

**ORDINANCE NO. 2002-03**

**AN ORDINANCE OF THE CITY OF VADER, WASHINGTON, REPEALING ORDINANCE NO. 2000-10 IN ITS ENTIRETY AND PROVIDING FOR AND ESTABLISHING REGULATIONS AND GUIDELINES FOR SOLID WASTE COLLECTION AND DISPOSAL FOR THE CITY OF VADER; ESTABLISHING A SOLID WASTE COLLECTION AND DISPOSAL SYSTEM; MANDATING THE USE OF THE SOLID WASTE AND DISPOSAL SYSTEM; ESTABLISHING FEES AND CHARGES FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES AND THE MANNER AND TIME OF PAYMENT THEREFOR; PROVIDING FOR THE ESTABLISHMENT OF A LIEN AGAINST PROPERTY FOR THE FAILURE TO PAY FEES AND CHARGES FOR SOLID WASTE COLLECTION AND DISPOSAL; ESTABLISHING PENALTIES FOR THE VIOLATION HEREOF; REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; AND ESTABLISHING THE EFFECTIVE DATE HEREOF.**

**THE CITY COUNCIL OF THE CITY OF VADER, WASHINGTON, DO**

**ORDAIN AS FOLLOWS:**

**SECTION 1.** Definitions. The words herein shall be defined as follows for the purposes of their interpretation in this Ordinance.

A. “Apartment” means any private dwelling being a part of a multiple family dwelling structure having more than two (2) units with separate kitchen and plumbing facilities.

B. “Ashes” means residue resulting from the combustion of coal, coke, or wood in domestic, industrial or commercial stoves, furnaces or boilers.

C. “Business establishments” means any building or component part thereof wherein there is conducted any type of commercial business, for retail, wholesale, professional, or otherwise.

D. “City” shall mean the City of Vader, Washington.

E. “Combustible refuse” means all prepared garbage, trash and refuse which can be consumed or largely consumed by fire.

F. “Container” shall mean metal cans, plastic cans and bags, or metal boxes commonly referred to as bins, dumpsters, or compactors.

G. “Noncombustible refuse” means all ashes and refuse which cannot be consumed or largely consumed by fire.

H. "Person" means any person, firm, partnership, association, institution, corporation, or governmental agency.

I. "Prepared solid waste" means waste material from kitchens, dining rooms, and similar places, from which liquids have been drained, and solid matter separately wrapped or contained.

J. "Raw solid waste" means waste material not prepared as in Subparagraph I of this Section.

K. "Refuse" shall be synonymous with the terms "garbage", "solid waste" and "waste" and shall mean and include, but not be limited to, sweeping; cleanings; trash; rubbish; litter; ashes; cinders; offal; animal excreta; animal carcasses; tree or shrub trimmings; dirt; paper; cartons; boxes; wood; metals; tin cans; brick; plaster; industrial waste; domestic waste; leaves; residue of animals sold as meat; fruit or vegetable matter from kitchens, dining rooms, markets or places dealing in or handling meats, fowls, fruits, grain or vegetables; or any waste substance which may become a nuisance. The term shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.

L. "Residence" means any private dwelling.

**SECTION 2. Solid Waste Collection and Disposal System.** The City shall provide for and establish a solid waste collection and disposal system for the citizens and occupants of residential, apartment, commercial, government and industrial premises in the City, which system shall include collection and disposal service at or near each occupied premises.

**SECTION 3. Mandatory Use of System.** All persons occupying a residential, apartment, commercial, government or industrial premises in the City shall be, and they hereby are, required and directed to use the solid waste collection and disposal service of the City pursuant to the regulations and guidelines provided in this Ordinance and to dispose of their solid waste as provided in this Ordinance.

**SECTION 4. Fees and Charges.**

A. The collection of all refuse in the City shall be divided into three (3) classifications, namely, residential, *commercial*, and *schools*. The commercial classification shall include government and industrial collection service.

