickup may request assistance from the department.

(Ord. No. V-46, § 53, 8-24-2010)

8.12.332 - Compaction container requirements.

- (a) Compactor customers must ensure that: (1) the compaction unit is compatible with department vehicles and equipment; and (2) there is adequate access, including minimum height and width clearances for collection vehicles.
 - (1) Damage to premises or property because of weight from collection vehicles and equipment, container placement or returning container to the ground after dumping is the customer's sole risk and liability.
 - (2) Customers are fully responsible to provide adequate advance notice to the department of any conditions or problems on site susceptible to damage or injury.
 - (3) Wheels on compactors can be damaged by the act of normal dumping of these containers.
 - (4) The city is not responsible for damage through normal wear and tear.
 - (5) Spillage due to overfill or other conditions not the result of active city fault is the customers responsibility.
- (b) In addition to regular service, customers may request additional pickups.

- (1) One-day advance notice to the department is required.

(Ord. No. V-46, § 54, 8-24-2010)

8.12.334 - Residential containers.

- (a) Only premises generating solid waste of a nature and quantity typical for single-family residential households are eligible for service with residential style automated carts.
- (b) Premises approved by the director as eligible for residential service may use the following containers for mixed municipal solid waste:
 - (1) Automated cart service. Automated carts are available in three sizes:
 - a. Twenty gallons (equivalent to a mini-can).
 - b. Sixty-four gallons.
 - c. Ninety-six gallons.

(Ord. No. V-46, § 55, 8-24-2010)

8.12.336 - Commercial containers.

- (a) Premises not eligible for service with residential containers are served by commercial-capacity containers. All containers except compactor units are supplied by the department. Where premises generate more than 60 cubic yards per week, minimum size service is a roll off container of 20-cubic yard capacity.
- (b) No more than three automated refuse carts are allowed at any one pickup site. If the customers' needs exceed this level, then, space permitting, minimum size service is a one-cubic yard dumpster, with enclosure. In individual cases, the director may adjust this policy, on customer request.
- (c) Approved commercial containers are:
 - (1) Dumpster service, provided in capacities of one-, one and one-half-, two-, three-, four-, six-, and eight-cubic-yard dumpsters. Dumpster design will be front loader, depending upon the method of emptying the containers;
 - (2) Roll off service, provided in capacities of ten, 20-, 30-, and 40-cubic-yards;
 - (3) Small compactor service. Customer purchases unit and container, from two- to four-cubic-yard capacity. All compactor units must be approved by the director as compatible for use with departmental equipment, including compatibility with equipment safety limitations;
 - (4) Large compactor service. Customer purchases unit and container, from ten- to 40-cubic-yard capacity. All compactor units must be approved by the director as compatible for use with departmental equipment, including road weight limitations;
 - (5) Recyclable containers. Commercial-service containers for separated recyclables are available in the same capacities as for general mixed-solid waste. The same general conditions apply as for general mixed-solid waste containers.

(Ord. No. V-46, § 56, 8-24-2010)

8.12.338 - Customers must use only approved containers.

- (a) Customers must use only containers approved by the director for solid waste collection operations, including recyclables.

- (b) The director determines which type of container and equipment is suitable for a service request.
- (c) Separate vehicles are provided to collect general-mixed solid waste and source-separated recyclable materials.
- (d) Where service is declined for failure to comply with this or any other provision, it does not relieve the customer's obligation to pay for the service call.

(Ord. No. V-46, § 57, 8-24-2010)

8.12.340 - Owner responsible for containers.

- (a) The department will furnish an initial container to the premises. Each owner or occupant is responsible thereafter for lost, damaged, stolen or missing containers.
- (b) Except for containers supplied by the customer or purchased from the city, containers remain the property of the city, and when premises are vacated the container shall remain on the property or returned to the department.
- (c) New owners or tenants are responsible to obtain any containers from their predecessors in interest.

(Ord. No. V-46, § 58, 8-24-2010)

8.12.342 - Containers, equipment furnished "as is."

