

ORDINANCE 2015 - 23



ORIGINAL

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON,
AMENDING SECTION 8.04.090
OF THE SUNNYSIDE MUNICIPAL CODE
PERTAINING TO GARBAGE COLLECTION**

WHEREAS, the City Council of the City of Sunnyside has provided for garbage collection and disposal, as codified in Chapter 8.04 of the Sunnyside Municipal Code; and

WHEREAS, in conjunction with such service, the City Council has adopted ordinances from time to time establishing and amending rates and charges for collection of garbage and operation and maintenance of the garbage collection services; and

WHEREAS, the City Council finds and determines that the collection charges set forth in Section 8.04.090 and the additional charges set forth in Section 8.04.095 of the Sunnyside Municipal Code should be amended as provided herein; and

WHEREAS, the City Council finds and determines that approval of such amendment is in the best interests of residents of the City of Sunnyside and will promote efficient operations and maintenance of garbage collection, and will promote the general health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

Section 1. Section 8.04.090 of the Sunnyside Municipal Code is hereby amended to read as follows:

8.04.090 Rates. The rates to be billed by the City and charged to residents and customers of the City for garbage collection and trash *effective January 1, 2016*, shall be as follows:

A. RESIDENTIAL RATES. The City has two basic residential rates. The first rate will consist of a once-a-week collection of garbage from a 96-gallon plastic refuse cart to be provided by contractor. The second rate will consist of a once-a-week collection of garbage from a 48-gallon plastic refuse cart to be provided by contractor. These carts shall conform to SMC 8.04.060 and shall be the primary receptacle for setting out garbage. No plastic bags, boxes or other alternative receptacles shall be used by a customer until the contractor owned cart has been filled to capacity. Any items placed on top or outside of the contractor provided cart, such as boxes, plastic bags or sacks, or other individual items that exceed the level capacity of the contractor provided cart shall bear a penalty charge per item as set forth below. The 48-gallon and 96-gallon rate restricts the use of the contractor provided cart to only level capacity so that the hinged lid may close tightly against the top of the cart. The contractor shall advise the City of Sunnyside of any customers who repeatedly place garbage outside of a contractor provided container. The monthly rates for residential garbage collections shall be as listed in Chapter 2.02 SMC, Schedule of Fees and Charges.

If a customer desires another container for the collection of garbage, customer shall notify contractor in writing of its request for a second (or more) container. The contractor shall deliver such additional container(s) to customer within ten (10) days of customer's request. The rate for the additional container will be the same rate as specified in Chapter 2.02 SMC, Schedule of Fees and Charges.

By way of example only and for the avoidance of doubt, if a customer currently has one (1) ninety-six (96) gallon container costing \$10.00 and requests a second ninety-six (96) gallon container, then customer's monthly rate for garbage collection for both cans shall be \$20.00.

If the contractor collects garbage, refuse, yard waste, bound trimmings or leaves placed in a container other than the contractor provided container or if such items are placed on top or outside of the contractor provided container, such as in boxes, plastic bags or sacks, or other individual items that exceed the level capacity of the contractor provided container, the contractor will first empty the contractor provided container and then dump the additional items into the contractor provided container and empty the contractor provided container again. The customer shall be charged for each such dump of the contractor provided container until the additional garbage is collected at the rate listed in Chapter 2.02 SMC, Schedule of Fees and Charges.

By way of example only and for the avoidance of doubt, if a customer currently has one (1) ninety-six (96) gallon container and places that container out for collection with four (4) other non-conforming containers during the month and the contractor is required to dump the contractor provided container a total of four (4) additional times in such month to eliminate all garbage placed out for collection, then customer would be charged a total of \$22.00 for the month (\$10.00 [*regular monthly charge*] + \$3.00 + \$3.00 + \$3.00 + \$3.00 [*four additional dumps*] = \$22.00).

There shall also be an additional monthly charge at the rate listed in Chapter 2.02 SMC, Schedule of Fees and Charges for walk-in service services for non-handicapped persons (per can). There shall also be an additional charge at the rate listed in Chapter 2.02 SMC, Schedule of Fees and Charges should contractor be required to make any additional trips to a customer's residence for collection. It shall be the customer's responsibility to apply for or request the appropriate level of garbage service. It shall be the responsibility of the contractor to notify the City of Sunnyside of any such additional charges. These charges will then be included in the City's utility billing statements to the residential customer.

B. COMMERCIAL RATES. The monthly rates for commercial garbage collection for containers between the size of one and one-half cubic yards to six cubic yards, depending on the number of containers, the rate shall be as listed in Chapter 2.02 SMC, Schedule of Fees and Charges.

For each additional pickup per week in excess of the amounts described above, the charge shall be an additional 25 percent per container based on the charge for the last applicable rate for each category above.

C. COMMERCIAL RATES – GENERAL PROVISIONS. The rates as set forth above shall be for containers filled to a level capacity so that the lids of the containers may be closed tightly. Any customer who, as determined by the contract hauler, fills his or her container(s) beyond level capacity or who places additional garbage such as boxes, plastic bags or sacks, or any other individual items outside the container(s) shall be assessed an additional service surcharge as listed in Chapter 2.02 SMC, Schedule of Fees and Charges. It shall be the responsibility of the contract hauler to provide the City with the necessary information for this surcharge to be assessed.

