

BINGEN MUNICIPAL CODE

Chapter 8.06

GARBAGE

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8.06.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. “City” or “city” means the City of Bingen.
- B. “Collection Company” means the person, firm, corporation or combination thereof operating under a contract for solid waste, residential recyclables or yard waste collection with, or under the direction of, the city, including an authorized contractor for the collection of residential recyclable materials under this chapter.
- C. “Detachable container” means any garbage container compatible with the collection company’s equipment that is not a garbage can, garbage unit or mobile totes.
- D. “Director” means the City’s director of public works.
- E. “Garbage” includes;
 - 1. All accumulation of putrescible and nonputrescible waste matter that has been discarded by the owner or possessor thereof, including but not limited to ashes, cinders, trade waste, rags, bottles, papers, broken household furniture, dead animals not more than 20 pounds in weight, boxes, barrels, scraps of boards and lumber, hollow material or ware, rubbish in general; and

2. All organic wastes except yard waste or hazardous wastes, as hazardous waste is defined in Washington Administrative Code 296-62-30003; and
 3. Every accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking, storage, or handling of food, including swill; except the definition of garbage specifically excludes manure, sewage, dead animals of more than 20 pounds in weight, automobile bodies, trees and limbs more than four inches in diameter, slaughterhouse waste, cleanings from public and private catch basins, building materials, construction waste, landscaping waste, and the like, only in those instances where transportation of waste is effected by the property owner or property owner's designee, and the transporting party is not an organization licensed by the Washington Utilities and Transportation Commission.
- F. "Garbage can" means a watertight, galvanized, raised-bottom container or suitable plastic container not exceeding four cubic feet or thirty-two gallons in capacity, weighing not over twenty-two pounds when empty and not over sixty-five when full, fitted with two sturdy handles, one on each side and a tight fitting cover equipped with a handle.
- G. "Garbage units" means secure and tight bundles, none of which shall exceed three feet in the longest dimension and shall not exceed sixty-five pounds in weight. Garbage units may also mean small discarded boxes, barrels or bags or securely tight cartons or other receptacles not intended for recycling under this chapter and able to be reasonably handled and loaded by one person onto a collection vehicle.
- H. "Mobile toter" means a movable container which holds thirty-two, sixty or ninety gallons, with an attached fitting lid, and a thick skinned one-piece balance weight body which sets on tires, which will be picked up at curbside. The director may approve collection company use of alternative mobile totes.
- I. "Person" means every person, firm, partnership, business, association, institution, or corporation in the city accumulating garbage requiring disposal or generating, accumulating, and collecting recyclable materials. The terms shall also mean the occupant and/or the owner of any premises for which service in this section is rendered.
- J. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, yard waste, and recyclable materials.
- K. "Solid waste utility" shall be the city system of solid waste handling under Chapters 35A.21, 35.21 and 35.67 RCW and this code.
- L. "Yard waste" means plant material including leaves, grass clippings, pruning's, branches (cut to less than three feet and under four inches in diameter), and other biodegradable waste as may be designated by the director. Rocks, dirt and sod, except incidental

amounts, are not yard waste. Yard waste may be bundled with twine or other similar organic string only. Yard waste does not include demolition debris such as concrete, wallboard, lumber or roofing materials.

(Ord. 484, 2002).

8.06.020 Disposal Regulations.

- A. It is unlawful for any person to burn, bury, dump, collect, remove or in any other manner dispose of garbage or solid waste upon, or transport same over 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, debris, tires, appliances, scrap metal, plastic containers, glass or cuttings from trees, lawns, shrubs and gardens or any other garbage or solid waste upon any private property of another.
- C. It is unlawful for any person to bury, burn or dump wastepaper, boxes, rubbish, debris, tires, appliances, scrap metal, plastic containers, glass or cuttings from trees, lawns, shrubs and gardens or any other garbage or solid waste, upon any street, alley or public place.
- D. It is especially provided that in the event any person shall transport over any street, alley or public place within the city any boxes, wastepaper, brush, leaves, grass and weeds or any other garbage or solid waste, they shall secure same in a manner so that the contents will not become scattered upon the streets or upon any private property within the city.

(Ord. 484, 2002; Ord. 572 (part) 2009).

