

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON AMENDING KALAMA MUNICIPAL CODE CHAPTER 7.08 GARBAGE COLLECTION AND DISPOSAL TO PROVIDE FOR CERTAIN EXEMPTIONS AND LIMITED SERVICES

WHEREAS, the City of Kalama recognized by Ordinance No. 1224 in 2008 that certain areas have difficult or no direct access to get garbage service;

WHEREAS, the City of Kalama staff has found areas to where service is not able to be provided but do not qualify for the exemption due to the code requirement setting a specific date of annexation;

WHEREAS, the City of Kalama has received requests and complaints regarding those that recycle a majority of their garbage and feel they should not be required to have services;

WHEREAS, the City of Kalama believes it to be in the best interest of the City to require mandatory garbage services for all its residents to maintain a healthy community, but recognizes that some residents may only require a limited service;

NOW THEREFORE the City Council of the City of Kalama do ordain:

Section 1. Kalama Municipal Code Chapter 7.08 is amended to read as follows:

Chapter 7.08 - GARBAGE COLLECTION AND DISPOSAL

7.08.010 - Definitions.

For the purposes of this chapter:

"City" means the city of Kalama or the service provider under contract with the city for garbage collections.

"Dead animals" mean all animals and fowl, large and small, which may die or be killed for other than food purposes.

"Garbage" means all solids and semisolid kitchen refuse subject to decay or putrefaction and all market waste of animal and vegetable matter which was intended as food.

"Offal" means waste animal matter from butchers, slaughter or packing houses.

"Person" means every person, firm, partnership, association, institution and corporation. The term also means the occupant and/or the owner of the premises for which services herein mentioned is rendered.

"Trash and refuse" means all waste matter not subject to decay or putrefaction which for the purposes of this chapter, includes ashes, sod, newspapers, magazines, paper cartons and paper signs.

7.08.020 - Duty to deposit garbage and refuse in portable receptacles.

- A. The maintenance of health and sanitation requires that collection, removal and proper disposal of solid waste within the city be compulsory and universal. Therefore, it is required of every person in possession, charge or control of any dwelling, flat, rooming house, apartment house, trailer camp, hospital, hotel, school, restaurant, boarding or eating house, or in possession, charge or control of any public or private place of business or manufacturing establishment, where garbage, refuse, trash or offal is or may be created or accumulated within the city limits, to keep or cause to be kept, portable cans of approved size, type of construction as herein provided; and to deposit or cause to be deposited such accumulation therein, except as hereinafter provided.
- B. All refuse and garbage from businesses dispensing food and drink (including boardinghouses, hotels, auto courts, and motels), food stores, doctors' and dentists' offices, and private and public meeting places where banquets are held, including refuse from all rest rooms, shall be deposited in containers of the size and type specified in Section 7.08.030.
- C. Exemptions. While it is the intention of this chapter to make the collection of solid waste compulsory and universal, the city recognizes that in some rural areas included within the city limits accessed by unimproved private drives and roads where requiring collection service would be unreasonable, unduly burdensome to the customer, and inefficient. If the solid waste service provider is unable to provide collection service to a residence annexed into the city ~~after 2007~~ due to inadequate access a customer may file a written request for an exemption from solid waste collection services with the city. "Inadequate access" is defined as not having direct access from the public road or street or private drive to a property's own driveway or street access or frontage. Such exemption shall be conditioned upon compliance with all disposal and receptacle requirements of this chapter and agreement that solid waste will be disposed of properly on a monthly basis at a permitted landfill by the customer.

7.08.030 - Garbage receptacles.

All garbage, offal, trash, and/or refuse must be placed or kept by the occupant of the premises in the garbage containers provided by the city of not over ninety gallon capacity for single-family dwellings, as well as hotels, apartments, restaurants, and other business locations. No container should weigh more than seventy-five pounds when loaded and it is the responsibility of the occupant to keep containers closed during inclement weather. Any additional noncity-issued containers of garbage placed with the city provided containers will be picked up at an additional charge of four dollars per unit.

7.08.040 - Trash receptacles—Specifications—Brush or shrubbery trimmings.

- A. Trash and refuse must be deposited in suitable, solid containers not in excess of thirty gallon capacity and when loaded, not weighing more than sixty pounds; provided, that brush or shrubbery trimmings may be tied in bundles not over five feet in length and not over eighteen inches in circumference.
- B. Newspapers and magazines and paper signs may be placed in paper cartons, or tied in bundles in both directions around the circumference thereof, with either rope, wire or heavy cord, none of which shall be more than sixty pounds in weight.

7.08.050 - Location of garbage receptacles.

All garbage cans, receptacles and trash, refuse, brush and shrubbery trimmings, shall be placed for pickup at locations as indicated by the city. Any person within the city who leaves garbage receptacles inaccessible for pickup, requiring the driver to move receptacle more than five feet shall pay an additional charge of one dollar per month to the city for deluxe service. This deluxe service may be requested and paid for by a customer physically unable to move the garbage receptacle to the pick up location. In locations where pickup location is within the city street right-of-way or would otherwise create an obstacle for vehicle or pedestrian traffic, customers are required to remove garbage receptacles from the right-of-way or pickup location within twenty-four hours of the time of scheduled pickup.

