

CHAPTER 9.04

GARBAGE

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9.04.010: Definitions:

- (1) "Ashes" mean the solid waste products of the burning of coal, wood or other fuels for heating or cooking.
- (2) "Biomedical Waste" means, and is limited to, the following types of waste:
 - (a) "Animal Waste" is waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.
 - (b) "Biosafety Level 4 Disease Waste" is waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to Biosafety level 4 by the centers for disease control, national institute of health, biosafety in microbiological and biomedical laboratories, current edition.
 - (c) "Cultures and Stocks" are wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes but is not limited to culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.
 - (d) "Human Blood and Blood Products" is discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.
 - (e) "Pathological Waste" is waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.
 - (f) "Sharps Waste" is all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

- (3) "Biomedical Waste Collector" means any person authorized or franchised to collect biomedical waste within the City.
- (4) "Commercial Establishment" means an establishment, whether used for private gain or not, which is not a residence or a public food establishment.
- (5) "Garbage" includes all putrescible waste such as sawdust, wood waste, logs, tree limbs, vegetable and animal offal, but not the carcasses of dead animals, sewage, human remains or body waste.
- (6) "Hazardous Waste" means all dangerous and extremely hazardous waste, including substances composed of both radioactive and hazardous components, where the control of such waste, its collection, handling and disposal is regulated solely by another governmental agency.
- (7) "Hazardous Waste Collector" means any person authorized or franchised to collect and transport hazardous waste within the City.
- (8) "Multi-Family Residence" means any building or establishment in which four or more families are separately housed such as hotels, motels, mobile home parks, rooming houses, boarding houses, apartments or condominiums.
- (9) "Occupied Premises" means any premises that currently houses a family, commercial establishment or public food establishment.
- (10) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, or local government.
- (11) "Treatment" means incineration, sterilization, or other method, technique, or process that changes the character or composition of a biomedical waste so as to minimize the risk of transmitting an infectious disease.
- (12) "Public Food Establishment" means any restaurant, hotel, cafe, drinking establishment, grocery, food market, boarding house, school, church or other place where food and drink are served, provided or prepared for the public with or without charge.
- (13) "Rubbish" includes all non-decomposable waste except ashes.
- (14) "Solid Waste" means garbage, rubbish, ashes, swill, biomedical waste, and all decomposable and non-decomposable waste from all public and private establishments and residences except demolition waste resulting from major renovation or new construction, earth, rocks, sod, and hazardous waste.
- (15) "Solid Waste Collector" or "Collector" means any person authorized or franchised to collect and transport solid waste within the City.
- (16) "Swill" means every solid waste accumulation of animal, fruit, vegetable matter, liquid or otherwise, that results from the preparation, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, but does not include coffee grounds.
- (17) "Waste" means solid, biomedical or hazardous waste. (Ord. 3746 Sec. 3, 1977; Ord 3396 Sec. 1, 1992; Ord. 2860 Sec. 1 (part), 1984; Ord. 1593 Sec. 3, 1977)

9.04.020: Supervision by the City: The City Manager administers the provisions of this chapter and has full authority to ensure that the sanitation of the City is maintained at all times and that the provisions of this chapter and other applicable laws and ordinances are observed with respect to solid, biomedical and hazardous waste and solid waste, biomedical waste and hazardous waste collection. The Manager may enlist the services of the Benton-Franklin District Health Department, the Washington State Department of Health, and the Department of Ecology, and may provide these agencies with all reasonable assistance in maintaining the public health and safety. (Ord. 3396 Sec. 2, 1992; Ord. 3274 Sec. 8, 1990; Ord. 2860 Sec. 1 (part), 1984; Ord. 1593 Sec. 4, 1971)

9.04.030: Collection of Solid Waste:

(1) Solid Waste Cans and Receptacles Required. Every person in possession, charge or control of an occupied premises where solid waste is created or accumulated must keep or cause to be kept sufficient and satisfactory cans or receptacles for all such solid waste on the premises.

(2) Condition of Receptacles. Solid waste cans and receptacles must be strong, water-tight, water-impermeable, protected from corrosion, rodent-proof and insect-proof.

