

TITLE 6
HEALTH AND SANITATION*

Chapters:

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- 6.08 Nuisances

* For statutory provisions regarding authority for city to establish and require use of system for collecting and disposal of garbage--See RCW 35.21.120, 35.21.130.

Chapter 6.04

Municipal Solid Waste Department*

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6.04.010 Intent. The maintenance of public health and sanitation requires that the collection, removal, and disposal of garbage, refuse, and other forms of solid waste

* For statutory provisions regarding cities of the third class empowered to enact all local police, sanitary and other regulations as do not conflict with general laws--See RCW 35.24.290(18).

within the city be made compulsory and universal under exclusive supervision and control of the city. (Ord. 1441 §1, 2001: Ord. 946 §1, 1972).

6.04.020 Created. For the purpose of carrying into effect the provisions of this chapter, there is created and established a department of the city to be known as "Municipal Solid Waste Disposal Department." (Ord. 1441 §2, 2001: Ord. 946 §2, 1972).

6.04.030 Solid waste committee--Management and control. The management and control of the department shall be vested in the Mayor, subject to legislative direction and control of the council, and upon receipt of such recommendations as may be made by such committee as may be assigned that responsibility by the council. (Ord. 1441, 2001: Ord. 946 §3, 1972).

6.04.040 (Repealed). (Ord. 1441 §4, 2001).

6.04.050 Solid waste committee--Powers, duties. The Mayor, as the chief executive of the city, shall have general supervision over the garbage conditions of the city; shall direct and supervise the city's participation under any and all contracts which may be hereafter entered into as set forth in this chapter, or as otherwise directed by the city council; shall insure that the office of the clerk-controller maintains a proper accounting division for the department; for the purpose of fully enforcing this chapter for the protection of health, safety, and the general welfare, through such city officials as he may designate, shall be empowered to take such actions as may be necessary to enforce and carry out the provisions of this chapter. (Ord. 1441 §5, 2001: Ord. 946 §5, 1972).

6.04.060 Fund created. All funds collected as hereinafter set forth in, from, and about the handling of solid waste in the city shall be deposited into such account as may be set forth in the budget ordinance of the city subject to the directives and provisions of the accounting system referred to by the acronym of BARS; such funds so set aside shall be used for the payment of the salary and wages of the employees of the department or the city employees assigned to carry out the duties of the department and for the monthly payments to a contractor in accordance with budget or contractual provisions. Moneys shall be paid out by the city clerk-controller only upon warrants drawn, approved, and executed in the manner required by law. (Ord. 1441 §6, 2001: Ord. 946 §6, 1972).

6.04.070 Definitions. The term solid waste as used in this chapter shall have the same meaning as established in RCW 70.95.030, as now existing or hereafter amended,

supplemented, or succeeded. Any such amendment, supplementation, or succession, shall be deemed to be automatically adopted through the retention thereof of a copy on file in the office of the clerk-controller.

The term "person" means every natural person, firm, copartnership, association or corporation. (Ord. 1441 §7, 2001: Ord. 946 §7, 1972).

6.04.080 Containers--Removal requirements. It shall be the duty of every person in possession, charge, or control of any dwelling, premises, place of business or manufacturing establishment where solid waste is created or accumulates, at all times to keep or cause to be kept containers of such type and manufacture as may be approved by the city or the entity with which it contracts for solid waste collection for the deposit therein of solid waste generated, created, or accumulated, and to deposit or cause to be deposited the same therein.

It shall be the duty of the owner of any dwelling, flat or apartment house to furnish to, or see that, his tenants are supplied with or have such containers, or, in the case of apartment houses, with adequate means of disposing of solid waste.

Such containers shall be a type and nature approved by the city or its contracted collector; shall be kept in a sanitary condition with the outside thereof clean and free from accumulating grease and decomposing materials; each container shall be kept in a place accessible to the collector of solid waste. Prior to introduction into service by the contractor, if it is to be provided by the contractor, the container's nature and design shall be submitted to the council for its approval.

Large suitable containers for bulk collection of solid waste may be utilized in such situations in which the amount of solid waste generated warrants such use. Such use shall be subject to the provisions of the zoning code, to the extent applicable and shall be carried out in such a manner as to provide for public safety and with due consideration to the limitation of escape of debris and odor from the containers.

It shall be the duty of every person to cause such solid waste to be removed and disposed of by the contractor or the municipal garbage department of the city.

It shall be the duty of every person in possession, charge or control of any dead animal or upon whose premises the same may be located, forthwith to cause the same to be removed and disposed of in a manner allowed by law. (Ord. 1441 §8, 2001: Ord. 946 §8, 1972).

6.04.090 Burning restrictions. It is unlawful for any person to burn any solid waste, except brush, grass, weeds and cuttings from trees, lawn or gardens in any manner not authorized by the applicable provisions of the

fire code existing within the city, including when such burning is allowed only upon permit from the fire chief; or to dump or deposit any solid waste upon any street or alley or private property in the city of Montesano or to burn the same; or to collect, remove or dispose of the same except as provided in this code. (Ord. 1441 §9, 2001: Ord. 946 §9, 1972).

6.04.0100 Collection--Requirements. The contractor or the municipal solid waste department shall collect, remove, and dispose of all solid waste from the premises, whether residential, commercial, industrial, or otherwise, existing within the city and which are required to maintain this service upon such periodic schedule as may be approved by action of the council. (Ord. 1441 §10, 2001: Ord. 946 §10, 1972).