7.08.060 - Noncomplying receptacles.

In the event that garbage, refuse, or trash receptacles do not comply with the provisions of this chapter as to size, weight or carrying distance, as provided in Sections 7.08.030 through 7.08.050, the city's garbage collectors shall be under no obligation to remove said receptacles unless and until either:

- A. The person owning said receptacle makes the same comply with the provisions of this chapter; or
- B. A special pickup is arranged pursuant to Section 7.08.110.
- C. All service charges shall apply during any period of noncompliance.

7.08.070 - Disposal of garbage, trash, or refuse to comply with chapter.

It is unlawful for any person to bury or dump waste paper, boxes, leaves, trash, debris, grass, woods, and cuttings from trees, lawns, shrubs and gardens upon the street, alley, or public place in the city.

7.08.080 - Allowing rubbish to accumulate.

- A. It is unlawful for the occupant, owner, or agent of the owner of any premises in the city to permit thereon any rubbish, trash, tin cans, bones, rags, straw, manure, decaying vegetable or animal matter, stagnant water, liquid household waste, ashes, soot, poison oak or poison ivy, or any unclean, unsanitary or unhealthful substance or matter; provided, nothing herein contained shall prevent the temporary retention of waste matter in receptacles in a manner approved by this chapter.
- B. It is unlawful for the occupant, owner, or agent of the owner of any premises in the city, to allow trash or refuse to accumulate in a city alley and/or city street abutting such premises. The council shall notify by letter or authorized form, any such person to cause such trash or refuse to be removed by such person or by the city's garbage collector. If trash or refuse is not removed, the garbage collector shall cause the same to be removed and charge the person for removal at the special pickup rate established by Section 7.08.100.

7.08.090 - Rates—Residential low-income discount.

- A. Eligibility. A low-income rate is available to qualified low-income individuals who occupy residential dwellings not federally subsidized and meet the conditions as specified in Kalama Municipal Code Section 12.18.
- B. Character of Service. Service shall be offered to low-income residential customers within the city limits for fifty percent of the minimum bimonthly charge for a one-can pickup of garbage every other week. If garbage pickup is required weekly, then the discount will not be applicable even if otherwise qualified for low-income discount.

7.08.100 - Service charges—Rates.

- A. The minimum solid waste service required by all residences in the city is one can, one time per week. The minimum solid waste service for business or commercial customers is a weekly service at a level commensurate with the amount of solid waste produced by the establishment as determined by the city. Rates for required regular service at all places of residence and business shall be fixed by a resolution of the council. Exception to the one can, one time per week will be available for a residence when all the following conditions apply:

1. Senior citizen or disabled
2. One 32-gallon cart

Upon meeting all these conditions and signing an exemption agreement the residence will be allowed to have garbage pickup as per 7.08.090(B). Such exemption shall be conditioned upon compliance with all disposal and receptacle requirements of this chapter and provided garbage does not accumulate beyond the 32 gallon receptacle between pickups.

- B. An occupant may request a temporary service interruption if the house is vacant of a minimum of two weeks and contact the city in advance of their departure.

7.08.110 - Service charges—Special pickup.

Any person may secure a special pickup of any of the items mentioned in this chapter by calling the city's garbage collector and requesting such pickup and paying the fee as determined by the garbage collector, but in no event less than onedollar minimum. In the event of a disagreement upon the amount of fee to be charged therefor, the city council shall have the right to fix the amount which shall be charged and when so fixed by the council, the same shall be binding.

7.08.120 - Service charges—Where payable—Date due—Delinquencies—Lien for nonpayment.

- A. All charges for services to be rendered herein shall be payable to the city clerk-treasurer, and if not paid on or before the due date of such bill, such charge shall be delinquent.
- B. Upon failure to pay such charges and upon delinquency, the amount thereof shall become a lien against the property from which the garbage collection service shall have been rendered. Such lien shall be made effective by filing a notice thereof specifying the charges, the period covered by the charges, and giving a legal description of the premises at which the service

was rendered. Such lien shall be filed with the same official and shall be foreclosed within the time and manner prescribed by law for filing and foreclosing liens for labor and material. Such lien shall be prior to any and all other liens and encumbrances filed subsequent to the filing of such lien, but shall be subject to all general taxes and local improvement assessments, whether levied prior or subsequent thereto.

7.08.130 - Violation—Penalty.

Any person committing an unlawful act or omission in violation of the provisions of this chapter shall be guilty of a misdemeanor, punishable by up to ninety days in jail, and a fine not to exceed one thousand dollars for each such offense.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. This ordinance shall become effective five days after passage, approval, and publication as provided by law.

Passed by the City Council of the City of Kalama at a regular meeting held on the _____ day of _____, 2016.

Mayor Pete Poulsen

Attest:

Coni McMaster, Clerk/Treasurer

Approved as to form:

Erin Hillier, City Attorney

Passed:

Published:

Effective: