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CHAPTER 8.04SANITATIONGARBAGE, REFUSESections:

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8.04.010 Definitions. (a) "Garbage and refuse" mean all waste and discarded material, including rubbish and debris, waste, discarded food, animal and vegetable matter, paper, cans, glass, ashes and boxes.

(b) "Waste" does not include materials subject to manufacture into by products.

(c) "Residence" means the place of dwelling of one head of family and his or her dependents.

(d) "Premises" means any dwellings, flats, apartments, rooming houses, hotels, clubs, restaurants, hospitals, schools, boarding houses, eating places, trailer courts, shops and places of business, or any other building or structure.

(e) "Person" means every natural person, firm, co-partnership, association or corporation.

- 1) For Statutory provisions pertaining to garbage, see R.C.W. 35.21.120, 130, 140, 150 and 151.

f) Words herein used in the present tense include the future tense, and the singular include the plural and in the plural include the singular, and in the masculine, include the feminine gender. (Ord. 1310, §1, 1979).

8.04.020 Creation of Sanitation Department. There is created within the city of Kettle Falls a Sanitation Department providing for the establishment, maintenance and operation of a garbage collection and disposal of garbage to be performed by or under the direction of the officials and employees of the City. (Ord. 1348, §1, 1980).

8.04.030 Sanitation Department Fund. There is established a Sanitation Department Fund of the city. All receipts for the collection and disposal of and all moneys received by the Sanitation Department Fund shall be deposited with the City Treasurer and become part of the Sanitation Department Fund. The expense of establishing, conducting and operating the Sanitation Department shall be paid therefrom, and the City Council may also provide for additional revenue to be paid into the fund from time to time from any available fund of the city, and warrants may be drawn on the fund. (Ord. 1310, §3, 1979).

8.04.040 Collections. A) Disposal required. The maintenance of health and sanitation requires all property owners or occupants of premises within the city of Kettle Falls to use the garbage collection and disposal system provided by the city, except when in the opinion of the city and with concurrence of the property owner or occupant of the premises the volume of garbage to be collected and needs of timing of the collection exceeds the city of Kettle Falls garbage collection capacities. In such event, city of Kettle Falls, property owner or occupant may agree that such owner or occupant may utilize private garbage collection services. Provided further, such property owner or occupant shall pay for all the costs of such garbage service. Provided further, that the manner and frequency of such garbage service shall be approved by the city of Kettle Falls. In the event that the property owner or occupant utilizes private garbage services under this section the rate schedule monthly charges in section 08.04.050 shall be waived. At any such time the city of Kettle Falls believes it has sufficient garbage collection capacity to serve to the property owner or occupant using private garbage collection then the property owner or occupant shall be required to utilize the Kettle Falls garbage collection services and the property owner or occupant shall pay the rate schedule established in section 08.04.050 and abide by all provisions of 08.04.040. (Ord. 1496, 1993; Ord. 1615, 2001).

B) City's responsibilities. The city will pick up garbage on designated days from all residents or businesses within the city limits. The city will accept/pick up garbage from cans/canisters or plastic bags as specified in 08.04.070, B, C, and D. Garbage not placed in garbage cans or bags will not be removed. The city will not accept old furniture, white goods, lumber, building materials, tires or batteries. (Ord. 1511, 1994; Ord. 1615, 2001).

C) Occupants Responsibilities. The occupant of a residence or business within the city limits has the responsibility to see that all garbage is placed in a can/canister or plastic bag. All garbage placed in a can must be contained in a plastic bag(s) firmly tied. No loose garbage nor garbage in cardboard boxes will be picked up. The occupant of a residence or business is obligated to keep the area around the garbage can/canister debris free. (Ord. 1496, 1993; Ord. 1615, 2001; Ord. 1634, 2004).

8.04.050 Rate Schedule. Rate schedule for charges against property owners or occupants of premises within the city of Kettle Falls are established by the City Council as follows: (Ord. 1509, 1994).

