ORDINANCE NO. 04-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON UPDATING AND AMENDING CHAPTER 8.15 OF THE COVINGTON MUNICIPAL CODE RELATING TO SOLID WASTE SERVICES.

WHEREAS, after incorporation, if a municipality does not directly provide solid waste collection service, or contract for such service, the Washington Utilities and Transportation Commission (WUTC) sets the service area and rates for private firms that may wish to serve the municipality; and

WHEREAS, Covington operated under this rubric until 2003 and Republic Services (dba Allied Waste) ("Republic") held the certificate of necessity and convenience (G-certificate) for Covington, issued by the WUTC; and

WHEREAS, on November 25, 2003, the council subsequently passed Ordinance No. 80-03, which granted a franchise to Republic for a period of not less than seven years beginning January 1, 2004, and notified the WUTC that the city intended to cancel WUTC jurisdiction and independently contract for solid waste collection services inside the city, pursuant to RCW 35A.14.900, upon expiration of the franchise agreement; and

WHEREAS, as of December 31, 2010, the city was able to terminate the current franchise agreement with Republic; and

WHEREAS, in 2012 the city entered into direct negotiations with Republic for a new solid waste and recycling services agreement and the council approved said agreement earlier this year, with an effective date of July 1, 2013; and

WHEREAS, the Covington Municipal Code (CMC) must be updated to reflect the city's exclusive jurisdiction and administration of solid waste services within the city limits.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINGTON, KING COUNTY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 8.15 of the Covington Municipal Code entitled "Solid Waste" is hereby amended as set forth in Exhibit 1 to this ordinance and fully incorporated herein by this reference.

Section 2. This ordinance shall be in full force and effect as of July 1, 2013. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

Section 3. If any provision of this ordinance, or ordinance modified by it, is determined to be invalid or unenforceable for any reason, the remaining provisions of this ordinance and ordinances and/or resolutions modified by it shall remain in full force and effect.

Passed by the City Council on the 11th day of June, 2013.

Margaret Harto

Mayor Margaret Harto

PUBLISHED: June 21, 2013
EFFECTIVE: July 1, 2013

ATTESTED:

Sharon Scott
City Clerk

APPROVED AS TO FORM:

Sara Springer
City Attorney

Ordinance No. 04-13
EXHIBIT 1

Chapter 8.15
Solid Waste

Sections:

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8.15.010 Definitions.

For the purposes of this chapter, unless otherwise defined, the following shall have the intended definitions:

(1) "Collector" or "collector of solid waste and/or recyclables" means the company(ies) with which the city has contracted to collect, haul, or dispose of solid waste, recyclables, and yard waste.

(2) "Commercial" means any establishment or business that is not residential in nature, including hotels/motels, churches, nonprofit organizations, federal, state and local government-owned facilities.

(3) "Person" means every person, firm, partnership, association, institution, and corporation. The term shall also mean the occupant and/or the owner of the premises for which service mentioned in this chapter is rendered.

(4) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, recyclable materials, and yard waste.

8.15.020 Purpose.

The purpose of this chapter is to prevent harm to the health and safety of the public and to promote the public health, safety, and general welfare by providing for the regulation of solid

waste collection and disposal and maintaining consistent and reliable solid waste services under the exclusive supervision and control of the city.

8.15.030 Hauling restrictions.

It is unlawful for any person, other than a contractor having a contract for solid waste and recyclable material collection and disposal with the city, to collect, haul, or dispose of solid waste within the city. Provided, however, nothing in this section shall be construed to prohibit (1) portions of the waste stream that are being recycled through permitted commercial recyclers; or (2) a residential occupant transporting, on a nonregular or occasional basis, surplus accumulations of rubbish or garbage from his/her residence to an approved disposal site.

8.15.040 Contract for solid waste collection services—Terms.

(1) The city shall let a contract or contracts to provide for the collection of all solid wastes within the city. The details of such a contract or contracts shall be agreed upon after negotiations and the city council's action thereon shall be final. Such negotiations may be preceded by a call for bids or proposals if determined to be necessary and at the discretion of city council. Such contract shall obligate the collector to pick up solid wastes in the city in accordance with this chapter and shall provide for the collector to be paid for its services out of fees for collection.

