

ORDINANCE 2022 - 24

**AN ORDINANCE OF THE CITY OF SUNNYSIDE, WASHINGTON,
REPEALING AND REPLACING SECTION 8.04 OF THE
SUNNYSIDE MUNICIPAL CODE - GARBAGE COLLECTION AND DISPOSAL**

WHEREAS, the City of Sunnyside has previously enacted Section 8.04 of the Sunnyside Municipal Code entitled GARBAGE COLLECTION AND DISPOSAL through ordinance of the Sunnyside City Council; and

WHEREAS, the City must update the section from time to time as necessary for the operation of City services; and

WHEREAS, the City has determined it is advantageous to restructure the process for providing services and setting rates for garbage collection and disposal;

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

SECTION 1. That Section 8.04 of the Sunnyside Municipal Code entitled "GARBAGE COLLECTION AND DISPOSAL" is repealed and replaced upon adoption and incorporation of Exhibit A "GARBAGE COLLECTION AND DISPOSAL", attached hereto.

SECTION 2. This Ordinance shall be effective five days after passage, approval and publication as required by law.

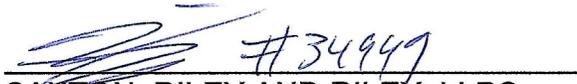
PASSED this 10th day of October, 2022.


DEAN BROERSMA, MAYOR

ATTEST:


JACQUELINE RENTERIA, CITY CLERK

APPROVED AS TO FORM:


#34949
SAXTON, RILEY AND RILEY, LLPC
Attorneys for the City of Sunnyside

Chapter 8.04**GARBAGE COLLECTION AND DISPOSAL**

Sections:

- 8.04.010 Definitions.
- 8.04.020 Enforcement authority.
- 8.04.030 Service compulsory.
- 8.04.040 Unlawful accumulations.
- 8.04.050 Burying or dumping prohibited.
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- 8.04.070 Residential collection – Types of services.
- 8.04.080 Containerized, bulk containerized and compactor containerized service.
- 8.04.090 Rates.
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- 8.04.100 Maintenance of containers.
- 8.04.110 Dead animals.
- 8.04.120 Authority to contract for service.
- 8.04.130 Billings – Delinquencies.
- 8.04.140 Violations – Penalties.

8.04.010 Definitions.

For the purpose of this chapter, certain words and phrases are defined as follows:

- A. “Alley” means a strip of land dedicated to public use for access to the rear of properties. Such alleys, to be used for the purpose of refuse collection, must be least 20 feet wide and open to a public street at each end or otherwise as approved by the Public Works Director in accordance with the purposes of this chapter.
- B. “Bulk containerized service” means use of drop boxes in excess of 10 cubic yards in size as approved by the Public Works Director.
- C. “Commercial account” means any group of dwelling units in excess of two, or places of business providing goods or services.
- D. “Containerized service” means service and equipment approved by the Public Works Director, wherein the contractor provides a vehicle equipped for mechanical handling of containers with casters up to 10 cubic yards. Such containers shall be provided by the contractor.
- E. “Garbage” means all accumulations of animal, fruit or vegetable matter which attend the preparation, use, cooking, dealing in, or storage of meat, fish, fowl, fruits or vegetables and containers originally used for foodstuffs, yard debris such as tree limbs, grass clippings, leaves, weeds, construction waste, etc. For the purposes herein, the terms “garbage” and “refuse” shall be synonymous.
- F. “Licensed contractor” means a company licensed to commercially remove garbage within the City, and is also referred to at times in this chapter as “licensee,” and includes all employees.
- G. “Nonconforming items” means all refuse items placed out for collection which do not constitute regular residential or commercial garbage and which by size, weight or unwieldiness pose increased difficulty for garbage collection services. Examples of such nonconforming items are large, bulky items, including tree limbs and stumps over four inches in diameter, furniture and appliances, concrete, building materials, tires, etc.
- H. “Residential account” means any dwelling unit or group of dwelling units not exceeding two in number, used exclusively as a place of residence.

I. "Trash" means weeds and grasses and waste materials except rocks, concrete, bricks, dirt, plaster and similar building materials.

J. "Compactor container" refers to use of bulk containerized service where garbage is mechanically compressed into a smaller volume with greater density.