- A) Residence: monthly charges
1. Basic rate of \$15.50 (\$14.94 + .56 tax) for residences with one thirty-two (32) gallon size can to be picked up once per week. Each additional can shall be \$7.00 (\$6.75 + .25 tax). (Ord. 1509, 1994; Ord. 1568 \$1, 1998; Ord. 1589, 1999; Ord. 1596, 1999; Ord. 1602, 2000; Ord. 1653, 2005; Ord. 1671, 2007; Ord. 1727, 2013; Ord. 1739 \$2, 2014)
 2. Basic rate of \$12.00 (\$11.57 + .43 tax) for residences with one twenty (20) gallon can to be picked up once per week. Each additional can shall be \$7.00 (\$6.25 + .25 tax). (Ord. 1596, 1999; Ord. 1602, 2000; Ord. 1653, 2005; Ord. 1671, 2007; Ord. 1727, 2013; Ord. 1739 \$2, 2014)
 3. Apartments and trailer courts using cans will be charged the basic rate per apartment or trailer. (Ord. 1509, 1994; Ord. 1568 \$1, 1998; Ord. 1589, 1999)
 4. Extra garbage - minimum charge of \$1.00 (\$.96 + .04 tax) for two grocery sacks or one plastic bag. (Ord. 1568 \$1, 1998; Ord. 1589, 1999)
- B) Commercial:
1. Basic rate of \$15.50 (\$14.94 + .56 tax) for businesses with once per week pick up. Each additional can shall be \$7.00 (\$6.75 + .25 tax). (Ord. 1509, 1994; Ord. 1568 \$1, 1998; Ord. 1589, 1999; Ord. 1596, 1999; Ord. 1602, 2000; Ord. 1653, 2005; Ord. 1671, 2007; Ord. 1727, 2013; Ord. 1739 \$2, 2014)
 2. Restaurants, eating places, boarding houses, hotels or motels with dining facilities, schools, and hospitals shall be picked up at least twice a week with basic rate and extra cans being doubled. (Ord. 1470, 1990; Ord. 1568 \$1, 1998).
- C) Garbage canisters - rental - pick-up charges:
1. Monthly rental of a canister will be \$15.00. (Ord. 1509, 1994, Ord. 1568 \$1, 1998; Ord. 1589, 1999)
 2. Monthly pick-up rate will be as follows:
 - a. \$49.00 (\$47.24 + \$1.76 tax) for once per week pick-up. (Ord. 1509, 1994; Ord. 1568 \$1, 1998; Ord. 1589, 1999; Ord. 1653, 2005; Ord. 1671, 2007; Ord. 1727, 2013; Ord. 1739 \$2, 2014)
 - b. \$98.00 (\$94.47 + \$3.53 tax) for twice per week pick-up. (Ord. 1509, 1994; Ord. 1568 \$1, 1998; Ord. 1589, 1999; Ord. 1653, 2005; Ord. 1671, 2007; Ord. 1727, 2013; Ord. 1739 \$2, 2014)

8.04.060 Pick-up Schedule. Special pick-ups of debris or rubbish will be made on request for a reasonable charge. (Ord. 1310, \$6, 1979).

8.04.070 Container Regulation. A. It shall be the duty of every person in possession of or control of any premises at all times to keep or cause to be kept suitable watertight garbage cans, constructed of metal or molded plastic material with two hand-holds and covers for deposit of garbage and refuse; and to deposit or cause garbage and refuse to be deposited therein.

B. Such cans shall not be more than thirty two gallons capacity, shall have two handles at the sides thereof, tight fitting lids and total weight not more than 60 pounds when full. The lids shall not be removed except when necessary to place garbage or refuse in cans or to take therefrom. When garbage and refuse are placed therein or taken therefrom lids shall be replaced by the person placing it therein or taking same therefrom. Such cans shall be kept in a sanitary condition, with the outside free from accumulated grease or decomposed material. (Ord. 1310, 1979; Ord. 1348, 1980; Ord. 1422, 1985; Ord. 1535, 1996)

C. Every can or heavy plastic bag firmly tied on the day designated for collection shall be kept in a place accessible to the collector of garbage and refuse. Where alley access is available, all cans shall be placed at the alley line. Where alley access is not available, all cans shall be placed within 15 feet from street line at the curb line on the day designated for collection and on all other days shall be removed from street view.