(3) Maintenance of Cans and Receptacles. Cans and receptacles must be kept in a sanitary condition inside and out. The lids must be kept on the cans and receptacles except while waste is being deposited or removed. The person last depositing waste or removing it must replace the lid on can or receptacle.

(4) Accumulation of Solid Waste. No person may permit solid waste in such quantities as to create a fire hazard or a hazard to public health and safety.

(5) Bundles. Boxes, cartons, shrubs, trees less than six inches in diameter, small tree limbs, strips or boards or lumber and other refuse may be broken or cut and tied into bundles so long as they do not exceed five feet in length, two feet in girth and 65 pounds in weight.

(6) Handling of Ashes. Ashes must be placed in non-combustible containers. Hot ashes may not be set out for removal.

(7) Segregation of Garbage. In order to facilitate recovery of materials, recycling or other measures to reduce the volume of unreclaimed garbage, the Manager may order the segregation of solid waste into recoverable components and require separate cans or receptacles or other means of disposal of such material.

(8) Points of Collection. Points of collection, except as otherwise arranged with the solid waste collector, and collections in industrial and commercial areas, will be at established service entrances which are located on alleys or service roads. Residential solid waste will be placed at the street curb or in an alley for pickup as designated by the collector.

(9) Schedule of Collections. Solid waste must be collected at least once a week. Solid waste from commercial establishments and public food establishments must be collected at least once a week unless otherwise arranged with the collector.

(10) Removal of Dead Animals. It is the duty of the owner of any dead animal to cause its removal and disposal or, if the owner is unknown, that person upon whose premises or in whose possession the dead animal is found. Dead animals may be disposed of to the Humane Society or other appropriate disposer. Otherwise the Manager shall remove dead animals from public or vacant property.

(11) General Conduct of Collectors. The employees of solid waste collectors and the operators of their vehicles must avoid all unnecessary disruption or interference with private property, business activities and other vehicles and traffic. All collection vehicles and all solid waste cans and receptacles owned by the collector will be maintained in a clean and sanitary condition and will be distinctly painted by the collector.

(12) Collection Required. No solid waste collector may refuse service to any person in any area where he is authorized to collect if payment or security for payment is made. All garbage collected becomes the property of the collector.

(13) Collection from City Property. Collection, removal and disposal of solid waste from fire stations, city hall, shops and all other City-owned and operated buildings, and City parks and downtown parkade will be collected free if solid waste is placed in cans conveniently located for collection. If more than one collector is authorized to operate within the City, the Manager will apportion collection responsibility in accord with the proportionate

amount of collection of each of them. (Ord. 2860 Sec. 1 (part), 1984: Ord. 2333 Sec. 1, 1979: Ord. 1593 Sec. 5, 1971)

9.04.035: Collection of Biomedical Waste:

(1) All biomedical and hazardous waste shall be transported, stored, handled and disposed of in accord with any applicable state, federal or health district regulation.

(2) All containers, cans and receptacles must be approved by the waste collector. Waste may not be removed from any premises or transported in any fashion except in such a container and such container must be sufficient to confine and retain the waste in a safe fashion. (Ord. 3396 Sec. 1, 1992)

9.04.040: Regular Removal and Disposal of Waste:

(1) It is the duty of every person who has the ownership, possession or control of a residence, public food establishment, commercial establishment, or multi-family residence to cause waste generated or located thereon to be removed and disposed of on a regular basis.

(2) Every property owner or occupant of any occupied premises shall subscribe to garbage collection and disposal services of a franchised solid waste collector within the City.

(3) Every person convicted of a violation of the provisions of this section shall be guilty of a misdemeanor. (Ord. 5096 Sec. 1, 2005: Ord. 3396 Sec. 4, 1992: Ord. 2860 Sec. 1 (part), 1984: Ord. 1631 Sec. 1, 1972: Ord. 1593 Sec. 6, 1971)

9.04.050: Transportation of Waste: It is unlawful for any person to operate a truck, trailer or other vehicle which is transporting waste upon the streets of the City unless the material being transported is covered or otherwise secured to prevent the material from escaping from the vehicle. It is unlawful for any person to transport biomedical or hazardous waste in such a fashion that said waste endangers or is likely to endanger any persons or property. (Ord. 3396 Sec. 5, 1992: Ord. 2860 Sec. 1 (part), 1984: Ord. 1680 Sec. 1, 1973: Ord. 1593 Sec. 7, 1971)

9.04.060: Disposal Service Required:

(1) At least one solid waste collector operating in the City must maintain a disposal site, transfer station or other location where solid waste may be deposited by citizens. Such facility shall be open every day except Sundays and holidays.

