

ORDINANCE NO. 90-225

AN ORDINANCE OF THE CITY OF MILL CREEK, WASHINGTON, AMENDING CHAPTER 8.04, MILL CREEK MUNICIPAL CODE RELATING TO SOLID WASTE COLLECTION, DISPOSAL AND RECYCLING; CONFORMING THE CHAPTER TO EXISTING STATE LAW; CLARIFYING CERTAIN LANGUAGE RELATING TO RECYCLING AND YARD WASTE; PROHIBITING YARD WASTE IN THE WASTE STREAM; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Ordinance 85-102 was enacted August 25, 1985 establishing Chapter 8.04 of the Mill Creek Municipal Code regulating the disposal, storage and collection of garbage pursuant to RCW 35A.21.060 and RCW 35.21.120, et seq; and

WHEREAS, state law has changed since that time, refining concepts, rules and obligations relating to the collection, disposal and recycling of garbage and solid waste; and

WHEREAS, the physics of solid waste collection, disposal and recycling, and the availability and cost of land for landfills has dramatically changed;

NOW THEREFORE, the City Council of the City of Mill Creek ordains as follows:

Section 1. Chapter 8.04 of the Mill Creek Municipal Code entitled Garbage Collection is retitled Solid Waste Collection and Disposal and is amended in its entirety as follows:

CHAPTER 8.04
SOLID WASTE COLLECTION AND DISPOSAL

- 8.04.010 DEFINITIONS
- 8.04.020 DEPARTMENT OF SANITATION CREATED;
SUPERINTENDENT APPOINTED
- 8.04.030 COLLECTION OF CHARGES; LIENS
- 8.04.040 CONTAINERS REQUIRED; SPECIFICATIONS
- 8.04.050 DISPOSING OF SOLID WASTE ON PUBLIC OR PRIVATE
PROPERTY PROHIBITED
- 8.04.060 COLLECTION AND STORAGE
- 8.04.070 CITY RIGHT TO REGULATE SEPARATION, DEPOSIT,
DISPOSAL
- 8.04.075 YARD WASTE PROHIBITED
- 8.04.080 PLACING BURNING MATERIAL IN CONTAINER PROHIBITED
- 8.04.090 DISPOSAL; APPLICATION OF STATE STANDARDS;
ADDITIONAL STANDARDS
- 8.04.100 DISPOSAL CONTRACT AUTHORIZED

- 8.04.110 CONTRACTOR BONDING AND INSURANCE REQUIREMENTS
- 8.04.120 CONTRACTOR; RESPONSIBILITY TO MAINTAIN DISPOSAL SITES
- 8.04.130 CONTRACTOR; RIGHT TO SUBCONTRACT
- 8.04.140 COMPLIANCE TO PROVISIONS REQUIRED
- 8.04.150 USE OF COLLECTION SERVICE

8.04.010 DEFINITIONS For the purposes of this chapter, the words and phrases designed in this section are defined as follows:

- A. City means the City of Mill Creek.
- B. Commercial means any company, corporation, business, firm, association, sole proprietorship, partnership, municipality, political subdivision, government entity, or apartment or condominium complex that is billed for solid waste collection on one account.
- C. Container means any can, bin, dumpster, unit or other similar device used for temporary storage and collection of solid waste.
- D. Contractor means the person firm or corporation entering into a contract with the City for removal of solid waste as authorized and provided by this chapter.
- E. Disposal site means the location where any final treatment, utilization, processing, or deposition of solid waste occurs.
- F. Hazardous toxic waste means any waste that exhibits the characteristics of a hazardous waste and which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or poses a substantial present or potential hazard to human health, wildlife or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- G. Non-hazardous toxic waste means any waste that does not meet the criteria for being a hazardous waste but through its chemical or other qualities usually kills, injures or impairs organisms.
- H. 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 service mentioned in this chapter is rendered.
- I. Recyclable material means those solid wastes that are separated for recycling or reuse, such as papers, metals, plastic and glass, that are identified as recyclable material pursuant to the Snohomish County Solid Waste Management Plan and as determined by the City.
- J. Recycling means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.
- K. Scavenging means the removal of materials at a residence, disposal site, or interim solid waste handling site without the approval of the owner or operator or the City.

- L. Single family residence means any single family residence, duplex, apartment or condominium complex where collection of solid waste is billed to the homeowner on an individual account.
- M. Solid waste or waste means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, yard waste, ashes, industrial wastes, swill, demolition, and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. Solid waste or waste also includes special waste as determined by the City.
- N. White goods means any large household appliance including refrigerators, stoves, dishwashers, water heaters, washers, dryers, or other similar appliances.
- O. Yard waste means plant material (leaves, grass clippings, branches, brush, flowers, roots, etc.), organic debris commonly thrown away in the course of maintaining yards and gardens, including sod, and other biodegradable material approved by the City. Yard waste excludes food waste, plastic and synthetic fibers, lumber, any wood or tree limbs over 2 inches in diameter or 3 feet in length, and soil contaminated with hazardous waste.