8.06.030 Container Required.

- A. It is the duty of every person in possession, charge or control of any dwelling, flat, rooming house, apartment house, trailer camp, hospital, hotel, school, club, restaurant, boardinghouse, or eating place, or in possession, charge or control of any shop, place of business or manufacturing establishment where refuse is created or accumulated at all times to keep or cause to be kept garbage can, mobile totes or other detachable containers, as may be appropriate, to deposit or cause to be deposited refuse therein.

(Ord. 484, 2002).

8.06.040 Solid Waste Management Standards.

The following standards shall apply to the application of this chapter.

- A. Every owner of real property, whether improved or unimproved, within the city boundary, who generates garbage or solid waste on a regular or irregular basis, must provide for the disposal of that solid waste by either:
 - 1. Subscribing with a contracted hauler for collection services; or
 - 2. obtaining a permit from the City to utilize transfer stations or other legal means of garbage or solid waste disposal, as provided for in Section 8.06.050 of this chapter.
- B. Theft of Service. Utilization of garbage collection services without the establishment of an active account with the appropriate hauler shall be a violation of this Chapter and subject to penalty pursuant to Section 8.06.100 of this chapter.
- C. Unlawful Dumping. It is unlawful to dump or deposit any garbage or refuse upon any street or alley or on any public or private property except in a receptacle intended for that purpose and with the implied or expressed consent of the owner of the receptacle.
- D. Accessibility of Containers. On the day of collection, it shall be the duty of each garbage customer to place all garbage cans, mobile totes and other detachable containers, excess garbage containers, and recycling bins in an accessible place abutting the street or alley used by the garbage hauler to serve the subject property. The cans or containers shall be situated at the edge of the public right-of-way or at the curb line, if such exists. The owner and manager of commercial or multifamily units shall be jointly and severally responsible for sighting detachable containers, including “dumpsters”, as appropriate, on the property, and such containers shall not be placed on streets or city rights-of-way. Arrangements shall be made for special collection sites for handicapped persons and multifamily complexes. Customers not complying with the collection site requirements shall be charged an additional fee or passed over without collection, at the option of the hauler. Failure to comply with this provision shall not relieve the customer of the obligation to pay the regular collection fee for that day.
- E. Litter Around Cans. It is the duty of each property owner and renter or lessee of property to keep the area around receptacles free from garbage and litter. The hauler shall not be obligated to clean up garbage or litter around receptacles and shall only be required to dump such garbage and refuse as may be in the container at the time of collection.

(Ord. 484, 2002).

8.06.050 Permit to Dispose of Solid Waste by Transfer Station or Other Legal Method.

- A. The owner or occupant (with consent of the owner) of premises within the City may apply at the office of the city clerk/treasurer for a permit to dispose of solid waste without subscribing with a contracted hauler.

- B. The owner or occupant shall provide satisfactory evidence that the volume of garbage, refuse, trash, rubbish generated at or existing at his premises will be properly contained within suitable containers (as described in this chapter) and secured to prevent its disbursement or the creation of a public health hazard or other nuisance.
- C. The owner or occupant shall be responsible to dispose of any on-premises garbage, refuse, trash, rubbish at least monthly and in a manner that does not present a public health hazard or other nuisance, and that does not violate the intent of this chapter or other state codes or regulations governing such material and substance wastes.
- D. The City's Public Works Director or his designee and the county health office shall have full right and authority to perform on-premises inspections to evaluate and determine compliance with the intent of this chapter.
- E. Failure by the owner or occupant of the premises to fully comply with the criteria and requirements as set for this in this chapter or by the permit process shall be deemed a violation of said chapter and shall result in a revocation of the permit and possible prosecution for violation as per Section 8.06.100 of this Chapter.

