

**ORDINANCE 2012 - 01****AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF SUNNYSIDE, WASHINGTON, AMENDING  
SECTIONS 8.04.060, 8.04.065,  
8.04.080, 8.04.090 AND 8.04.100  
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 from time to time, 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 residential collection methods and materials set forth in Sections 8.04.060, 8.04.065, 8.04.080 and 8.04.100 of the Sunnyside Municipal Code should be amended to reflect the use of 48-gallon and 96-gallon refuse containers to be provided by contractor and to eliminate the use of in-ground receptacles; and

**WHEREAS**, the City Council finds and determines that the collection charges set forth in Section 8.04.090 of the Sunnyside Municipal Code should be amended to incorporate a sixty cent (\$.60) increase effective April 16, 2012 and thereafter; 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 8.04.060 of the Sunnyside Municipal code is hereby amended to read as follows:

**Section 8.04.060 shall read as follows until April 15, 2012:**

**8.04.060 Residential collection – Method and frequency.**

A. Tapered metal or plastic water-tight containers with tight-fitting covers and handles, with a capacity not to exceed 35 gallons or 50 pounds in weight when filled, are deemed to be acceptable refuse containers in residential areas. If a contractor provides an approved mechanical loading device, and 80- to 90-gallon wheeled carts with tight-fitting lids, they shall be used by customers in residential areas. Underground receptacles for refuse containers must be placed above the ground on the morning of regularly scheduled collection by the customers. If the receptacle is not above ground, the contractor is not required to empty or collect the refuse. No employee for a contractor may remove or cause to be removed from any premises any refuse which is not so contained, except as otherwise provided in this section.

B. The separation of garbage and trash shall not be required.

C. The contractor shall collect once each week, from each dwelling unit in the City.

D. All curb and alley service customers shall place the refuse at the curb or edge of the street or alley in front of or adjacent to the property being serviced, not later than 5:00 a.m. on the day of collection, and shall thereafter remove the refuse containers from the curb or edge of street or alley on the same day of the collection. Provided, however, that whether the service be at the curb or edge of street or in the alley, the house numbers or address numbers shall be visible.

E. Trimmings and limbs shall be collected if they are less than four inches in diameter and tied at each end in bundles not to exceed four feet in length and 40 pounds in weight. Trimmings and limbs may be boxed in boxes strong enough to hold the contents if they do not weigh more than 40 pounds. Provided, that an additional charge will be required for this service as set forth in SMC 8.04.090.

F. Leaves and lawn clippings shall be collected if they are placed in refuse containers, boxes or plastic bags strong enough to hold the contents and not weighing more than 40 pounds and set out at the curblin e or for trash collection. This service

may require an additional charge if it exceeds the number of containers to which the customer is entitled, as provided in SMC 8.04.090.

**Section 8.04.060 shall read as follows effective April 16, 2012:**

**8.04.060 Residential collection—Method and frequency.**

A. The contractor shall supply all refuse containers required for residential service. The contractor shall only be required to supply two sizes of containers: a 48-gallon container (to be provided to senior citizens or other customers who elect to have such size container) or a 96-gallon container. Such containers shall be sturdy, water tight, and equipped with heavy-duty wheels and closeable lids.

B. All customers shall be required to use the refuse container provided by the contractor as their primary receptacle for setting out garbage. Alternate receptacles (bags, customer owned 32-gallon cans, boxes) may only be used for excess waste, not as the customer's primary receptacle. Use of such alternative receptacles for setting out excess garbage will be charged according to Section 8.04.090. .

C. If a resident desires to have a 48-gallon container it must provide contractor with thirty (30) days written notice of such request and contractor will coordinate with such resident the timing and mechanics for the replacement of the 96-gallon container for the 48-gallon container.

D. The contractor shall collect trash from contractor-provided refuse containers once a week from each dwelling unit in the City.

E. All curb and alley service customers shall place the refuse at the curb or edge of the street or alley in front of or adjacent to the property being serviced not later than five a.m. on the day of collection, and shall thereafter remove the refuse container from the curb or edge of the street or alley on the same day of collection; provided, however, that whether the service be at the curb or edge of the street or in the alley, the house numbers or address numbers shall be visible.