8.04.020 DEPARTMENT OF SANITATION CREATED; SUPERINTENDENT APPOINTED

- A. For the purpose of carrying into effect the provisions and aims of this chapter, there is created and established a department to be known as the Department of Sanitation.
- B. The City Manager is hereby designated as the Superintendent of the Department of Sanitation. The Superintendent shall have full control over all work provided for and contemplated under this chapter and shall have full authority to promulgate rules and regulations based upon the provisions of this chapter. The Superintendent shall also have charge of all collections and enforcement of all charges for services rendered unless the City should contract with the contractor to make such collections and enforcement thereof. [Ord. 85-102, 1985]

8.04.030 COLLECTION OF CHARGES; LIENS

In the event the City elects to take over collection of the charges for the collection of solid waste, the following provisions shall apply:

- A. There is created and established a special fund to be known and designated as the "Sanitation Fund" into which all sums collected under this chapter shall be deposited and kept by the City Treasurer, and from which all expenses of the administration and operation of this chapter shall be paid.
- B. All solid waste collection service charges shall be paid to the City Treasurer.
- C. Service charges, late payment charges or any other collection charges for the various classifications for solid waste collection service shall, from and after the effective date of this ordinance, be in such amount and by such

classification as shall be determined from time to time by resolution of the City Council.

- D. In addition to all other remedies for the collection of delinquent charges or billings authorized by ordinances of this City pertaining to solid waste collection, the City shall have the right to such liens and procedures as may be established for the collection of solid waste utility charges, as now or hereafter authorized by the laws of the State. [Ord. 85-102, 1985]

8.04.040 CONTAINERS REQUIRED; SPECIFICATIONS

- A. It shall be the duty of every person in possession, charge or control of any dwelling or real property where solid waste is created or accumulated to have containers of a size, type and construction approved by the Superintendent, and to deposit or cause to be deposited therein all solid waste as permitted or required by the Superintendent.
- B. All solid waste containers, recyclable material storage bins, and yard waste containers shall be placed for pick up in a convenient and easily accessible location, at a time and distance from improved public or private streets or alleys as the Superintendent shall designate, but shall not be so placed until a reasonable time prior to collection and shall be removed within a reasonable time thereafter. The Superintendent shall have discretion, in the case of mobile home parks and trailer parks which accommodate transient trailers, to direct the location of solid waste containers, either at one central location within such parks, or at each individual unit.
- C. Solid waste which is of a type not practicable to place in containers may be securely bundled or bagged so that none of the waste blows about and is not easily broken apart.
- D. All walks, paths and driveways leading to or from solid waste containers shall have an unrestricted overhead clearance of not less than ten (10) feet. [Ord. 85-102, 1985]

8.04.050 DISPOSING OF SOLID WASTE ON PUBLIC OR PRIVATE PROPERTY PROHIBITED

It is unlawful for any person to dump or in any manner dispose of solid waste upon any street, alley, public place or private property owned by another person within the City. [Ord. 85-102, 1985]

8.04.060 COLLECTION AND STORAGE

All solid waste shall be removed at least once weekly from all occupied premises in City residential areas and from all other premises as required by this chapter. Temporary storage of solid waste prior to removal shall comply with this chapter. [Ord. 85-102, 1985]

8.04.070 CITY RIGHT TO REGULATE SEPARATION, DEPOSIT, DISPOSAL.

The City reserves the right to and retains the option at its discretion to require the separation of paper, swill, recyclable materials, yard waste or other component parts of solid waste, to require the deposit thereof in separate containers, to prescribe the method of disposal thereof, and to direct other related activities as determined necessary. [Ord. 85-102, 1985]

8.04.075 YARD WASTE PROHIBITED

It is unlawful to deposit yard waste in a solid waste or recycling container for collection by the City or a contractor. No solid waste or recyclable materials that are mixed with yard waste will be collected by the City or a contractor. Yard waste will only be collected by the City or a contractor if the yard waste is separated and deposited in approved containers and the property resident or owner is participating in the City's yard waste collection program.

8.04.080 PLACING BURNING MATERIAL IN CONTAINER PROHIBITED

It is unlawful for any person to deposit in any solid waste container any burning materials, or materials sufficiently hot to create combustion when the same come in contact with other solid waste. [Ord. 85-102, 1985].