(2) Every such contract for solid waste collection also shall contain a provision that such contract may not be assigned by the collector, or the responsibilities thereunder transferred, except with the prior consent of the city.

(3) Such contract(s) shall be for such term as the city council shall find is in the best public interest and may contain provisions, upon proper standards, for adjustments in service rates.

(4) Such contract(s) shall contain suitable provisions permitting the forfeiture of the contract for nonperformance or violation of such contract by the collector.

8.15.050 Collection--Requirements.

(1) The collector shall collect, remove, and dispose of all solid waste from the premises, whether residential, commercial, industrial, or otherwise, existing within the city and that choose to maintain such service upon such periodic schedule as included in the collection contract.

(2) All solid waste that is generated and/or placed for collection and collected within the city for delivery to the King County solid waste system for disposal shall be in compliance with the Resource Conservation and Recovery Act as amended (42 U.S.C. 6901, et seq.), Chapter 70.95 RCW, King County board of health rules and regulations No. 8, and all other applicable federal, state, and local environmental health laws, rules, or regulations.

(3) The provisions of this section shall apply to all persons within the city, including the collector, and any other persons authorized by this chapter or other laws to collect waste within the city for disposal.

8.15.060 Rates.

(1) The rates for solid waste handling service shall be calculated in accordance with such collection contract(s) for solid waste service as the city may enter into.

(2) 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.

(3) The city shall maintain, publish, and make available to the public a current schedule of rates for solid waste handling service. Publishing may occur via the city's website.

8.15.070 Billing.

(1) The collector shall bill for all solid waste services in accordance with the collection contract entered into with the city. All costs related to billing and bill collection will be paid by the collector.

(2) Charges for any special services not covered in the collection contract shall be determined by the mutual agreement of the city and the collector.

(3) The bills provided by the collector will be due in accordance with guidelines established by the collector, which may include penalties for late payment.

(4) The collector may use a collection agency, a lien process, or any other available legal method to recover the past due balance from the customer.

8.15.080 Improper disposal.

(1) It is unlawful for any person to bury, burn, dump, collect, or in any other manner dispose of solid waste upon any street, alley, public place, or private property within the city.

(2) It is unlawful to deposit any solid waste in a solid waste container owned or maintained on the premises of another unless invited, licensed, or otherwise privileged to do so.

(3) 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 city's fire code.

(4) Whenever solid waste dumped in violation of this chapter contains three (3) or more items bearing the name of one individual, there shall be a rebuttable presumption that the individual whose name appears on such items committed the unlawful dumping.

8.15.090 Administrative and enforcement responsibility.

The administration and enforcement of this chapter shall be the responsibility of the director of public works or his/her designee. The director or his/her designee may make inspections to enforce this chapter and may notify the person or collector that they are in violation of this chapter. The director may issue any written rules that are consistent with this chapter and which he/she finds are necessary for the proper administration of this chapter.

8.15.100 Violations.

Any person violating any part of this chapter shall be deemed to have created a public nuisance pursuant to CMC 1.30.030. Said violations may be enforced pursuant to Chapter 1.30 of the CMC.

8.15.110 Plan adopted.

The final 2001 King County Solid Waste Management Plan dated November 2001, including Appendices Volumes 1 and 2, is hereby designated and adopted as the city's Comprehensive Solid Waste Management Plan, except as otherwise set forth herein or by city ordinance.

8.15.120 Determining levels and types of service.

Pursuant to RCW 70.95.160, the City of Covington hereby determines that King County shall not exercise any powers regarding the levels and types of service of any aspect of solid waste handling within the corporate limits of the city as now exist or as may hereafter be amended. The level of and types of service for any aspect of solid waste handling shall be determined by city ordinance and not as set forth in any County regulation or ordinance as now exists or as may hereafter be adopted, including without limitation, the Comprehensive Solid Waste Management Plan.