D. All cartons/cardboard boxes in residential or commercial districts must be flattened and tied into bundles. (Ord. 1496, 1993).

E. It shall be the duty of every person, firm, or corporation in possession, charge or control of any premises to cause garbage and refuse to be placed in cans or containers for removal by the Sanitation Department. If any person, firm, or corporation fails, refuses or neglects to place garbage or refuse in cans or containers for removal by the city, or allows garbage or refuse to accumulate or be left on any street or ally, it shall constitute, and is declared to be public nuisance. In the event of violation of the provisions of this section, and in the event the nuisance created or existing is not abated or removed within 48 hours after written notice to abate or remove the nuisance is given to the owner or owners, occupant or occupants of the premises on which the nuisance is situated, it is lawful for the City, acting through its Sanitation Department, to remove and abate the nuisance, and for that purpose the Sanitation Department is authorized to expend such sum of money as may be required for the removal or abatement of the nuisance. The owner or owners, occupant or occupants of property upon which a nuisance is situated after written notice is given as above provided, shall be chargeable with the expense which may be incurred in the removal thereof, and the expense incurred may be collected by suit or otherwise in addition to the fine and/or penalty herein provided for. (Ord. 1310, §7, 1979; Ord. 1578, §1, 1998)

F) a. The City of Kettle Falls should provide for rental, canisters to be used by apartment houses, motels, food and grocery businesses and other businesses that so desire. Pick-up of such canisters will be once or twice a week as specified. (Ord. 1316, 1979).

b. Any unauthorized individual apprehended placing garbage in these canisters shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not in excess of \$100.00. Each violation shall constitute a separate offense. (Ord. 1392, 1983).

8.04.080 Delinquent Charges, Lien Procedures. All charges for services to be rendered herein shall be payable to the City Treasurer, if not paid on or before ten days of the date of the bill, the charge shall be delinquent. Upon failure to pay the charge and upon delinquency, the amount thereof shall become a lien against the premises from which the garbage and refuse collection services shall have been rendered. Liens shall be made effective by filing a notice thereof, specifying the charges, the period covered by the charges, and giving a legal description of the premises at which the service was rendered. The lien shall be filed with the same official and within the same time, and be foreclosed within the time and in the manner prescribed by law for the filing of a foreclosing of liens for labor and material. Such liens shall be prior to any and all other liens and encumbrances filed subsequent to the filing of such liens, but shall be subsequent to all general taxes and local improvement assessments, whether levied prior to subsequent thereto, as authorized by R.C.W. 35.21.150. (Ord. 1310, §8, 1979).

8.04.090 Service Suspension. Service to any premises may be suspended for nonpayment of accounts. Such suspension shall not relieve the person owing the account of the duty of complying with the provisions of this chapter. Suspension shall render the premises where service is suspended to condemnation for sanitary reasons. (Ord. 1310, §9, 1979).

8.04.100 Appeal Procedures. Any person who wishes to appeal or protest said charges may do so by filing such protest, in writing, with the Clerk/Treasurer within 10 days of notice that the bill is delinquent. (Ord. 1310, §10, 1979; Ord. 1578, §1, 1998).

8.04.110 Violation and Penalty. Any person, partnership, association, firm or corporation who wilfully violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of the ordinance codified in this title or its provisions shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not in excess of \$100.00. Each day that a violation exists shall constitute a separate offense. (Ord. 1348, §2, 1980).

8.04.120 Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances, shall not be affected. (Ord. 1310, §12, 1979; Ord. 1578, §1, 1998).