- (a) All department-furnished automated carts, containers, dumpsters, collection vehicles or other equipment ("equipment") supplied are furnished "as is," without any implied or express warranties of merchantability or fitness or any other promises except to replace equipment damaged by department negligence.
- (b) Claims for damage to such equipment or lids because of weather, or other circumstances not the fault of the department, are not honored. Customers are responsible to protect such equipment, lids and any associated equipment enclosures from damage or misuse to avoid unsafe conditions on the premises from such equipment, equipment tampering, improper use, storage, placement or neglect or accumulations of waste.
- (c) Customers must waive all claims for loss of liability as provided herein as a condition of service.

(Ord. No. V-46, § 59, 8-24-2010)

8.12.344 - Adequate foundation for collection vehicle, container.

For any area under a customer's ownership or control, including driveways, alleys or any other access route, as well as the container pickup locations, customers are responsible to have a good and sufficient foundation to support the size and weight of the collection vehicle.

(Ord. No. V-46, § 60, 8-24-2010)

8.12.346 - Customer accepts risk of loss or damage from normal operations.

- (a) As a condition of service, customers, including the property owner, acknowledge: (1) review and understanding of the terms of service, access requirements and rates and charges; (2) risk of property loss or liability for damages accruing from service operations of department vehicles or equipment from normal operations, including container delivery, placement, use, pickup or other weight-related impacts from container service; and (3) Any special instructions regarding placement or use of

containers or service damage hazards, e.g., foundation or driveway weakness, curbs, lawn, sprinkler systems, shrubbery, storm drains, etc., must be disclosed to the department. This includes all conditions known to be created by the premises owner or occupant as well as any condition that, in the exercise of reasonable care, ought to have been known by the owner or occupant.

- (b) Except as disclosed by customer, customer agrees as a condition of accepting service to indemnify and hold harmless the city against all loss or liability from risks or claims arising from container location or placement.
 - (1) As a condition of service, commercial container service requires department approval and may require a signed damage release from be on file at solid waste management.
- (c) The customer assumes all risk and responsibility for litter, unsanitary or unsafe conditions of premises, dumping or spillage of solid waste.

(Ord. No. V-46, § 61, 8-24-2010)

8.12.348 - Premises site plan approval for solid waste collection area required.

- (a) The director shall approve all proposed waste storage areas, collection points and customer equipment.
- (b) This requirement shall apply to new construction, remodeling, site plan modifications or whenever customer's waste disposal needs change.

(Ord. No. V-46, § 62, 8-24-2010)

8.12.350 - Commercial container site location requirements.

- (a) All commercial containers must be placed on a firm surface pad of concrete or asphalt at least three inches thick. Use of asphalt is discouraged and is at the customer's sole risk.
- (b) The surface pad for a dumpster must be a least ten feet wide by ten feet deep inside measurements without recycling, and 17 feet wide by ten feet deep with recycling.
 - (1) The surrounding site-obscuring fence must be a minimum of six feet tall with sturdy gates.
 - a. The gates must be of construction and design to rest in an open position during pickup so they do not swing shut upon city equipment or employees.
 - b. The gate(s) must include some sort of latch mechanism to ensure the gates remain open during entry, dumping process and exit.
 - (2) The site must have adequate lighting and any other improvements determined necessary by the director.
- (c) The container pickup location for recyclable materials must have a five feet opening for access either to the front or side.
 - (1) Large containers designated for large volumes of recyclables must have screened enclosures of adequate size and dimension to contain each container.
 - (2) The director reviews each application and reserves the right to modify the requirements herein or impose additional requirements in the interest of safety, aesthetics and the efficient operation of the department.
- (d) Customers must provide access and turning space for department vehicles. These requirements include:
 - (1) Space for a collection vehicle turning radius of a minimum of 45 feet or equivalent vehicle clearance or access if the collection vehicles perform a hammerhead maneuver.