8.04.090 DISPOSAL; APPLICATION OF STATE STANDARDS; ADDITIONAL STANDARDS

All disposal of solid waste shall be by method or methods specifically approved by the County Department of Health and authorized by state law provided, that the method or methods shall include the maximum practicable rodent, insect or nuisance control at the place of disposal; and provided further, that animal offal and dead animals shall be disposed of as directed by the Superintendent or the County Health Department shall be contacted to arrange for the removal and disposal of dead animals. [Ord. 85-102, 1985]

8.04.100 DISPOSAL CONTRACT AUTHORIZED

In the event the City elects to contract for solid waste disposal as provided by RCW 35.21.120 et seq or other law, the City Council may authorize the City Manager to advertise for bids for a contract or negotiate a contract covering the exclusive right to collect, remove and dispose of all solid waste according to the terms of this chapter, and rules and regulations promulgated pursuant to this chapter. Such contract may be let for a term of up to five years or such shorter term as the City Council from time to time determines, in its discretion. [Ord. 85-102, 1985]

8.04.110 CONTRACTOR BONDING AND INSURANCE REQUIREMENTS

The contractor shall furnish a surety bond in a form and amount satisfactory to the City for each year of the term of the contract, conditioned upon the faithful performance of the contract. Contractor shall likewise provide and maintain in full

force and effect during the entire term of the contract or any renewal thereof a policy of contractor's public liability insurance, in a form acceptable to the City, naming the City as an additional insured, providing for limits of not less than five million dollars (\$5,000,000) for all damages. Certificates of insurance coverage acceptable to the City shall be filed with the City Clerk prior to the commencement of work under the contract. The certificates shall contain a provision that coverages afforded under the policies shall be primary as to any other insurance available to the City and will not be canceled until at least thirty days prior written notice has been given to the City. [Ord. 85-102, 1985]

8.04.120 CONTRACTOR; RESPONSIBILITY TO MAINTAIN DISPOSAL SITES

The contractor shall be required to furnish immediately upon award of a contract an appropriate approved disposal site and maintain it in a lawful and sanitary manner or provide evidence of authorization to use an appropriate approved disposal site. No solid waste shall be disposed at any location except an appropriate, approved disposal site. [Ord. 85-102, 1985]

8.04.130 CONTRACTOR; RIGHT TO SUBCONTRACT

The contractor may perform portions of the contract by and through subcontractors, if approved in writing and in advance by the City. Performance of the contractor's obligations by a subcontractor under any solid waste collection contract shall not in any way relieve or diminish the contractor's responsibility to the City for the performance of the contract. Any and all insurance required and procured by the contractor shall have an endorsement covering any and all subcontractors or anyone for whose acts any of them may be liable, and the endorsement shall also provide for the naming of the City as an additional named insured, and proof of such insurance shall be directed to the City as set forth in Section 8.04.110. [Ord. 85-102]

8.04.140 COMPLIANCE TO PROVISIONS REQUIRED

Every person shall dispose of all solid waste promptly according to the laws of the State of Washington, the terms of this chapter and rules and regulations promulgated pursuant to this chapter. [Ord. 85-102, 1985]

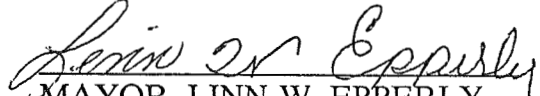
8.04.150 USE OF COLLECTION SERVICE

After the effective date of this ordinance, all persons residing in the City shall be entitled to utilize the services of a solid waste contractor licensed by the City or services of the City in the event it elects to be the collector, using such schedule and routes as shall be determined and approved by the City and filed with the Superintendent. [Ord. 85-102, 1985]


Section 2. If any section, sentence, clause, phrase or application of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, phrase or application of this ordinance.

Section 3. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary.

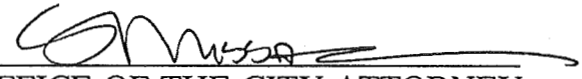
APPROVED:


MAYOR, LINN W. EPPERLY

ATTEST/AUTHENTICATED:


CITY CLERK, MICHELE SCHUTZ

APPROVED AS TO FORM:

BY: 
OFFICE OF THE CITY ATTORNEY
THE DuBEY LAW FIRM

FILED WITH THE CITY CLERK: 7-5-90
PASSED BY THE CITY COUNCIL: 7-10-90
PUBLISHED: 7-25-90
EFFECTIVE DATE: 8-1-90
ORDINANCE NO.: 90-225

SUMMARY OF ORDINANCE NO. 90-225

of the City of Mill Creek, Washington

On the 10th day of June, 1990, the City Council of the City of Mill Creek passed Ordinance No. 90-225. A summary of the contents of said Ordinance, consisting of the title, provides as follows:

An Ordinance of the City of Mill Creek, Washington, amending chapter 8.04, Mill Creek Municipal Code relating to solid Waste Collection, disposal and recycling; conforming the chapter to existing state law; clarifying certain language relating to recycling and yard waste; prohibiting yard waste in the waste stream; and establishing an effective date.

The full text of the Ordinance will be mailed upon request.

DATED this 10th day of July, '1990.



MICHELE SCHUTZ, CITY CLERK