K. "Extra pickups" means garbage pickups which have been requested by a customer for a time other than the customer's regular garbage pickup time. [Ord. 1739, 1991; Ord. 1732 § 1, 1991; Ord. 1190 § 1, 1978; Ord. 1187 § 2, 1978; 1956 Code § 8-101.]

8.04.020 Enforcement authority.

The Public Works Director shall enforce the provisions of this chapter and shall have the power to supervise the work performed by a contractor to ensure the collection, removal and disposal of refuse consistent with the provisions of this chapter. [Ord. 1739, 1991; Ord. 1189 § 3, 1978.]

8.04.030 Service compulsory.

All dwellings, apartment houses, and places of business in which refuse accumulates within the City shall be required to pay for refuse collection services of a contractor licensed by the City. If any customer requests a certain level of collection service, but that customer exceeds the amount of garbage allowed for that level of service on more than two occasions per calendar year, the City shall designate the customer's appropriate level of service, and will notify the customer that additional or larger containers will be added to the customer's account, and the customer shall be charged accordingly. Following a decision by the City to increase a customer's level of service, if the customer wishes to dispute the need for an additional or larger container, they must inform the City in writing within seven (7) business days and explain the reason for the previous excess refuse and how those situations will be avoided in the future. Once a customer's service level is increased by the City, the customer can apply to have the service reduced no sooner than three months following the increase in services as determined by the City. [Ord. 1739, 1991; Ord. 1189 § 4, 1978.]

8.04.040 Unlawful accumulations.

A. It is unlawful for any occupant or owner of any building, lot or premises in the City to allow or permit any refuse to collect or remain upon such premises in such manner or quantity as to constitute a fire or a health hazard.

B. Any accumulation of refuse which constitutes a fire hazard or a menace to public health, safety or welfare is deemed a nuisance. It is the duty of the occupant, owner and person who placed the accumulation at such location to abate the nuisance by removing the accumulation and cleaning the area up.

C. The Public Works Director, the Fire Chief, or their designee(s) shall enforce the provisions hereof. If any occupant, owner or responsible person fails to abate such nuisance, the City Council may, after a report filed by the Fire Chief of the Public Works Director, by resolution, require such occupant, owner or responsible person to abate the nuisance by removal thereof, at such person's cost and expense, within the time specified in the resolution. If the nuisance is not abated within such time, the Public Works Director or the Fire Chief may direct abatement of the same as set forth herein below.

D. The resolution of the City Council referred to above shall not be passed until the property owner is given at least five days of notice of the pendency of the proposed resolution, such notice being given by the Director of Public Works or by the Fire Chief by mailing a copy of the notice to the owner, occupant or responsible party at the last known address shown on the records of the City or the County Treasurer, and if no address is known, a copy of the notice shall be posted on the property and shall also be published in one issue of the official newspaper of the City. Any mailing, posting or publication shall be made at least five days prior to the consideration by the City Council of the proposed resolution. The notice shall include a description of the resolution, a description of the property involved and the nature of the circumstances constituting the nuisance.

E. If the nuisance is not abated by the occupant, owner or responsible person within the time fixed by resolution, the Fire Chief or the Public Works Director may abate the nuisance, and shall prepare or cause to be prepared a bill covering the costs to the City of such abatement, and the bill shall be made to the occupant, owner or responsible person. The bill shall be payable immediately. If the bill is not paid or if no bill can be mailed because no address is known for the occupant, owner or responsible person, the Fire Chief or the Public Works Director may, on behalf of

the City of Sunnyside, file a lien therefor against the property, which lien shall be in the same form filed with the same officer and within the same time and manner and shall be subject to enforcement and foreclosure as provided by law for liens for labor and materials or as otherwise provided by law for liens able to be filed by the City. [Ord. 1739, 1991; Ord. 1187 § 5, 1978.]

8.04.050 Burying or dumping prohibited.

It is unlawful for any person to bury or dump or permit to be buried or dumped any refuse or garbage in any place within the City. [Ord. 1739, 1991; Ord. 1187 § 6, 1978.]

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 be used for excess waste, not as the customer's primary receptacle, however use of such alternative receptacles for setting out excess garbage will be counted as excess refuse for current level of service, and could lead to the City assigning additional or larger containers at the cost of the customer as indicated in SMC 8.04.030.