B. The fees and charges for the collection and disposal of solid waste in the residential, *commercial*, and *schools* classes shall be as follows:

1. **Residential:**

<u>Service</u>	<u>Fees and Charges</u>
1 container per week	<i>\$11.00 monthly</i>
1-4 additional containers per week	\$ 4.00 per each extra container
In excess of 4 additional containers per week	\$ 8.00 per each extra container

2. **Commercial:**

<u>Service</u>	<u>Fees and Charges</u>
1 container per week	<i>\$16.00 monthly</i>
1-4 additional containers per week	\$ 5.00 per each extra container
In excess of 4 additional containers per week	\$10.00 per each extra container

3. **Schools:**

<u>Service</u>	<u>Fees and Charges</u>
0 to 20-33 gallon containers per week	<i>\$165.00 monthly</i>
In excess of 20 containers per week	\$ 8.00 per each extra container

**SECTION 5. Method of Billing and Payments.** All fees and charges for solid waste collection and disposal service as provided herein shall be paid to the Clerk/Treasurer of the City on or before the 25<sup>th</sup> day of the billing month. Bills shall be mailed in the first week of the billing month and shall be due on the 25<sup>th</sup> day of the billing month. Any bills due and not paid by 5:00 p.m. on the 25<sup>th</sup> day of the billing month shall be deemed to be late. If the 25<sup>th</sup> day of the billing month falls on a Saturday, Sunday, or Holiday, the utility bill shall be deemed late if

not paid in its entirety by 5:00 p.m. on the next business day. Late notices will be issued on the 26<sup>th</sup> day of the billing month for any bills remaining due. All late notices issued by the City of Vader, Washington, shall include a Twenty and 00/100 Dollars (\$20.00) late charge which must be paid in addition to the utility bill on or before 5:00 p.m. on the 5<sup>th</sup> day of the month following the billing month, or by 5:00 p.m. on the next business day if the 5<sup>th</sup> falls on a Saturday, Sunday, or a Holiday.

Where the bill (including late charge) has not been paid in full on or before the 5<sup>th</sup> day of the month following the billing month, a door hanger shall be placed at the delinquent utility customer's premise. The Treasurer shall give to the Superintendent a list of such delinquencies on the 6<sup>th</sup> day of the month following the billing month and it shall be the Superintendent's duty to immediately shut-off the water service to such delinquent premises not paid in full within seventy-two (72) hours from the time the door hanger is placed. If water service is shut-off there will be a Twenty and 00/100 Dollars (\$20.00) shut-off fee and a Twenty and 00/100 Dollars (\$20.00) turn-on fee to get service turned back on. Any and all charges provided for, when the same becomes delinquent and unpaid, shall constitute a lien against the premises to which the service has been furnished. In the event an occupant of the premises moves to another location within the system and applies for water at the new location, services shall be denied at such new location until fees and charges for service at the first location are fully paid. The City may record a lien in the office of the Auditor of Lewis County against the property for which the service was connected or provided in the event of delinquency. Such liens shall include the delinquent charges and the property owner shall be responsible for all costs incurred by the City, including reasonable attorney fees, for preparing and recording a lien and the court enforcement thereof.

**SECTION 6.** Mayor. The Mayor of the City shall represent the City in the coordination of solid waste collection and disposal services and the enforcement of the regulations and guidelines provided in this Ordinance. The Mayor shall have full authority to resolve any disputes between the City and any person occupying a residential, apartment, commercial, government, or industrial premises regarding solid waste collection and disposal services.

**SECTION 7.** Separation and Recycling. The city reserves the right to, and may at its option, require the separation of solids and liquids, glass, plastic, paper, metal, or other

component parts of refuse, and may require the deposit thereof in separate containers or receptacles and may prescribe the method of disposal thereof.

**SECTION 8. Prohibited Acts.** It shall be unlawful:

A. For any person to throw, place, dispose of or sink, or cause to be thrown, placed, sunk or disposed of, any solid waste upon the margin or bank of, or into, any body of water in or adjoining the City;

B. For any person to cast, leave or keep on any street or alley in the City solid waste, ashes, sawdust or rubbish of any kind so as to obstruct the street or alley, or gutter thereof, or so as it can be blown away by the wind;

C. For any person to throw, place or scatter any solid waste, rubbish, trash or other refuse, over or upon any premises, street or alley, either public or private, or adjacent thereto, either with or without the intent to remove or burn the same, or to suffer or permit any premises owned, occupied or controlled by such person, from the accumulation of refuse, to become or remain offensive, unsanitary, unsightly, unsafe to public health or hazardous to fire;

D. For any person to store or permit the storage of solid waste on or about their premises or premises occupied by them, unless such refuse is kept separately in those certain containers provided for in Section 9 below;

E. To collect or remove any refuse from the premises of any person, unless such premises are equipped with those certain containers as provided for in Section 9, and unless such refuse is kept and stored in such containers;