- a. As used herein, the term "hammerhead" defines a backup pattern of a collection vehicle in the shape of the letter "T";
- (2) Collection vehicle backup allowance requirement of 50 feet;
- (3) Enclosures housing containers must include space to allow an approach for department collection vehicles sufficient for vehicle ingress and egress.
- (4) A sturdy, reliable backstop to prevent damage to back enclosure wall;
- (5) All collection vehicle access routes must have at least 14 feet vertical height drive clearance.
 - a. Dump clearance is greater.
 - b. Customers are required to remove any vertical height lines or obstacles;
- (6) All vehicle maneuvering must be done on site.
- (e) An apron or curb cut must be available or provided for departmental use, provided at the customer's expense.
- (f) Nothing may be stored in the enclosure other than containers.
 - (1) This includes grease buckets, loose cardboard or pop and milk crates.
 - (2) The city will not repair any damages incurred to an enclosure when it is improperly used for storage.
- (g) Roll requirements. Roll off containers are placed after an on-site inspection to insure that space requirements are fulfilled.
 - (1) Generally, a container will not be placed in the street, in the parking strip on the sidewalk.

A certificate of occupancy or other departmental approval will not be signed until on-site inspection confirms compliance with this chapter. At all times, it remains the customer's sole responsibility to obtain such approval.

(Ord. No. V-46, § 63, 8-24-2010)

8.12.352 - Container weight limits.

Maximum permissible container weight, meaning total gross weight of loaded container, including the container and contents, in pounds, is:

- (1) Residential.
 - a. Twenty-gallon and thirty-two-gallon automated carts: Two hundred fifty pounds.
 - b. Sixty-four gallon automated carts: Two hundred fifty pounds.
 - c. Ninety-six gallon automated carts: Two hundred fifty pounds.
- (2) Commercial.
 - a. One- cubic yard and one and one-half-cubic-yard dumpster: Five thousand pounds.
 - b. Two-cubic-yard dumpster: Five thousand pounds.
 - c. Three-cubic-yard dumpster: Five thousand pounds.
 - d. Four-cubic-yard dumpster: Five thousand pounds.
 - e. Six-cubic-yard dumpster: Five thousand pounds.
 - f. Eight-cubic yard dumpster: Five Thousand pounds.
 - g. Ten-cubic yard roll off: Fifteen thousand pounds.

- h. Twenty-cubic-yard roll off: Twenty thousand pounds.
- i. Thirty-cubic-yard roll off: Twenty thousand pounds.
- j. Forty-cubic yard roll off: Twenty thousand pounds.
- k. Small compactor, from two-cubic-yard capacity up to six-cubic-yard capacity: Six thousand pounds.
- l. Large compactor, from ten- to forty-cubic-yards: Twenty thousand pounds.

(Ord. No. V-46, § 64, 8-24-2010)

8.12.354 - Special arrangements for loads in excess of ten tons.

- (a) Customer must make advanced application to the director for hauling in excess of ten tons net weight.
 - (1) Failure to do so will result in overweight commercial container surcharge.

(Ord. No. V-46, § 65, 8-24-2010)

8.12.356 - Minimum service—Multi-unit dwellings.

- (a) Premises with multi-unit dwellings must accept solid waste collection services for at least 64-gallon automated cart or equivalent container capacity per dwelling unit per week. Subject to this minimum, a customer may use 64-gallon automated carts or select from container choices available from the department sufficient for the premises' weekly needs.
- (b) Premises with five or more multi-unit dwellings served by a single water meter may not elect separate billings for individual dwelling units or groups of units. Such premises must accept single-account billing through a combined city utilities bill for the entire premises unless other arrangements are approved in writing by the director.

(Ord. No. V-46, § 66, 8-24-2010)

8.12.358 - Limit on twenty gallon cart rate use.

- (a) Twenty-gallon automated cart service is available upon director approval. The intent of allowing 20-gallon automated cart service is to promote and encourage source separation of recyclables from the general-mixed solid waste stream and improved participation in the department's recycling programs.
 - (1) Because solid waste collection costs are a function of weight and volume, 20-gallon automated cart rates are not available for customers who use compactors.
- (b) Absent showing to the contrary, single-family residences are presumed to generate a volume of one 64-gallon automated cart of general mixed solid waste per week.

(Ord. No. V-46, § 67, 8-24-2010)

8.12.360 - Unacceptable wastes.

- (a) Departmental collection operations are intended to collect normal household and business wastes. No person may deposit for collection or disposal any unacceptable wastes.
 - (1) "Unacceptable wastes" are determined by the director according to generally acceptable standards.