C. If a resident desires to have a 48-gallon container it must provide contractor with 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 5:00 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, or determines excess allowed for current level of service as indicated in SMC 8.04.030, then the contractor shall notify the resident in writing by leaving a tag on the receptacle (if one is present) or other conspicuous place. If the problem or defect is not corrected, the contractor shall advise the City of Sunnyside of the problem or defect and the lack of correction. The City will send out a notice to the customer stating that additional occurrences of excess refuse or use of an incorrect container will cause the City to assign additional container(s) to the account to remedy the problem at the cost of the customer.

G. Trimming 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 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 50 pounds; provided, however, that this service will be counted as excess refuse for the current level of service and will lead to the City increasing service in accordance with SMC 8.04.030.

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 200 pounds; provided, however, a customer may place leaves and lawn clippings in a bag and set out such bag at the curb line for collection, but this service will count towards excess service as indicated in SMC 8.04.030. [Ord. 2012-1 § 1, 2012; Ord. 1748 § 1, 1991; Ord. 1739, 1991; Ord. 1187 § 7, 1978.]

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. [Ord. 2012-1 § 2, 2012; Ord. 1749 § 1, 1991.]

8.04.070 Residential collection – Types of services.

A. Curb Service. Customers shall be responsible for placing refuse containers at the front curb line or at the edge of the street or alley in front of or adjacent to the property being serviced on collection days.

B. Walk-in Service. Walk-in service which requires the refuse collector to go more than five feet beyond the curb line or edge of the street or alley is available to property for an additional charge to be determined by contract with the City as long as a contractor is not required to enter a fenced area to collect refuse. The prohibition and conditions on walk-in service listed above shall not apply if the customer is disabled so as to make it impossible for him or her to comply with this section.

C. Nonconforming Items. Nonconforming items as defined in SMC 8.04.010(G) placed out to the curb or edge of the street or alley shall not be collected by the contractor except as provided in SMC 8.04.095(B).

D. Containerized Service. Containerized service shall be used by all multiple-dwelling units with three or more units. [Ord. 1748 § 2, 1991; Ord. 1739, 1991; Ord. 1187 § 8, 1978.]

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 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 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. [Ord. 2012-1 § 3, 2012; Ord. 1739, 1991; Ord. 1732 § 2, 1991; Ord. 1211 §§ 1, 2, 1979; Ord. 1210 §§ 1, 2, 1979; Ord. 1203 §§ 1, 2, 1979; Ord. 1190 § 1A, 1978; Ord. 1189 § 9, 1978.]

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 will be collected by the contractor unless they are considered non-conforming as stated in SMC 8.04.010(G), and will be counted as excess refuse for current level of service, which could lead to the City assigning additional or larger containers at the cost of the customer as indicated in SMC 8.04.030. 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 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 96-gallon container costing \$10.00 and requests, or is assigned due to excess garbage, a second 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, and each occurrence will be counted as excess refuse for current level of service, which could lead to the City assigning additional or larger containers at the cost of the customer as indicated in SMC 8.04.030.

By way of example only and for the avoidance of doubt, if a customer currently has only one 96-gallon container and places that container out for collection and includes any extra nonconforming containers, bags, or boxes, then that customer will be charged \$10.00 for the month (regular monthly charge), but each week with excess garbage will be counted toward a requirement by the City to increase the level of service as specified in SMC 8.04.030, with the third occurrence in any calendar year triggering an increased service level for an additional container at the cost of the customer, so that the following month the customer will have two 96-gallon containers and be charged \$20.00 per month for garbage service from that point forward.

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 and excess garbage. Any assessed charges will then be included in the City's utility billing statements to the residential customer, and used to determine if the customer must have their service level increased in accordance with SMC 8.04.030.

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, shall be as listed in Chapter 2.02 SMC, Schedule of Fees and Charges.

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) will be counted as excess refuse for current level of service, which could lead to the City assigning additional or larger containers at the cost of the customer as indicated in SMC 8.04.030. It shall be the responsibility of the contract hauler to provide the City with the necessary information for tracking excess garbage for service level.

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 upon the third occurrence in a calendar year of excess refuse, the City will provide an additional or larger container to the customer at the sole cost to the customer in accordance with SMC 8.04.030. 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.