(Ord. 484, 2002)

8.06.060 General Collection Service Levels.

The following service levels shall be imposed on any entity engaged in the business of hauling or transporting garbage or solid waste or recyclables for compensation within the city limits:

- A. No person, partnership or corporation shall engage in the business of hauling or transporting residential garbage or solid waste, refuse or recyclables for compensation within the city without complying with the requirements of this chapter and possessing proper operating authority as determined by the Washington Utilities and Transportation Commission.
- B. The authorized hauler will provide adequate office facilities and phone operators to conveniently handle customer sign-ups, service changes, billings and complaints. Customer service will be the sole responsibility of the hauler. Hauler will assist the city with the development of a program of promotion and public education activities.
- C. Prior to initiating collection services, the hauler must enter into a binding contract with the city specifying, among other things, service requirements and a method for calculating rates.
- D. The rate structure adopted by the contract or as later amended pursuant to the terms of that contract shall be the rate structure imposed for the services rendered by hauler.
- E. All single-family residential collection services shall be offered to each account on a consistent day of the week in a coordinated manner whenever economically feasible.

- F. Materials will be collected between six-thirty a.m. and five p.m., Monday through Friday.
- G. Materials may be collected on legal holidays, or at the hauler's discretion, alternate arrangement may be temporarily made as long as materials are collected within two days of each account's regular collection day.
- H. If collections are missed due to hazardous weather conditions, materials shall be collected, at no additional charge, during that customer's next regular collection cycle.
- I. Special arrangements on an individual account basis shall be made to allow disabled single-family residential customers full access to all collection services.
- J. An annual report shall be delivered by hauler to the city by April 15 of each year containing (at the minimum) the following data for each month of the prior calendar year for both residential and commercial accounts:
 - 1. Total garbage accounts;
 - 2. Total sign-ups for yard waste collection;
 - 3. Average number of pick-ups made for each service;
 - 4. Separate totals for quarterly tonnage collected for garbage;
 - 5. A log of customer compliments and complaints, whether oral or written, including date, time, subject and resolution.

(Ord. 484, 2002).

8.06.070 Unlawful Accumulations.

It is unlawful for any occupant or owner of any building, lot or premises in the city to allow or permit any garbage or solid waste to collect or remain upon such premises in such a manner or quantity as to constitute a fire or health hazard. Property owners shall provide an adequate number of cans or containers to accommodate tenants' solid waste needs and comply with Sections 8.06.020, 8.06.030, 8.055.040. Any unlawful accumulation of garbage or solid waste is deemed a nuisance, and as such may be summarily abated by the city. The property owner shall be responsible for all of the city's costs to abate the nuisance. Violations of this section may be prosecuted as set forth in Section 8.06.100. (Ord. 484, 2002).

8.06.080 Contract With Collection Company.

The city council may enter into a contract with a qualified collection company conveying the exclusive rights to collect, remove and dispose of some or all solid waste consistent with the provisions of this chapter. Such contract shall be for a maximum of five years, however, the city may, at its option, handle the collection and disposal of solid waste under municipal ownership by creation of a garbage utility. (Ord. 484, 2002).

8.06.090 Enforcement Officers and Procedures.

Any police officer, code enforcement officer, or other law enforcement office may enforce the provisions of this chapter. All such enforcement officers are empowered to issue citations to and/or arrest without a warrant persons violating the provisions of this chapter. The enforcement officers may serve and execute all warrants, citations or other process issued by the courts. Mailing by certified mail of such warrant, citation or other process to the last known address of the offender shall be deemed as personal service upon the person charged. Nothing herein shall be construed to prohibit citizens' complaints as may be otherwise permitted under applicable state regulations, state statutes, ordinances, or court rules. (Ord. 484, 2002).

8.06.100 Violations – Penalties.

A first violation of this chapter shall be a misdemeanor as that crime is defined in BMC Chapter 1.16 of this code. All subsequent violations of this chapter within one year shall be gross misdemeanors as defined by BMC Chapter 1.16 of this code. Each day the violation continues shall be a separate offense. Such violations shall include, but are not limited to:

- A. Dumping or depositing garbage or solid waste or garbage containers on the property of another.
- B. The unlawful burying, dumping, or otherwise disposing of any solid waste or garbage in any place within the city.

In addition thereto, at the discretion of the court, and with the permission of the legal owner or other person having legal possession of the property proposed to be cleaned, any such violator may be directed by the court to pick up and remove from any public place or waters, or any private residence or other property upon which the court determines that the violator has deposited solid waste, any and all solid waste deposited thereon by anyone prior to the date of execution of the judgment and sentence, regardless of the volume of solid waste. (Ord. 484, 2002).