

CITY OF PACIFIC, WASHINGTON  
ORDINANCE NO. 2015-1906

AN ORDINANCE OF PACIFIC, WASHINGTON, RELATING TO SOLID WASTE, RECYCLABLES AND COMPOSTABLES, REQUIRING CITIZENS TO OBTAIN CONTAINERS FOR SOLID WASTE AND TO UTILIZE THE SOLID WASTE DISPOSAL SERVICE, ADDING DEFINITIONS, ESTABLISHING THE CHARGES FOR SOLID WASTE DISPOSAL; ESTABLISHING THE EFFECTIVE DATE FOR A NEW RATE INCREASE; REPEALING CHAPTER 8.04 OF THE PACIFIC MUNICIPAL CODE AND ADOPTING A NEW CHAPTER 14.02 IN THE PACIFIC MUNICIPAL CODE RELATING TO SOLID WASTE.

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WHEREAS, the City's rates and charges for solid waste were included in resolutions, adopted as required by law; and

WHEREAS, the City desires to adopt a new chapter in the code to insert such rates and charges into an ordinance so that such rates and charges are codified; and

WHEREAS, certain sections of Chapter 8.04 in the Pacific Municipal Code relating to Garbage, ordained in 1972, do not reflect current operations for solid waste collection and need to be repealed; Now, Therefore,

IT IS HEREBY ORDAINED BY THE PACIFIC CITY COUNCIL AS FOLLOWS:

Section 1. Chapter 8.04 is hereby repealed from the Pacific Municipal Code.

Section 2. A new Chapter 14.02 is hereby added to the Pacific Municipal Code, which shall read as follows:

**CHAPTER 14.02  
SOLID WASTE COLLECTION**

**Sections:**

- 14.02.010 Definitions.**
- 14.02.020 Restrictions.**
- 14.02.030 Allowing Solid Waste to Accumulate.**
- 14.02.040 Notice to Remove Accumulated Solid Waste.**
- 14.02.050 Contract to Collect Solid Waste.**
- 14.02.060 Administration.**
- 14.02.070 Compliance Required.**

- 14.02.080 Container Required.**
- 14.02.090 Collection Frequency.**
- 14.02.100 Service – Recordkeeping.**
- 14.02.110 Charges.**
- 14.02.120 Reduced Rates for Low Income Senior Citizens and/or Low Income Disabled Customers.**
- 14.02.130 Failure to Pay.**
- 14.02.140 Violation – Penalty.**

**14.02.010 Definitions.** The following definitions shall be applied to the interpretation of the terms of this Chapter:

“Commercial premises” means all non-residential premises in the City, including businesses, institutions, governmental agencies and all other users of commercial-type Solid Waste collection services.

“Compostables” means all Yard Debris except sod with reinforcement netting, dirt, rocks and bricks; and all food waste including all paper products soiled with food waste and shredded paper.

“Commercial premises” means all non-residential premises in the City, including businesses, institutions, governmental agencies and all other users of commercial-type Solid Waste collection services.

“Curb or curbside” means on the homeowner’s property, within five feet of the public street without blocking sidewalks, driveways or on-street parking. If extraordinary circumstances preclude such a location, curbside shall be considered a placement suitable to the resident, convenient to the Solid Waste Contractor’s equipment and mutually agreed to by the City and Solid Waste Contractor.

“Food Waste” means vegetable and other food scraps, including meat, dairy products, grease and bones, paper which has been contaminated with food; fat or grease; and compostable paper including paper towels, paper plates, tissue and waxed paper, but shall exclude any items which cannot be accepted for processing the Solid Waste Contractor’s third party compost processing facility.

“Garbage Can” means a container that is a water tight galvanized sheet metal or plastic container not exceeding 96 gallons. All containers shall be rodent and insect proof and kept in a sanitary condition at all times.

“Hazardous Waste” means any substance that is:

- A. Defined as hazardous by 40 C.F.R. Part 261 and regulated as Hazardous Waste by the United States Environmental Protection Agency under Subtitle C of the Resource Conservation and Recovery Act (“**RCRA**”) of

1976, 42 U.S.C. § 6901 et seq., as amended by the Hazardous and Solid Waste Amendments (“**HSWA**”) of 1984; the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq.; or any other federal statute or regulation governing the treatment, storage, handling or disposal of waste imposing special handling or disposal requirements similar to those required by Subtitle C of RCRA.

