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08/04/97
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Chapter 6.30
Solid Waste Collection

ORDINANCE NO. 1952

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, RELATED TO SOLID WASTE COLLECTION, ADDING A NEW CHAPTER 6.30 SOLID WASTE COLLECTION TO THE REDMOND MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 35.21.156(1) permits the City to enter into a single contract for the operation of the City's solid waste handling system, and

WHEREAS, the City entered into a garbage collection contract with Waste Management - Sno-King ("Sno-King") on January 1, 1995, to provide for solid waste collection to residential and commercial properties throughout the City, and

WHEREAS, the contract with Sno-King provides that the City will not contract with any other company for solid waste collection services within the City, and

WHEREAS, in entering into the January 1, 1995 contract with Sno-King, the City desired to provide for a uniform and comprehensive system for (1) the collection of solid waste within the City; (2) the regulation of the times, hours, and manner in which solid waste is collected; (3) the regulation of rates; and (4) the protection of the public health, safety, and general welfare, and

WHEREAS, the Washington Utilities and Transportation Commission ("Commission"), acting under Chapter 81.77 RCW, administers a comprehensive regulatory program governing the operation of solid waste collection companies, including limitations upon

the number of solid waste collection companies offering services within specific geographic areas, and

WHEREAS, the January 1, 1995 contract was entered into between the City and Sno-King upon the assumption that RCW 81.77.040 would prohibit the provision of solid waste collection services within the City by companies other than Sno-King, and

WHEREAS, the Commission issued an interpretive letter on March 28, 1997, indicating that the Commission does not have regulatory authority over solid waste collection companies operating within the City, and

WHEREAS, the abrogation of regulatory authority within the City by the Commission would essentially permit any person, company, or entity to offer solid waste collection services within the City, unregulated by the Commission, and

WHEREAS, the City currently has no ordinances or regulations which comprehensively regulate solid waste collection services within the City, and

WHEREAS, the adoption and administration of such ordinances and regulations would place a significant burden upon the City and would require a level of involvement in solid waste regulation not contemplated or desired by the City Council, and

WHEREAS, the City Council finds that the provision of solid waste collection services unregulated by the Commission or the City would be detrimental to the health, safety, and general welfare of the City's residents due to the potential for adverse impacts including, but not limited to noise, odor, traffic, litter, and safety, and

WHEREAS, the City desires to adopt regulations which provide that the City-contracted solid waste collection company shall be the exclusive provider of solid waste

collection services within the City in lieu of adopting a comprehensive solid waste collection ordinance and the administration thereof with its concomitant re-allocation of City staff and resources, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. A new Chapter 6.30, Solid Waste Collection, is hereby added to the Redmond Municipal Code to read as follows:

Chapter 6.30

SOLID WASTE COLLECTION

Sections:

6.30.010	Purpose.
6.30.020	Definitions.
6.30.030	Exclusive collection.
6.30.040	Exceptions.
6.30.050	General penalties.

6.30.010 Purpose. The purpose of this chapter is to protect the public health, safety, and general welfare through the establishment of a uniform system of solid waste collection, processing, transportation, and disposal throughout the City and by the restriction of unregulated solid waste collection, transportation, processing, and disposal services. The provisions of this chapter shall be deemed an exercise of the power of the City to regulate matters of health and safety consistent with the City's general police powers.

6.30.020 Definitions. Where used in this chapter, the following words and terms shall have the meanings as defined in this section, unless, from the context, a more limited or different meaning is clearly defined or apparent:

(1) "Business of solid waste collection" means every person or his lessees, receivers, or trustees, that own, control, operate, or manage vehicles used in the business of collection,

compaction, transportation, processing, and/or disposal of solid waste for compensation, except septic tank pumpers, over any public street, highway, or right-of-way in the City. **Provided,** however, that a person that offers solid waste compaction services through the use of vehicles shall not be considered to be in the business of solid waste collection if the person does not travel upon the public streets, highways, and/or rights-of-way in the City with solid waste within or upon its vehicles.

(2) "City-contracted collector" means the person that has entered into a contract with the City for collection of solid waste from commercial and residential properties within the City.

(3) "Person" means every natural person, firm, partnership, association, institution and corporation.

(4) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, demolition and construction wastes and swill. **Provided,** however, that the definition of "solid waste" shall not include recognized industrial by-products, source-separated recyclable materials, sewage sludge, or abandoned vehicles or parts thereof.

6.30.030 Exclusive Collection.

Except as otherwise provided in this chapter, no person, other than the City-contracted collector, may engage in the business of solid waste collection within the City.

6.30.040 Exceptions.

The prohibition set forth in Redmond Municipal Code 6.30.030 shall not apply to any person in the business of solid waste collection when such person is performing services under the current term of a written contract that existed on or before September 2, 1997, to the extent that servicing such contract requires the use of any public street, highway, or right-of-way in the City. Any person claiming to be exempt under this Section shall bear the burden of proving that he or she is entitled to rely upon the exemption and shall, upon demand from the Public Works Director, furnish copies of any such contract to the City.

6.30.050 General penalties.

A. Civil Penalty.

1. Any person, and the officers, directors, managing agents, or partners of any corporation, firm, partnership, or other organization or business violating or failing to comply with any of the provisions of this chapter shall be subject to a civil penalty in an amount not less than \$100.00 nor more than \$1,000.00 per day for each violation from the date set for compliance until compliance with the order is achieved.

2. The penalty imposed by this section shall be collected by civil action brought by the City or through the process established in Redmond Municipal Code Chapter 1.14. The Mayor or his or her designee shall notify the City Attorney in writing of the name of any person subject to the penalty, and the City Attorney shall, with the assistance of the Mayor or his or her designee, take appropriate action to collect the penalty.

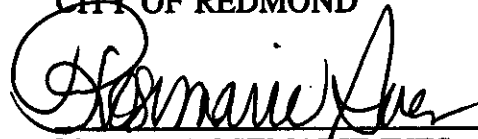
B. Criminal Penalties.

1. Any person, and the officers, directors, managing agents, or partners of any corporation, firm, partnership, or other organization of business violating or failing to comply with any of the applicable provisions of this chapter who has had a judgment or cease and desist order entered against him or her pursuant to Redmond Municipal Code 6.30.050(A) or its predecessors within the past five (5) years shall be subject to criminal prosecution and upon conviction of such subsequent violations shall be fined in a sum not exceeding \$5,000.00 or be imprisoned for a term not exceeding one (1) year or be both fined and imprisoned. Each day of noncompliance with any of the applicable provisions of this chapter shall constitute a separate offense.

C. Additional Relief. Nothing in this chapter shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this chapter. Furthermore, violation of the terms of this chapter shall be grounds for revocation of the business license of any person violating the terms hereof.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional 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 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND

MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, BONNIE MATTSO

APPROVED AS TO FORM
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	September 16, 1997
PASSED BY THE CITY COUNCIL:	September 16, 1997
SIGNED BY THE MAYOR:	September 18, 1997
PUBLISHED:	September 20, 1997
EFFECTIVE DATE:	September 25, 1997
ORDINANCE NO. <u>1952</u>	