- (2) Unacceptable wastes include, but are not limited to, medical hazard waste, infectious wastes, any wastes which are of extreme temperatures, harmful vapors, the presence of corrosive, flammable, explosive or toxic chemicals, or any materials with physical or other properties which render collection operations hazardous or which create a risk to the public health and safety, to the health or safety of departmental employees or of damage to departmental collection vehicles or equipment.
- (b) Specific list. In addition to wastes with general characteristics described above, unacceptable wastes include:
- (1) Liquid wastes, both bulk and containerized, exceeding a volume of one gallon, unless specific advance arrangements are made with the department;
 - (2) Any materials regulated by the State of Washington Department of Ecology as dangerous under chapter 173-303 WAC, or as hazardous wastes by the United States Environmental Protection Agency under 40 CFR, applicable parts;
 - (3) Any equipment or machinery used for refrigeration provided the department will accept household refrigerators from residential premises;
 - (4) Improperly wrapped or secured wastes which emit noxious, foul odors to disturb or annoy a reasonable person; and
 - (5) Animal remains in an amount over 15 pounds are prohibited from disposal in the waste stream by Spokane County Health District regulations.
 - a. Animal remains 15 pounds or less must be separately and securely bagged as a condition of acceptance.

(Ord. No. V-46, § 68, 8-24-2010)

8.12.362 - Unacceptable wastes—Special arrangements—Additional charges.

- (a) Unacceptable wastes may not be deposited, commingled or otherwise incorporated, directly or indirectly, into solid waste left department collection, unless by advance arrangements, approved in writing.
- (b) The director may impose additional charges as a condition of special handling or disposal requirements for unacceptable wastes or other additional costs.
- (c) Additionally, any costs for damages or injury accruing from collection or disposal operations may be billed as an additional service to the generator or owner or occupant of the generating premises, without limitation on the city's right to recover from any other responsible person.

(Ord. No. V-46, § 69, 8-24-2010)

8.12.364 - Collection service stopped for enforcement reasons.

- (a) Collection service may be stopped, suspended or conditioned by the department to any premises for noncompliance with this chapter, any regulation or order of the director. Reasons for such action include, but are not limited to:
 - (1) Nonpayment of charges billed or accruing to an account;
 - (2) Obstruction or obstacles to convenient and easy access for collectors, collection vehicles and equipment;
 - (3) Improper container placement;
 - (4) Container not in proper pickup location;

- (5) Improper or damaged container;
 - (6) Improperly loaded container or container overload;
 - (7) Hostile animal or persons; or
 - (8) Unacceptable wastes.
- (b) Stopping or suspension of service also renders the premises affected subject to other enforcement action as a public nuisance at the risk and expense of the owner of the premises and/or other responsible persons in addition to other enforcement action.

(Ord. No. V-46, § 70, 8-24-2010)

8.12.366 - Charges continue.

- (a) In the event collection service is suspended, not the result of departmental error or fault, all charges for regular collection services for said premises and special charges shall continue to accrue, without reduction.

(Ord. No. V-46, § 71, 8-24-2010)

8.12.400 - Reserved for recycling.

(Ord. No. V-46, § 72, 8-24-2010)

8.12.500 - Residential service rates—Weekly service.

- (a) Rates are stated as a monthly charge, with weekly collection. Rates include all taxes imposed on the department. Taxes imposed on the customer are added to the rates.
- (b) Rates are based upon the capacity, number of containers, and rollout distance.
 - (1) Single family residential premises or equivalent are presumed to require service of at least a one 64-gallon automated cart.
- (c) Debris extending above the top of the automated cart such that the lid is at or above a 45 degree angle will receive an additional charge.
- (d) Rollout service more than ten feet and up to 50 feet.
 - (1) Container pick up location for automated service that is more than ten feet and up to 50 feet from collection vehicle will be assessed a monthly carry out charge.

(Ord. No. V-46, § 73, 8-24-2010)

8.12.502 - Commercial service rates.