F. If the contractor refuses to collect garbage because it is not deposited in the contractor-provided container, then the contractor shall notify the resident in writing by leaving a tag on the receptacle (if one is present) or other conspicuous place, with the tag setting forth the reason that the garbage was not collected. If the problem or defect is not corrected by the next time that the garbage would be collected, the

contractor shall advise the City of Sunnyside of the problem or defect and the lack of correction.

G. Trimming and limbs shall be collected if they are less than four (4) inches in diameter and tied at each end in bundles not to exceed four (4) feet in length and fifty (50) pounds in weight. Trimmings and limbs may be boxed in boxes strong enough to hold the contents, if they do not weigh more than fifty (50) pounds; provided, however, that an additional charge will be required for this service as set forth in Section 8.04.090.

H. Leaves and lawn clippings shall be collected if they are placed in the contractor provided garbage container and so long as the container does not weigh over Two Hundred (200) pounds; provided, however, a customer may place leaves and lawn clippings in a bag and set out such bag at the curblin for collection, but this service is only provided for an additional charge as set forth in Section 8.04.090.

**Section 2.** Section 8.04.065 of the Sunnyside Municipal code is hereby amended to read as follows:

**Section 8.04.065 shall read as follows until April 15, 2012:**

**8.04.065 In-ground receptacles – Permitted in multifamily residential complexes with single billing.**

In mobile home parks or in recreational vehicle parks, or in any other multifamily residential complex or development where City utilities for all of the residential units are billed under one account, in-ground garbage receptacles may be used.

It is provided, however, that if the in-ground garbage receptacle is too heavy (in excess of approximately 50 pounds weight); full or partially full of water or other liquid; or if the container is bent, damaged or broken so as to increase the difficulty of removing the container from the in-ground receptacle; or if snow, ice or other matter or debris obstructs the location of the in-ground receptacle, the garbage hauler may, at his or her discretion, leave the in-ground garbage container uncollected. It is further provided that if the garbage hauler does leave the in-ground garbage container uncollected for any of the above cited reasons, the garbage hauler shall notify the resident in writing by leaving a tag on the receptacle or other conspicuous place, with the tag setting forth the reason that the garbage was not collected. If the problem or

defect is not correct by the next time that the in-ground garbage receptacle would be next collected in the normal routine of collection services, the garbage hauler shall advise the City of Sunnyside of the problem or defect and the lack of correction.

**Section 8.04.065 shall read as follows effective April 16, 2012:**

**8.04.065 In-Ground receptacles – Not permitted**

In-ground garbage receptacles may not be used by any customer. The contractor shall have no obligation to collect any waste that is deposited in an in-ground receptacle, whether placed above ground or not. All customers must place all garbage in the containers provided by contractor and all such containers must be placed above ground for collection. Any garbage placed in an in-ground garbage container, whether placed above ground or not, will not be collected and if such problem continues for two or more weeks of collection, the contractor shall advise the City of Sunnyside of the problem or defect.

**Section 3.** Section 8.040.080 of the Sunnyside Municipal Code is hereby amended to read as follows:

**Section 8.04.080 shall read as follows until April 15, 2012:**

**8.04.080 Containerized, bulk containerized and compactor containerized service.**

A. The containers, bulk containers and compactor containers used in connection with containerized service, bulk containerized service and compactor containerized service, if used by a commercial or industrial customer, shall be located at a place specified by the Public Works Director. Commercial customers with a low volume of refuse may use 80- to 90-gallon wheeled carts with tight-fitting lids if a contractor provides a mechanical loading device for collection.

B. Commercial and industrial customers with a high volume of refuse materials who cannot be adequately served by containerized service shall use bulk containerized service.

C. Collection of refuse from all meat, fish, game and vegetable markets, restaurants, boardinghouses, hotels, hospitals and other like businesses shall be made as often as necessary to avoid odor nuisance or overflowing of container contents. The City's garbage collection service shall pick up containers, bulk containers and

compactor containers not later than 30 hours after the time a request for pickup is made by the customer. The charges for such pickup shall be as provided in this chapter.

**Section 8.04.080 shall read as follows effective April 16, 2012:**

**8.04.080 Containerized, bulk containerized and compactor containerized service.**

A. The containers, bulk containers and compactor containers used in connection with containerized service, bulk containerized service and compactor containerized service, if used by a commercial or industrial customer, shall be located at a place specified by the Public Works Director. A Commercial customer with a low volume of refuse may use a ninety-six (96) gallon wheeled container, as provided for by the contractor, so long as such commercial customer notifies contractor in writing of its request for a ninety-six (96) gallon container.