F. Annual Rate Adjustment. Rates shall be adjusted on an annual basis in accordance with SMC 2.02.030, or more frequently if significant changes to operating costs require adjustment in rates. [Ord. 2015-23 § 1, 2015; Ord. 2015-2 § 1, 2015; Ord. 2012-1 § 4, 2012; Ord. 2206 § 1, 2008; Ord. 2182 § 1, 2007; Ord. 2053 § 1, 2003; Ord. 1908 § 1, 1995; Ord. 1872 § 1, 1994; Ord. 1840 § 1, 1993; Ord. 1806 § 1, 1993; Ord. 1749 § 2, 1991; Ord. 1742 § 1, 1991; Ord. 1739, 1991; Ord. 1732 § 4, 1991; Ord. 1657 § 2, 1989.]

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 therefor, with any portion of the deposit which is 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. 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 weighings, 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.

F. Annual Rate Adjustment. Rates shall be adjusted on an annual basis in accordance with SMC 2.02.030, or more frequently if significant changes to operating costs require adjustment in rates. [Ord. 2015-23 § 2, 2015; Ord. 2015-2

§ 2, 2015; 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.]

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 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. [Ord. 2012-1 § 5, 2012; Ord. 1739, 1991; Ord. 1187 § 11, 1978.]

8.04.110 Dead animals.

No occupant or owner of the premises for which service is rendered shall allow the dead carcass of any animal or fowl owned by him to remain within the City limits for a period of more than 24 hours after the death of same and shall, upon the death of such animal, cause the same to be removed from the limits of the City within 24 hours after the discovery of the death thereof. [Ord. 1739, 1991; Ord. 1187 § 12, 1978.]

8.04.120 Authority to contract for service.

A. For the purpose of carrying out the collection of refuse, the Council may enter into a contract with any suitable person, firm, partnership, association, corporation or other entity to collect and remove refuse within the City.

B. Notwithstanding the provisions of any contract executed by the City following bid procedures, additional contracts with subsequent licensees for refuse collection service may be executed by the City upon a proper showing of the inability or refusal of the first contractor to provide an adequate level of refuse collection service. Should any such additional and subsequent contract be executed by the City, the rates for such refuse collection service shall be identical to those currently in effect as established by the bid procedures.

C. No person, firm, partnership, association, corporation or other entity shall provide refuse collection service within the City without an executed contract with the City.

D. Anyone entering into such a contract with the City shall be considered to be a licensed contractor. Nothing in this section shall preclude a private citizen from disposing of his own refuse, subject to the provisions of SMC 8.04.130. [Ord. 1739, 1991; Ord. 1187 § 13, 1978.]

8.04.130 Billings – Delinquencies.

A. Except as otherwise provided in this chapter, charges for refuse collection and disposal shall be billed in conjunction and simultaneously with the statements issued by the City for water and sewer service. Charges on accounts shall be paid at the Treasurer's office by the owner or tenant, on or before the tenth day of each month following date of billing, and if not paid, shall become delinquent after the twentieth day of that month.

B. Service may be suspended for nonpayment of garbage collection accounts and billings; however, such suspension shall not relieve the person owing such account of the duty of complying with the provisions of this chapter.

C. In addition to the other remedies available to the City for collection of its charges and enforcement of its lien for water, sewer and garbage services, the City shall charge a penalty on the unpaid balance of delinquent water, sewer and garbage accounts at the rate of one and one-half percent per month, or \$1.50, whichever is greater, which penalty shall accrue from a date 10 days after the due date of such account, until the total of said charges and penalty have been paid in full. In the event of suit by the City to collect said charges and penalty, the court shall award the City its reasonable attorneys' fees and costs incurred thereby. [Ord. 1739, 1991; Ord. 1732 § 5, 1991; Ord. 1509 § 5, 1985; Ord. 1484 § 1, 1984; Ord. 1190 §§ 2, 3, 1978; Ord. 1187 § 14, 1978.]

8.04.140 Violations – Penalties.

It shall be a misdemeanor for any person to violate or fail to comply with the requirements of this chapter. It shall also be a misdemeanor for any person to dump or deposit garbage or garbage containers on the property of another where the result would be to increase or add to the collection services received by the property of another so as to

bring that level of service out of conformity with the level of service provided to the property or make the property of another in violation of the City code. [Ord. 1739, 1991.]