- B. Defined as dangerous or extremely hazardous by Chapter 173-303 WAC and regulated as dangerous waste or extremely Hazardous Waste by the Washington State Department of Ecology under the State Hazardous Waste Management Act, Chapter 70.105 RCW, or any other Washington State statute or regulation governing the treatment, storage, handling or disposal of wastes and imposing special handling requirements similar to those required by Chapter 70.105 RCW.

“Multi-Family Complex” means all multiple-unit residences with three (3) or more attached or unattached units, and billed collectively for Solid Waste collection Services.

“Private Road” means a privately-owned and maintained way that allows for access by a service truck and that serves multiple residences.

“Public Street” means a public right-of-way used for public travel, including public alleys.

“Recyclables” or “Recyclable Material” means the following:

- Aluminum cans
- Corrugated Cardboard
- Glass Containers
- Mixed Paper
- Newspaper
- Plastic Containers
- Poly-coated Cartons and Boxes
- Scrap Metal
- Tin Cans

“Scrap Metal” means ferrous and non-ferrous metals not to exceed two feet in any direction and thirty-five (35) pounds in weight per piece.

“Single-Family Residence” means all one-unit houses and mobile homes that are billed individually for Solid Waste collection services and located on a Public Street or Private Road.

“Solid Waste” means, other than Compostables, all putrescible and nonputrescible solid, semi-solid and liquid wastes, including residential garbage, trash, refuse, paper, rubbish, ashes, demolition and construction wastes,

discarded home and industrial non-recyclable appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes but excluding Hazardous Waste.

"Solid Waste Collector" means the person or persons entering into contract with the city for the removal of refuse as provided by this chapter.

"Yard Debris" means leaves, grass and clippings of woody, as well as fleshy plants.

#### **14.02.020 Restrictions.**

A. It is unlawful for any person to burn, dump, collect, remove, or in any other manner dispose of solid waste upon any street, alley, public place or private property within the city otherwise than as provided in this chapter.

B. It is unlawful for any person to bury, burn or dump wastepaper, boxes, rubbish and debris, grass, leaves, weeds and cuttings from trees, lawns, shrubs and gardens, upon any street, alley, or public place in the city.

#### **14.02.030 Allowing Solid Waste to Accumulate.**

It is unlawful for any person, firm, company or corporation to allow solid waste or debris of any kind to accumulate on property which the person, company or corporation owns or leases or uses in the city, including the use of city property.

#### **14.02.040 Notice to Remove Accumulated Solid Waste.**

It shall be the duty of the Code Enforcement Officer, upon receiving notice of any dead animal, solid waste, or of any debris lying upon or accumulated upon or inside of any property located in the city, to notify the owner of the property or the person occupying the property to remove or have removed immediately the dead animal or accumulated solid waste or debris. Twenty-four hours after such notice has been given and such dead animal, animals, solid waste or debris, as the case may be, is not removed by the person responsible for the same, the Code Enforcement Officer may order the removal of the dead animal, animals, solid waste or debris, as the case may be, from the premises by duly authorized persons.

#### **14.02.050 Contract to Collect Solid Waste.**

A. The city may, in the discretion of the city council, contract every ten years or less with a private operator for the collection, removal and disposal of all garbage, waste, refuse and other like substances within the city limits, except for those areas subject to municipal contract for solid waste collection with a private operator.

B. Selection of a private operator may be accomplished through the solicitation of bids, proposals, or such other means as the city council deems appropriate to secure a qualified operator.

C. Each selected operator shall furnish a corporate surety bond to the city in an appropriate amount determined by the Director of Public Works, conditioned upon the faithful performance of the contract and compliance with all ordinances of the city and all rules, regulations and matters relating to the maintenance of any dump or sanitary fill.

**14.02.060 Administration.** The Director of Public Works is authorized and directed to administer this solid waste and recyclable material collection system.

**14.02.070 Compliance Required.** The City has a system of universal compulsory solid waste, compost and recyclable material collection. Every person in possession, charge, or control of any single-family residence or multi-family complex shall be charged for solid waste, compost and recyclable material collection at the rates specified in this chapter, for the level of service selected by the person, whether such person uses such service or not. Every person in possession, charge or control of commercial premises shall be charged for solid waste collection at the rates specified in this chapter. If any person chooses not to use such service, he/she shall be charged for the service of checking to see whether he or she has solid waste, compost and recyclable material to be collected.

**14.02.080 Container Required.** Every person in possession, charge or in control of any single family residence, multi-family complex or commercial premises where solid waste and/or recyclable materials are created or accumulated, to at all times keep or cause to be kept garbage cans in which to deposit the solid waste and/or recyclable materials. The Solid Waste Collector shall provide each single-family premises and residents in appropriate multi-family premises with one garbage can for garbage, one can for recyclables and one can for compostables.