F. To deposit or permit to fall from any vehicle any solid waste, refuse or ashes on any public street or alley in the City, provided, this shall not be construed to be placing solid waste, refuse or ashes in a container complying with the provisions of this Ordinance preparatory to having such material collected and disposed of in the manner provided herein;

G. For any person occupying an apartment or residence to dispose of or store solid waste in refuse containers unless such solid waste has been prepared for collection, removal and disposition in compliance with the definition of “prepared solid waste” as set out in Section 1.I., provided, that fruit and vegetable waste resulting from

canning, preserving and pickling operations which contain a high moisture content and are not susceptible to ready draining shall be deposited and segregated with noncombustible refuse;

H. To dump or place any solid waste, refuse or ashes on any premises in the City without the consent of the owner of such premises;

I. To dispose of any solid waste other than at an approved solid waste disposal site;

J. Other than employees and agents of the City to collect any refuse, provided, this shall not prevent a person from hauling refuse accumulations from his own premises to an approved solid waste disposal site or from using his own combustible trash for fuel;

K. *For any person to burn any refuse outdoors in the City except for vegetation from their own premises.*

**SECTION 9. Containers.** A person occupying a residential, apartment, commercial, government or industrial premises shall at all times keep or cause to be kept portable containers for the disposal therein of solid waste and shall cause to be deposited therein such solid waste. Nonmetal containers shall be watertight, not less than two mil thickness, nor more than 33-gallon capacity, and not more than fifty (50) pounds full weight. Metal containers shall be watertight, not more than twelve (12) pounds empty weight, and not more than fifty (50) pounds full weight. All containers shall be properly closed so as to prevent spillage. Such containers shall be kept in a sanitary condition, and the outsides thereof free from accumulated grease and decomposed matter.

**SECTION 10. Placement of Containers.** No solid waste container, refuse or debris shall be kept or stored on any public alley or street, and, in blocks in which there are alleys, such solid waste containers, refuse or debris shall be kept in a convenient and accessible location to such alley. In blocks in which there are no alleys, such solid waste containers, refuse or debris shall be placed on private property in a location that is most readily accessible to the street, without interfering with the convenient, sightly and sanitary enjoyment of such private property. On the date of collection of solid waste, all containers, refuse or debris shall be placed curb-side at the street or alley.

**SECTION 11.** Maintenance of Containers. The person occupying a residential, apartment, commercial, government or industrial premises shall maintain the place where solid waste containers, refuse or debris are located in a clean and sanitary condition, and shall at all times prevent said containers, refuse or debris from being upset or spilled by animals or any other source whatsoever, and, if necessary, such solid waste containers, refuse or debris shall be so secured as to render the same inaccessible to marauding animals.

**SECTION 12.** Construction or Demolition Materials. Material resulting from the demolition, alteration or construction of buildings or structures shall not be deposited in containers. The collection, removal and disposal of such materials shall be made by separate arrangement with the City. Fees and charges resulting from the collection, removal and disposal of such materials shall be based on container measure.

**SECTION 13.** Removal of Dead Animals. It shall be the duty of every person in possession, charge of or control of any dead animal, or of any premises upon which the same may be located, to cause the same to be removed and disposed of. No person in charge of such premises shall suffer, permit or allow a dead animal to remain thereon for a period in excess of twenty-four (24) hours. Dead animals shall not be disposed of by placement in a solid waste container, but shall be properly buried, transported to an approved disposal site or released to a rendering firm at the discretion of the person in possession, charge of or control of such dead animal or any premises upon which the same may be located.

**SECTION 14.** Disposal Site. The City shall deliver all solid waste from the City to an approved solid waste disposal site.

**SECTION 15.** Tampering. It shall be unlawful for any person, except the person occupying or in charge or control of any premises, and authorized employees of the City to remove or lift the lids of any solid waste containers and no other person shall tamper with or remove any material whatsoever from said solid waste containers.

**SECTION 16.** Violations and Penalty. Any person violating any of the provisions of this Ordinance shall upon conviction thereof be deemed guilty of having committed a misdemeanor and shall be fined in a sum not to exceed One Thousand and no/100<sup>th</sup> Dollars (\$1,000.00).

**SECTION 17.** Effective Date. This Ordinance shall be in full force and effective five (5) days after passage and publication by posting as provided by law.

**ADOPTED** by the City Council of the City of Vader, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this 16<sup>th</sup> day of January, 2002.

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Mayor

ATTEST:

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Clerk/Treasurer

Approved as to form and content:

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City Attorney  
WSBA#