- (a) Commercial rates are stated for monthly billing, with weekly collection. Rates include all taxes imposed on the department. Taxes imposed on the customer are added to the rates.
- (b) Commercial can service require at least a 64-gallon automated cart.
- (c) Dumpster service is provided through a front-end.
- (d) Roll off service is provided through ten-, 20-, 30-, or 40-yard containers furnished by the department.
- (e) Where the customer supplies the compactor unit for disposal, an account will be billed for services in accord with the service rates herein.

- (f) Compactors with putrescible materials, as determined by the director, must be emptied weekly.
- (g) For all commercial capacity containers, a placement fee charge is billed to the customer's city utility account when the container is placed.
 - (1) To avoid container damage, location changes are to be made by the department.
 - (2) Where customer needs require the container to be moved, an additional placement fee is assessed.
 - (3) For regular customers, the delivery charge may be waived.
- (h) For all commercial capacity containers, a charge is assessed when the site conditions require additional site cleanup due to spilled contents other conditions, or where access is blocked by debris.
- (i) For all commercial capacity customers, debris extending above the top of container will be charged at a minimum one-half cubic yard rate for non compacted loose debris.

(Ord. No. V-46, § 74, 8-24-2010)

8.12.504 - Construction demolition disposal service rates.

- (a) Construction demolition disposal rates are per service request. Rates include all taxes imposed on the department. Taxes imposed on the customer are added to the rates.
 - (1) Construction demolition containers are available upon request to the department.
 - (2) Demolition containers are available from one- to four-cubic yard dumpster's and ten- to 40-cubic yard roll off containers.
 - (3) Construction/demolition dumpster or roll-offs must be emptied at least once per month
 - (4) Only accepted construction demolition materials may be deposited in the containers. Any unacceptable material(s) that is deposited in the construction demolition container will be charged according to city council resolution.
 - (5) For all construction demolition containers, a daily rental fee will be assessed.

(Ord. No. V-46, § 75, 8-24-2010)

8.12.506 - Commercial container service, placement, monthly rate.

- (a) For all commercial containers, a flat fee will be charged.
 - (1) To avoid container damage, location changes are to be performed by the department.
 - (2) Where customers needs require the container be moved, an additional placement charged is assessed.
 - (3) For regular customers, the delivery charge may be waived.

(Ord. No. V-46, § 76, 8-24-2010)

8.12.508 - Compactor service.

- (a) Where a customer supplies the compactor unit for disposal the charge will be assessed based on the container size, provided that the director determines an account should not be billed by cubic yard (e.g. as with roll off boxes).
- (b) Compactors with putrescible materials, as determined by the director, must be emptied weekly.

(Ord. No. V-46, § 77, 8-24-2010)

8.12.510 - Return trip charges.

- (a) A return trip charge accrues where a solid waste collection vehicle passes premises and must return to collect materials for any reason except department fault or error. Reasons include failure to:
 - (1) Have container properly prepared for pickup;
 - (2) Have container as the required pickup location;
 - (3) Have container available at the required time; or
 - (4) Remove obstacles to department vehicle access.
- (b) Return trip charges are in addition to service call charges. Where collection does not occur for any reason not the fault or error of the department, the regular collection charges accrue to the premises.

(Ord. No. V-46, § 78, 8-24-2010)

8.12.512 - Container cleaning.

General container cleaning service may be provided on a time and materials basis whenever requested or ordered by the department.

(Ord. No. V-46, § 79, 8-24-2010)

8.12.514 - Container refurbishment charge.

When a customer discontinues a service or the container must be cleaned/refurbished, the department may assess a refurbishment fee.

(Ord. No. V-46, § 80, 8-24-2010)

8.12.516 - Temporary account.

Rates for temporary service shall include delivery placement charge plus container rental fee.

(Ord. No. V-46, § 81, 8-24-2010)

8.12.518 - Special handling.

- (a) Special loads to be removed at customers request or through code enforcement cleanup action are charged based upon weight, time, travel, labor and equipment.

(Ord. No. V-46, § 82, 8-24-2010)

8.12.520 - Overtime periods.

When a customer requests service on holidays, Saturdays or Sundays, or other overtime periods, an additional charge shall be assessed.

(Ord. No. V-46, § 83, 8-24-2010)

8.12.522 - Clean green yard waste collection.