**14.02.090 Collection Frequency.** The solid waste collector shall collect Solid Waste from the residences on a weekly basis and Recyclables and Compostables from residences on an every-other-week basis on alternating weeks. Solid waste shall be collected from multifamily and commercial properties on a weekly basis. All garbage cans shall be set out at the curb for collection, on the appropriate day and by the appropriate time established by the solid waste collector for collection.

**14.02.100 Service – Recordkeeping.** The solid waste collector shall maintain accurate records of the types of services and solid waste charges for premises within the City.

**14.02.110 Charges.**

A. The Solid Waste Collector shall be responsible for billing and collection of all charges, fees and taxes for the collection of Solid Waste, Recyclables and Compostables. Billing cycles shall not exceed quarterly collection. The Solid Waste Collector shall notify all affected persons of the billing frequency.

B. The Solid Waste charges to be imposed for each type of service are set forth in Exhibit A, which is attached hereto and incorporated herein by this reference.

C. The Solid Waste Collector shall propose any changes to Solid Waste charges at least 45 days prior to the effective date of the change, and shall notify all affected customers at least 45 days prior to the effective date of the change.

**14.02.120 Reduced Rates for Low Income Senior Citizens and/or Low Income Disabled Customers.**

Any full-time occupant responsible for the payment of a city solid waste billing shall be granted a 15 percent discount from the otherwise applicable rate if the person is at least 62 years of age, and/or is 18 years of age or older and has been awarded in writing a 50 percent or higher disability rating from any state of Washington and/or federal agency/program, and meets the low-income guidelines as determined by the U.S. Department of Housing and Urban Development (HUD) for taxable household income and has properly filled out an application as required requesting such reduction. Staff is directed to establish and implement a review/re-application process to ensure the integrity of those accounts receiving the discount.

**14.02.130 Failure to Pay.** Upon failure to pay such charges and upon delinquency, the amount thereof shall become a lien against the property for which the solid waste collection service is rendered. Pursuant to RCW 35A.21.150, the City may exercise the powers relating to the imposition and foreclosure of liens in chapter 35.67 RCW.

**14.02.140 Violation – Penalty.** Any person violating any of the provisions of this chapter commits a civil infraction. The procedures for issuance of a notice of infraction, hearings, assessment and payment of monetary penalties shall be in accordance with the provisions of Chapter 7.80 RCW, adopted by reference, including any future amendments, additions thereto and repeals thereof, and incorporated herein by this reference as if set forth in full.

Section 3. Effective Date of Charges. The City shall provide notice of the charges in this Ordinance as provided in RCW 35A.21.152. The notice may be mailed to each affected ratepayer or published once a week for two consecutive weeks in a newspaper of general circulation in the collection area. The notice

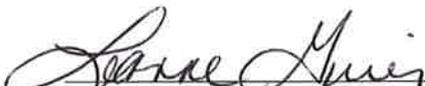
shall be available to affected ratepayers at least forty-five (45) days prior to the proposed effective date of the rate increase.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

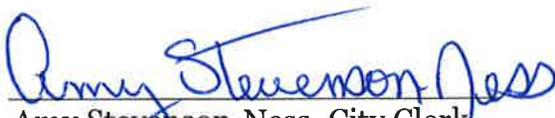
Section 5. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 6. Effective Date. This Ordinance, excluding the Charges in Section 14.02.110, shall take effect and be in full force and effect five days after publication, as provided by law.

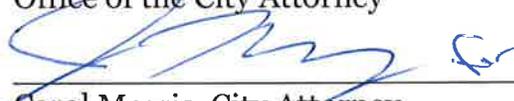
PASSED by the City Council of Pacific this 14<sup>th</sup> day of September, 2015.

  
\_\_\_\_\_  
Leanne Guier, Mayor

AUTHENTICATED:

  
\_\_\_\_\_  
Amy Stevenson-Ness, City Clerk.