6.04.110 Collection--Rates. The designated committee to which the matter is referred by action of the council, in conjunction with a representative of the contractor, the Director of Public Works and clerk-controller shall study the rates to be charged for the collection, removal, and disposal of solid waste and from time to time shall make recommendations as to the same to the city council. The city council shall, by resolution, fix the rates to be charged and shall, by resolution, change the rates or authorize action or establish procedures in relation to operation of the department and other conditions of collection from time to time, as appears necessary and advisable; in the event of any change in rates, customers shall be notified in writing of such change in such manner and with such time schedule as may be established by applicable law. (Ord. 1441 §11, 2001: Ord. 946 §11, 1972).

6.04.120 Separation of solid waste. The city reserves the right to, and may at its option, require the separation of component parts of solid waste or any of them, may require the deposit thereof in separate cans or receptacles, and prescribe the method of disposal thereof. (Ord. 1441 §12, 2001: Ord. 646 §12, 1972).

6.04.130 (Repealed). (Ord. 1441 §13, 2001).

6.04.140 Collection--Restrictions. From and after the effective date of the ordinance codified in this chapter, it is unlawful for any person other than the city or its contractor to engage in the business of collecting, removing, and disposing of solid waste in the city of Montesano, or for any person other than the city or its contractor to do or perform any of the things required by this chapter to be done or performed by the department. (Ord. 1441 §14, 2001: Ord. 946 §14, 1972).

6.04.150 (Repealed). (Ord. 1441 §15, 2001).

6.04.160 (Repealed). (Ord. 1441 §16, 2001).

6.04.170 (Repealed). (Ord. 1441 §17, 2001).

6.04.180 Billing procedure. (a) The office of the clerk-controller shall cause to be kept accurate books of accounting and shall cause proper billing for solid waste collection services to be made; such billing shall be listed and included in a statement sent out by the commercial department of the city and payable at the office of the clerk-controller of the city. Billings for service provided pursuant to this chapter shall be made on the same schedule as is provided for water and sewer charges. Any charge not paid by the date that billing for sewer and water service is required to be paid shall result in a notice of discontinuation of service. If the charge is not paid by the date that any delinquent water or sewer bill would be required to be paid, the service shall be subject to discontinuance without further notice. As conditions precedent to restoration of service, there shall be paid the full amount of unpaid service charges, plus such fees and costs as may be established by the council through written resolution for restoring service. The suspension shall not relieve the person owing such account from the duty of complying with the provisions of this chapter, and such suspension shall render the premises where such service is suspended subject to abatement for sanitary reasons.

(b) Charges for and continuation or discontinuance, for reasons other than non-payment, of service provided pursuant to this chapter shall be controlled through water services as follows: The garbage service charges shall be discontinued only when the water service to such premises is shut off at the request of the consumer: provided that, so long as the premises are not occupied and the water service remains connected, then, upon request of the customer, services covered by this chapter may be discontinued so long as the premises remain unoccupied. If there are one or more tenants on premises being furnished water service through the same meter or connection, then the garbage charges must be paid so long as the water meter, or service is turned on.

(c) To the extent allowed by law, the city shall have a lien against the property of any owner for unpaid garbage collection charges, and to the extent allowed by law, such lien shall be collectible by the city in the same manner as unpaid water service liens.

(d) In the event the city has entered into a contract with a private party for the provision of services envisioned by this chapter, the city clerk-controller shall collect all charges for garbage collection as agent of any

private contractor providing such waste disposal service in accordance with the terms of this chapter and to the extent that they are not inconsistent with the terms of this chapter, the terms of any contract entered into between the city and the contractor. (Ord. 1441 §18, 2001: Ord. 1025 §1, 1976: Ord. 946 §18, 1972).

6.04.200 (Repealed). (Ord. 1441 §19, 2001).

6.04.210 Violation--Penalty. Any person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this chapter, or who refuses or neglects to obey any of the rules, orders or sanitary regulations issued by an agency or department having jurisdiction to do so, or who omits, neglects or refuses to comply with any order or special regulation of such agency or department shall, upon a finding of committed before the court having jurisdiction of municipal offenses, be subject:

(a) Upon a finding of a first violation of any provision of Chapter 6.04 in any one twelve month period, an infraction penalty of up to two hundred fifty dollars, but in no event less than one hundred dollars.

(b) Upon a finding of a second violation in any one twelve month period of any provision of Chapter 6.04, an infraction penalty of up to five hundred dollars, but in no event less than two hundred fifty dollars.

(c) In the event that a person is charged with a third violation of Chapter 6 within any twelve-month period and either a prior alleged violation is still pending or the person has been found to have committed that prior infraction, then this second charge shall be deemed a misdemeanor and shall be subject to punishment as provided in Chapter 1.08.030(3) of this Code: provided that in the event of a conviction, the fine imposed shall be no less than one hundred fifty dollars. None of said one hundred fifty dollars is subject to suspension or deferral.

(d) in addition to such fines or penalties as may be imposed pursuant to this section, upon the finding of a violation of this chapter or a conviction of a violation of this chapter, the court may impose such restitution for losses that have arisen out of the violation and further order such corrective action as it finds appropriate and necessary to remedy the violation.

Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. 1441 §20, 2001: Ord. 946 §21, 1972).

6.04.220 Clerk-controller authority. The clerk-controller, as the individual responsible for the direction and control of the department, shall have the authority to formulate and issue rules and regulations to aid in the administration of the actions of the department, subject to

the approval of the council.

1. Any such rule or regulation shall be submitted in writing to the council no less than thirty calendar days prior to its proposed effective date.

2. The council may ratify, reject, or amend any proposed rule or regulation in its entirety or in part. If during the thirty day period the council suspends the effective date to allow further consideration, the rule or regulation shall not go into effect until approval by the council. In the event of no action by the council, the rule or regulation shall go into effect upon the date set by the clerk-controller: provided that, the clerk-controller may propose and the council may authorize an effective date earlier than the thirty days otherwise required upon a finding of the necessity of such an earlier effective date. (Ord. 1441 §21, 2001).