- (a) Depending on the feasibility of the program the department may provide "clean green" yard waste collection service to customers. Participation is voluntary. Customers may apply to the department for collection of "clean green" yard waste.
 - (1) To be accepted as "clean green" yard waste, material must consist of grass, leaves. Pine needles, pine cones, thatch, vines, weeds, and branches or other such fresh yard waste type material, not putrefied.
 - (2) Woody materials must be no more than three inches in diameter and not to be extended outside the approved container.
 - (3) Total gross cart weight may not exceed 300 pounds.
- (b) In addition to subsection (a) of this section, customers are cautioned that "clean green" yard material may not contain the following:
 - (1) Sod (beyond small amounts).
 - (2) Rocks.
 - (3) Dirt.
 - (4) Gravel.
 - (5) Concrete.
 - (6) Glass.
 - (7) Metal.
 - (8) Plastic.
 - (9) Kitchen waste.
 - (10) Animal feces.
 - (11) Paint residue.
 - (12) Holiday decorations.
 - (13) Paper.
 - (14) Flocking.
 - (15) Dimensional lumber.
 - (16) Stumps/roots.

A load is further not considered clean green if it emanates a strong odor, detectable by an ordinary person at a distance of 30 feet. Loads submitted not acceptable as "clean green" will be left by clean green collection crews and must be handled as a category solid waste. The rate shall be as for a 96-gallon automated style container.

- (c) The collection day for clean green yard waste shall be on a weekly basis.
- (d) Service is provided in 96-gallon carts supplied by the department.
- (e) Clean green service will be from March to November.
- (f) No container charge for the first cart. The customer is responsible for any additional cart or the cost of the cart replacement in case of loss or damage.

(Ord. No. V-46, § 84, 8-24-2010)

8.12.600 - Repeal and savings.

The adoption of this chapter repeals the previously existing chapter 8.12 CMC, provided that any amendment, repeal, modification or revision of chapter 8.12 CMC shall not be construed to affect any existing right acquired under provisions amended, repealed, modified or revised, or acquired under any rules, regulations or orders issued or adopted pursuant to the authority of this chapter, or as affecting any proceedings instituted there under.

(Ord. No. V-46, § 85, 8-24-2010)

8.12.602 - No special duty.

This chapter creates and the city shall have no special duties to any person or class. Any duty nonetheless deemed to exist shall be a duty to the general public as a whole, and not to any specific person or class.

(Ord. No. V-46, § 86, 8-24-2010)

8.12.604 - Penalty.

- (a) Except where otherwise specified for violations of this chapter, the civil penalty for first time violations is \$25.00 per violation.
 - (1) In case of a continuing violation, each day is a new violation, and the civil penalty may be assessed for up to the first five days of noncompliance.
 - (2) Thereafter, the civil penalty is \$100.00 per day, for a maximum total of \$1,000.00.
 - (3) For all other violations, the civil penalty for a first-time violation is \$100.00 per violation.
 - (4) In case of a continuing violation, each day is a new violation, and the civil penalty may be assessed for up to the first five days of noncompliance.
 - (5) Thereafter, the civil penalty is \$500.00 per day, for a maximum total of \$5,000.00.
 - (6) Said penalties are in addition to actual costs of cleanup or other services provided by the city.
- (b) Noncompliance after expiration of time specified in any notice authorized in this chapter shall be a separate violation for each notice. Each day of continuing violation shall constitute a separate and additional violation.

(Ord. No. V-46, § 87, 8-24-2010)

8.12.606 - Provisions supplemental—Preemption.

- (a) The provisions of this chapter are supplemental to any other jurisdictional laws or regulations.
- (b) In the event of a conflict, the most restrictive provisions apply.
- (c) In case of preemption, any preempted provisions shall be considered as if not enacted with respect to the specific circumstances in which the preemption arises.

(Ord. No. V-46, § 88, 8-24-2010)

8.12.608 - Severability.

If any section, subdivision, part or word of this chapter or any regulation, rule or order adopted pursuant to the authority thereof be determined invalid, it shall not affect the remainder, but be confined to the section, subdivision, part or word directly involved in the controversy.

(Ord. No. V-46, § 89, 8-24-2010)