APPROVED AS TO FORM:  
Office of the City Attorney

  
\_\_\_\_\_  
Carol Morris, City Attorney

PUBLISHED:

EFFECTIVE DATE:

## EXHIBIT A

### SERVICE RATE SCHEDULE

City of Pacific  
Service Rate Schedule - page 1 of 2 -  
Waste Management

	Service Level	New Service Rates			
		Disposal Fee	Collection Fee	Total Service Fee	
<b>Residential Service</b>					
Weekly Residential Curbside Service (includes embedded Recycling & Yard/Food Waste collected EOW)	1 - 10 gal. Micro Can	\$ 1.31	\$ 9.35	\$ 10.66	
	1 - 20 gal. Cart (35 gallon Cart with 20 gal insert)	\$ 2.61	\$ 11.47	\$ 14.08	
	1 - 35 gal Cart	\$ 4.57	\$ 18.98	\$ 23.55	
	1 - 64 gal Cart	\$ 9.14	\$ 30.12	\$ 39.26	
	1 - 96 gal Cart	\$ 13.70	\$ 37.25	\$ 50.95	
	Extra solid waste, bags/cans/boxes (32/35 gallon equivalent)	\$ 1.05	\$ 5.77	\$ 6.82	
	Additional Yard/Food Carts each (second cart and more)		\$ 6.50	\$ 6.50	
	<b>Miscellaneous Services</b>				
	Return Trip		\$ 7.00	\$ 7.00	
	Carry-out surcharge per month (one fee for MSW, REC, YDW)		\$ 1.20	\$ 1.20	
	Overweight Cart (per p/u)		\$ 5.75	\$ 5.75	
	Clean/Deodorize Cart + Redelivery		\$ 32.80	\$ 32.80	
	Redelivery Charge of carts		\$ 17.80	\$ 17.80	
Lost Cart Charge if unable to retrieve from customer. Charge reversed if Cart is subsequently retrieved within 45-days after charge is applied		\$ 55.00	\$ 55.00		
<b>Temporary (90-days or less) Container Service Solid Waste (All Customers)</b>					
<b>Temporary Detachable Container Service Solid Waste - per pick up</b>					
Temporary 1 Yard Container	\$ 7.57	\$ 22.05	\$ 29.62		
Daily Rent		\$ 1.20	\$ 1.20		
Delivery Fee		\$ 79.80	\$ 79.80		
Temporary 2 Yard Container	\$ 15.15	\$ 34.82	\$ 49.97		
Daily Rent		\$ 1.30	\$ 1.30		
Delivery Fee		\$ 79.80	\$ 79.80		
Temporary 3 Yard Container	\$ 22.72	\$ 44.95	\$ 67.67		
Daily Rent		\$ 1.40	\$ 1.40		
Delivery Fee		\$ 79.80	\$ 79.80		
Temporary 4 Yard Container	\$ 30.30	\$ 56.48	\$ 86.78		
Daily Rent		\$ 1.45	\$ 1.45		
Delivery Fee		\$ 79.80	\$ 79.80		
Temporary 6 Yard Container	\$ 45.45	\$ 71.55	\$ 117.00		
Daily Rent		\$ 1.80	\$ 1.80		
Delivery Fee		\$ 79.80	\$ 79.80		
Temporary 8 Yard Container	\$ 60.59	\$ 91.68	\$ 152.27		
Daily Rent		\$ 2.00	\$ 2.00		
Delivery Fee		\$ 79.80	\$ 79.80		
<b>New Service Rates</b>					
	Service Level	Disposal Fee	Collection Fee	Total Service Fee	
<b>Commercial and Multi-family Service</b>					
Weekly Collection Commercial/ Multi-family Solid Waste Service (MultiFamily includes Embedded Cart Recycling collected EOW)	1 - 35 gal Cart	\$ 5.20	\$ 21.88	\$ 27.08	
	1 - 64 gal Cart	\$ 10.40	\$ 31.46	\$ 41.86	
	1 - 96 gal Cart	\$ 15.60	\$ 37.57	\$ 53.17	
	1 - 1 yard container	\$ 32.82	\$ 76.45	\$ 109.27	
	1 - 1.5 yard container	\$ 49.23	\$ 100.62	\$ 149.85	
	1 - 2 yard container	\$ 65.64	\$ 120.71	\$ 186.35	
	1 - 3 yard container	\$ 98.47	\$ 155.81	\$ 254.28	
	1 - 4 yard container	\$ 131.29	\$ 195.80	\$ 327.09	
	1 - 6 yard container	\$ 196.93	\$ 248.05	\$ 444.98	
	1 - 8 yard container	\$ 262.57	\$ 317.83	\$ 580.40	
	Extra solid waste, per each 32/35-gal. Equivalent	\$ 1.20	\$ 9.13	\$ 10.33	
	Extra solid waste, per yard	\$ 7.57	\$ 10.02	\$ 17.59	
	Miscellaneous Services	Return Trip, per pick up		\$ 17.30	\$ 17.30
Relocate Container Charge while driver on site.			\$ 25.00	\$ 25.00	
Carry-out surcharge per month, per cart			\$ 1.20	\$ 1.20	
Roll-out Container more than 5 feet, but less than 25 feet per pick up			\$ 3.60	\$ 3.60	
Roll-out Container over 25 feet, the charge will be the charge for 25 feet plus \$0.50 per increment of 5 feet per pick up			\$ 4.30	\$ 4.30	
Overage/Clean up Service, per yard + extra solid waste charge per yard			\$ 25.00	\$ 25.00	