B. Commercial and industrial customers with a high volume of refuse materials who cannot be adequately served by containerized service shall use bulk containerized service.

C. Collection of refuse from all meat, fish, game and vegetable markets, restaurants, boardinghouses, hotels, hospitals and other like businesses shall be made as often as necessary to avoid odor nuisance or overflowing of container contents. The City's garbage collection service shall pick up containers, bulk containers and compactor containers not later than 30 hours after the time a request for pickup is made by the customer. The charges for such pickup shall be as provided in this chapter.

**Section 4.** 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 collection of garbage and trash *until April 15, 2012*, shall be as follows:

A. RESIDENTIAL RATES. The City has two basic residential rates. The first rate will consist of one metal can or plastic refuse container. The second rate will consist of up to three metal cans or plastic refuse containers. These containers shall conform to SMC 8.04.060. No plastic bags, boxes or other container shall be used until the stickered container has been filled to level capacity. Any items placed on top or

outside of the container, such as boxes, plastic bags or sacks, or other individual items that exceed the level capacity of the stickered container shall bear a penalty charge per item as set forth below. Customers using up-to-three-can rate shall be required to use containers as described in SMC 8.04.060. No plastic bags, boxes or other containers shall be used until the first three containers have been filled to their level capacity. All extra items placed on top of or outside these containers, such as boxes, plastic bags or sacks, or other individual items, shall bear a penalty charge per item as set forth below. The one-can and up-to-three-can rate restricts the use of the metal can or plastic containers to only level capacity so that a lid can be placed tightly on top of the container. Any changes in service shall go into effect on the first day of the following month.

The monthly rates for residential garbage collection shall be as follows:

<b>Description of Service</b>	<b>Charges Per Month</b>
1 can only per week	\$7.49
Up to 3 cans per week	\$10.06
Up to 4 cans per week	\$13.44
Up to 5 cans per week	\$16.81
Up to 6 cans per week	\$20.18

For regular service involving more than six cans per week, the monthly charge shall be the "six cans per week" rate plus an additional \$3.39 per month for each can in excess of six cans per week.

The customer shall place his or her garbage out for collection.

For occasional nonregular garbage service involving cans, containers or other items in excess of the customer's regular service rate, an extra charge of \$2.57 for each can, container or other item will be assessed. For service involving containers not in conformity with the container requirements, there shall be a penalty charge of \$2.57 for each additional can, container or item added to the customer's regular monthly garbage collection rate. There shall also be an additional monthly charge of \$5.77 per can for walk-in service services for nonhandicapped persons.

It shall be the customer's responsibility to apply for or request the appropriate level of garbage service. Otherwise, cans in excess of the amount provided for in the customer's most recent regular service level shall be billed at the "occasional, nonregular" rate.

It shall be the responsibility of the City's contract hauler to notify the City of any such additional charges. These charges would then be included in the City's utility billing statements to the residential customer.

B. **ADDITIONAL CHARGE FOR IN-GROUND RECEPTACLES.** There shall be a charge added to the garbage collection bills for each in-ground receptacle as provided in SMC 8.04.065 of \$1.61 per month per in-ground receptacle, which charge shall be added to and in addition to the applicable garbage collection charges set forth in subsection (A) of this section.

C. **COMMERCIAL RATES.** The monthly rates for commercial garbage collection shall be as follows:

1. 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 follows:

<b>Container Size / Per Week</b>	<b>Charge</b>
1-1/2 yard, once per week	\$48.40
1-1/2 yard, twice per week	\$82.76
1-1/2 yard, three times per week	\$117.20
3 yard, once per week	\$82.86
3 yard, twice per week	\$147.38
4 yard, once per week	\$109.31
4 yard, twice per week	\$196.73
6 yard, once per week	\$144.16
6 yard, twice per week	\$262.86
6 yard, three times per week	\$381.55

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.

D. 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 of \$12.83 per container. It shall be the responsibility of the contract hauler to provide the City with the necessary information for this surcharge to be assessed. 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 per SMC 8.04.095.