(2) Each solid waste collector must maintain regular business hours, and an office in or near the City. Each solid waste collector must provide 24-hour phone service or phone recording service for special pickups and services.

(3) At least one solid waste collector must provide to residential customers four (4) "Free Disposal" coupons per year and publicize their usage of the transfer station. (Ord. 4084 Sec. 1, 2003: Ord. 2860 Sec. 1, (part), 1984: Ord. 2333 Sec. 2, 1979)

9.04.080: Health District or Manager May Order Removal of Waste: The Benton-Franklin District Health Department or the Manager may order the removal of any waste if either determines that such removal is necessary for the protection and preservation of the public health and sanitation. If the hazard posed is such that delay may endanger persons or property, no demand need be made upon the owner or person in control of the premises or responsible for the accumulation of waste prior to ordering the removal. The appropriate waste collector will remove the waste as ordered and shall have a claim for his services against the owner or occupant or other person causing, permitting or allowing the accumulation. (Ord. 3396 Sec. 6, 1992: Ord. 2860 Sec. 3, 1984: Ord. 1640 Sec. 1, 1972)

9.04.090: Franchise Required:

(1) No person shall operate as a solid waste collector within the City without a franchise granted by the City Council. No franchise is necessary to haul or collect recyclable materials such as cans, bottles and newspapers. No franchise is necessary to haul or collect hazardous waste or biomedical waste if the collector is licensed by an agency of the state or federal government to haul and collect hazardous waste or biomedical waste.

(2) The franchise may be revoked or suspended by the City Manager for violation of any of its terms or any provision of this chapter by the franchisee. Proceedings as such shall be conducted in accord with the provisions of Section 6.01.120, except appeals shall be to the City Council.

(3) Franchises are personal and are not capable of assignment either by operation of law or otherwise except upon the written approval of the City Council. (Ord. 3746 Sec. 2, 1997: Ord. 3396 Sec. 7, 1992: Ord. 2860 Sec. 4 (part), 1984)

9.04.100: Charges:

(1) Every solid waste and biomedical waste collector must charge only those prices established by the City Council by ordinance, or, if not established by ordinance, in accord with a schedule of charges supplied to the City Manager. No services ordered by the City will be paid in excess of the schedule of charges for any given service.

(2) If the City establishes rates which include a mandatory collection, all lots, tracts and parcels of property within the City, except vacant and unused land, are liable for the collection rates established by ordinance. Any solid waste collector may, with the approval of the Manager and in accord with such terms and conditions as he deems just and appropriate, assign claims for collection services to the City for the enforcement of its lien, if any. (Ord. 3396 Sec. 8, 1992: Ord 2860 Sec. 4 (part), 1984)

9.04.110: Resource Recovery: All waste collectors will work with each other and the City to improve and modernize waste collection and the disposal and recycling of waste goods. Waste collectors must make solid waste collected available for pyrolysis or other resource recovery programs if so requested by the City. (Ord. 3396 Sec. 9, 1992: Ord. 2860 Sec. 4 (part), 1984)

9.04.120: Penalties:

(1) Any person who violates or fails to comply with any provision of this code or who aids and abets another in violating any provision of this chapter is guilty of an infraction and shall be punished by a civil penalty not to exceed \$5,000.00.

(2) Any person knowingly violating or failing to comply with any provision of this chapter relating to solid waste shall be guilty of a misdemeanor.

(3) Any person knowingly violating or failing to comply with any provision of this chapter relating to biomedical or hazardous waste shall be guilty of a gross misdemeanor.

(4) Each and every violation shall be a separate and distinct offense. In the case of continuing violations, each day's continuance shall be a separate and distinct offense. (Ord. 3396 Sec. 10, 1992)