Gate Opening/Closing, per pick up	\$ 3.70	\$ 3.70
Unlock/Lock container, per pick up	\$ 3.70	\$ 3.70
Redelivery Fee, per delivery	\$ 79.80	\$ 79.80
Steam Cleaning per yard + Redelivery Fee per container	\$ 3.00	\$ 3.00

City of Pacific  
Service Rate Schedule - page 2 of 2 -  
Waste Management

	Service Level	New Service Rates			
		Disposal Fee	Collection Fee	Total Service Fee	
<b>Will Call/ Special Pick up Commercial/ Multi-Family Solid Waste Service</b>	<b>Commercial and Multi-family Service</b>				
	1 - 35 gal Cart	\$ 1.20	\$ 6.31	\$ 7.51	
	1 - 64 gal Cart	\$ 2.40	\$ 9.08	\$ 11.48	
	1 - 96 gal Cart	\$ 3.60	\$ 10.84	\$ 14.44	
	1 - 1 yard container	\$ 7.57	\$ 22.06	\$ 29.63	
	1 - 1.5 yard container	\$ 11.36	\$ 29.03	\$ 40.39	
	1 - 2 yard container	\$ 15.15	\$ 34.82	\$ 49.97	
	1 - 3 yard container	\$ 22.72	\$ 44.95	\$ 67.67	
	1 - 4 yard container	\$ 30.30	\$ 56.48	\$ 86.78	
	1 - 6 yard container	\$ 45.45	\$ 71.55	\$ 117.00	
1 - 8 yard container	\$ 60.60	\$ 91.68	\$ 152.28		
<b>Yard/Food Waste</b>	1 - 96 gal. Cart, collected Every-other-Week		\$ 18.28	\$ 18.28	
<b>Permanent Service Compactor/□ Roll-Off Boxes</b>	<b>Permanent Solid Waste Service</b>				
	<b>Compactor &amp; Non-Compacted Roll-Off, Boxes</b>				
	10 - 40 yard, per Round Trip Haul			\$ 196.28	
	10 yard Roll-off box, Monthly Rent			\$ 42.62	
	20 yard Roll-off box, Monthly Rent			\$ 57.66	
	30 yard Roll-off box, Monthly Rent			\$ 70.20	
	40 yard Roll-off box, Monthly Rent			\$ 83.99	
	Disposal charge per ton (125% of current King County tipping fees)	\$ 150.21		\$ 150.21	
	<b>Temporary Service Compactor/□ Roll-Off Boxes</b>	<b>Temporary Solid Waste Service (Less than 90-days)</b>			
		<b>Compactor &amp; Non-Compacted Roll-Off, Boxes</b>			
10 - 40 yard, per Round Trip Haul				\$ 235.54	
10 yard Roll-off box, Daily Rent				\$ 1.42	
20 yard Roll-off box, Daily Rent				\$ 1.92	
30 yard Roll-off box, Daily Rent				\$ 2.34	
40 yard Roll-off box, Daily Rent				\$ 2.80	
Delivery Charge				\$ 79.80	
Disposal charge per ton (125% of current King County tipping fees)		\$ 150.21		\$ 150.21	
<b>Miscellaneous Services</b>		Return Trip		\$ 42.60	\$ 42.60
	Connect/Disconnect Fees on compactors - per haul		\$ 22.20	\$ 22.20	
	Additional Mileage Charge per mile - applies to hauls over 5 miles		\$ 4.40	\$ 4.40	
	Turn-Around (driver must turn container/compactor around in order to haul)		\$ 23.60	\$ 23.60	
	Relocate Charge while driver on site. Customer requested		\$ 25.00	\$ 25.00	
	Steam Cleaning/Pressure Washing per yard + Delivery Charge		\$ 3.00	\$ 3.00	
	Stand-by Time per minute (over 5 minute wait)		\$ 1.82	\$ 1.82	