D. Furthermore, if the contract hauler determines that a customer is consistently exceeding the capacity of their container(s) and needs additional services, it shall notify the City and the City in turn shall notify the customer that they must make arrangements within five days of receipt of said notice for additional garbage collection service. If such customer fails to comply, the City shall, based upon the contract hauler's information, set forth the level of service and determine the appropriate charge. Any change in service shall take effect immediately at the time of the change.

E. BULK CONTAINERS. For bulk containers larger than one and one-half cubic yards and for compactor containers the charges shall be as listed in Chapter 2.02 SMC, Schedule of Fees and Charges.

E. ANNUAL CPI ADJUSTMENT. Beginning January 16, 2016, and for every subsequent year thereafter, the rates set forth in Chapter 2.02 SMC, Schedule of Fees and Charges shall be increased by eighty percent (80%) of the change in Consumer Price Index computed by the "Seattle-Tacoma-Bremerton Area Average for all Urban Consumers" as measured in fall of the preceding year of the year the annual adjustment occurs.

Section 2. Section 8.04.095 of the Sunnyside Municipal Code is hereby amended to read as follows:

8.04.095 Additional Charges.

The rates to be billed by the City and charged to residents and customers of the City for additional services *effective January 1, 2016*, shall be as follows:

In addition to the garbage collection rates set forth in Chapter 2.02 SMC, Schedule of Fees and Charges, the City's garbage collection service is authorized to charge and collect for garbage collection services as follows:

A. TEMPORARY CONTAINERS. The charge for temporary containers shall be as listed in Chapter 2.02 SMC, Schedule of Fees and Charges:

In addition to the charges set forth above for temporary containers, there shall be a deposit paid in advance, at the time arrangements for temporary containers are made, which deposit is calculated as an amount equivalent to the delivery charge plus the base pickup charge plus five days rental charge per container. At the time the temporary container is no longer needed, the deposit shall be applied as a credit toward accrued charges, therefore, with any portion of the deposit which in excess of the charge refunded to the customer.

For the purposes of this section, "temporary container" shall be defined as containers that are requested on a temporary basis and are utilized for a period of three months or less. If such container is utilized for a period in excess of three months, it shall be charged at the rate set forth in Chapter 2.02 SMC, Schedule of Fees and Charges.

B. NONCONFORMING RESIDENTIAL REFUSE. Nonconforming residential refuse will be assessed a charge equal to the rates established from time to time by the Board of Commissioners of Yakima County applicable to disposal of specific nonconforming residential refuse, plus applicable mileage charges established for the City's contract refuse hauler. Disposal charges for specific nonconforming residential refuse shall be at the rate set forth in Chapter 2.02 SMC, Schedule of Fees and Charges.

C. COMMERCIAL CONTAINERS.

1. The charges for bulk containers (drop boxes) 10 cubic yards or larger shall be at the rate set forth in Chapter 2.02 SMC, Schedule of Fees and Charges.

D. Tonnage Charges. The tonnage charge shall be a pass-through cost to the customer and shall be based on landfill costs charged per ton to the City's contract refuse hauler. Tonnage charges shall be based on the weight of each customer's bulk container or compacted container as determined by Yakima County or such other operator of the landfill to which refuse is hauled where five successive weight measurements are averaged on a one-time basis. It is provided, however, that the customer may, at the customer's option and expense, have the container(s) weighed and/or averaged on a regular or recurring basis, with tonnage being charged based on the new average or individual weight(s). Expenses involved in subsequent weighing's, for which the customer shall be responsible, shall include actual costs incurred by the refuse hauler and/or Yakima County or other landfill operator, including but not limited to vehicle transportation costs, manpower costs, machinery costs and any other costs traceable to the weighing process.

E. Mileage Charges. Commencing March 1, 2003, there shall be an additional mileage charge assessed on temporary bulk containers larger than one and one-half cubic yards, commercial containers described in this chapter, and compactor containers described in this chapter, at the rate set forth in Chapter 2.02 SMC, Schedule of Fees and Charges per mile for each mile in excess of 10 miles from the City of Sunnyside.

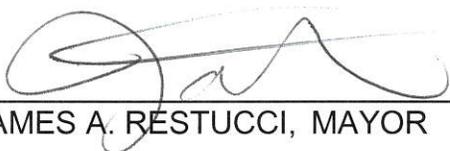
Such additional mileage charge shall be assessed on each such account and shall be billed and collected by the City's contract sanitary refuse hauler in accordance with the provisions of this chapter. [Ord. 2206 § 1, 2008; Ord. 2053 § 2, 2003; Ord. 1908 § 2, 1995; Ord. 1872 § 2, 1984; Ord. 1827 § 1, 1993; Ord. 1742 § 1, 1991; Ord. 1739, 1991; Ord. 1732 §4, 1991; Ord. 1657 §2, 1989.]

F. ANNUAL CPI ADJUSTMENT. Beginning January 1, 2016, and for every subsequent year thereafter, the rates set forth in this Section 8.04.095 shall be increased by eighty percent (80%) of the change in Consumer Price Index computed by the "Seattle-Tacoma-Bremerton Area Average for all Urban Consumers" as measured in fall of the preceding year of the year the annual adjustment occurs.

Section 3. Except as amended herein, the provisions of Chapter 8.04 of the Sunnyside Municipal Code, as amended, shall remain unchanged.

Section 4. This Ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 14th day of December, 2015.



JAMES A. RESTUCCI, MAYOR

ATTEST:



DELILAH SAENZ, CMC, CITY CLERK

APPROVED AS TO FORM:



KERR LAW GROUP, PLLC
Attorneys for the City of Sunnyside