The rates to be billed by the City and charged to residents and customers of the City for garbage collection and trash *effective April 16, 2012*, 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 collection shall be as follows:

<u>Description of Service</u>	<u>Rate Per Month</u>
1 48-gallon can per week	\$8.09
1 96-gallon can per week	\$10.66

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 above. By way of example only and for the avoidance of doubt, if a customer currently has one (1) ninety-six (96) gallon container and requests a second ninety-six (96) gallon container, then customer's monthly rate for garbage collection for both cans shall be \$21.32. 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 a rate of \$2.67 per additional dump. 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 \$21.34 for the month (\$10.66 [regular monthly charge] + \$2.67 + \$2.67 + \$2.67 + \$2.67 [four additional dumps] = \$21.34). There shall also be an additional monthly charge of \$5.77 per can for walk-in

service services for non-handicapped persons. 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 shall be as follows:

1. 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 follows:

<b>Container Size / Per Week</b>	<b>Charge</b>
1-1/2 yard, once per week	\$48.40
1-1/2 yard, twice per week	\$82.76
1-1/2 yard, three times per week	\$117.20
3 yard, once per week	\$82.86
3 yard, twice per week	\$147.38
4 yard, once per week	\$109.31
4 yard, twice per week	\$196.73
6 yard, once per week	\$144.16
6 yard, twice per week	\$262.86
6 yard, three times per week	\$381.55

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 of \$12.83 per container. It shall be the responsibility of the contract hauler to provide the City with the necessary

information for this surcharge to be assessed. 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.

D. BULK CONTAINERS. For bulk containers larger than one and one-half cubic yards and for compactor containers the charges shall be as per SMC 8.04.095.

**Section 5.** Section 8.04.100 of the Sunnyside Municipal Code is hereby amended to read as follows:

**Section 8.04.100 shall read as follows until April 15, 2012:**

**8.04.100 Maintenance of containers.**

A. Customers shall keep their refuse containers clean, to prevent an odor nuisance, and in good repair. Containers cracked or rusted and therefore not water tight, without two handles, or without a tight-fitting lid, are not acceptable.

B. A contractor shall keep all refuse containers owned by him clean inside and out to prevent an odor nuisance. A contractor shall also place a violation tag, identifying the violation, on refuse containers owned by customers found to be in violation of this section. Containers so tagged by the contractor shall not be emptied until the violation is corrected by the customer.

C. Customers with containers not kept in good repair and so identified by tagging with the contractor shall correct the violation within five days of the tagging. Failure to comply with the tagged notice to repair or replace an unacceptable refuse container shall be unlawful.

**Section 8.04.100 shall read as follows effective April 16, 2012:**

**8.04.100 Maintenance of Containers.**

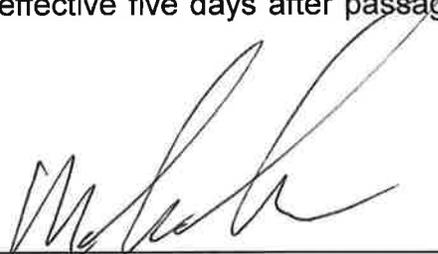
The contractor shall maintain the containers in good repair, shall bear the cost of normal wear and tear, and shall replace the containers as needed. The contractor may charge a fee to customers that have containers that must be repaired or replaced due to

other than normal wear and tear. If repairs require removal of the container from a customer's property, the contractor shall supply the customer with a replacement container or "loaner" container. The contractor shall, within seven (7) days, repair or replace damaged or dilapidated containers. The contractor shall provide the containers required pursuant to this Chapter at its own expense. The contractor shall promptly replace stolen containers, provided that the cost of replacement shall be borne by the customer.

**Section 6.** Except as amended herein, the provisions of Chapter 8.04 of the Sunnyside Municipal Code, as amended, shall remain unchanged.

**Section 7.** This Ordinance shall be effective five days after passage, approval and publication as required by law.

**PASSED** this 9<sup>th</sup> day of January, 2012.



---

MIKE FARMER, MAYOR

**ATTEST:**



---

DELILAH SAENZ, CITY CLERK

**APPROVED AS TO FORM:**



---

MENKE JACKSON BEYER EHLIS & HARPER, LLP  
Attorneys for the City of Sunnyside