

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 519 to Amend, Update and Add Definitions and Procedures to the Solid Waste Municipal Code Chapter 13.14
DEPARTMENT:	Public Works & City Attorney's Office
PRESENTED BY:	Rika Cecil, Environmental Programs Coordinator and Flannary Collins, Assistant City Attorney

PROBLEM/ISSUE STATEMENT:

Adoption of Ordinance No. 519 was scheduled for City Council consideration on September 22, 2008 and October 13, 2008. Consideration of the ordinance was postponed until the ordinance would be consistent with Department of Public Health regulations.

On October 15, 2008, the Public Health Department issued a waiver, allowing all food scraps (vegetative and non-vegetative) and compostable paper to be deposited in single and multifamily yard debris carts, when carts are collected every other week. Prior to the waiver, vegetative and non-vegetative food scraps and compostable paper could only be deposited in yard debris carts if the carts were collected every week. The waiver allows all Shoreline citizens to deposit food scraps and compostable paper in their yard debris carts, as Shoreline carts are collected every other week.

With the issuance of the food scraps waiver, City Ordinance No. 519 is consistent with the Public Health regulations.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 519 amending the Garbage Code, SMC Chapter 13.14.

Approved By:

City Manager 

City Attorney 

ATTACHMENTS

- Attachment A: October 15, 2008 Waiver issued by King County Department of Public Health
- Attachment B: Ordinance № 519
- Attachment C: October 13, 2008 staff report
- Attachment D: September 22, 2008 staff report
- Attachment E: Current Garbage Code

Environmental Health Services Division

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Public Health
Seattle & King County



October 15, 2008

Josh Marx
Program/Project Manager III
King County Solid Waste
201 South Jackson, Ste. 701
Seattle, WA 98104

**RE: Waiver request King County Board of Health Title 10.08.020 & 10.08.050
Allowance of all food scraps (vegetative and non-vegetative) and
compostable paper recycling in a single and multifamily curbside yard
waste container, and single family garbage collection at a frequency of
every-other week**

Dear Josh:

You have requested a waiver for two specific solid waste handling practices in the Suburban Cities (excluding Seattle) and the unincorporated areas of King County.

- The first part of the waiver involves single family residential garbage collection at a frequency of every other week.
- The second part of this waiver requests authorization to allow all food scraps (vegetative and non-vegetative) and compostable paper recycling to be placed in a single and multifamily curbside yard waste container.

The waste material will be handled and processed per the Public Health Operating Standards for Organics and Garbage Collection, dated June 2008.

This waiver is hereby granted for these solid waste handling practices provided that all cities and King County Solid Waste comply with this June 2008 policy and any future amendments. Failure of any particular City or King County Solid waste to handle all food scraps and compostable paper consistent with the above listed policy, and all other aspects of King County Board of Health Title 10 and WAC Chapter 173-350 may result in the suspension of this waiver approval, and a notice to halt the unacceptable practices.

Note: Proponents of residential programs not meeting all of the above conditions will be required to apply separately for a waiver by the proposing jurisdiction.

Josh Marx
October 15, 2008
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If you have any questions, please contact Yolanda Pon at (206) 263-8459.

Sincerely yours,

A handwritten signature in cursive script that reads "Bill Lasby".

Bill Lasby, Supervisor
Solid Waste and Vector Nuisances

BL:mp

cc: Yolanda Pon, Health and Environmental Investigator III

ORDINANCE NO. 519

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING GARBAGE REGULATIONS TO UPDATE DEFINITIONS FOR TYPES OF GARBAGE AND RECYCLING CONTAINERS AND FOR GARBAGE, WASTE, YARD DEBRIS AND RECYCLABLES; ADD PROCEDURES FOR DISPOSAL AND COLLECTION OF RECYCLABLES; AND AMEND PROHIBITION FOR ACCUMULATION OF GARBAGE, WASTE AND RECYCLABLES; AND AMENDING CHAPTER 13.14

WHEREAS, the City's garbage code was adopted by Ordinance No. 251 on December 11, 2000 and amended by Ordinance No. 415 on June 12, 2006; and

WHEREAS, the chapter title of "solid waste code" is more comprehensive than "garbage code" in that it reflects the types of waste, including garbage, recyclables and yard debris, set out for collection;

WHEREAS, the types of garbage receptacles available for garbage disposal have changed since the garbage code adoption and 2006 amendments;

WHEREAS, the size of yard debris accepted for disposal under the yard waste program has slightly increased; and

WHEREAS, the code does not identify procedures for disposal and collection of recyclable materials;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. The name of the chapter for Shoreline Municipal Code Chapter 13.14 is hereby changed from "Garbage Code" to "Solid Waste Code."

Section 2. Amendment. Shoreline Municipal Code Section 13.14.010 is hereby amended by adding definitions for "cart", "drop box container", "mixed paper", and "waste"; amending the definitions of "detachable container", "garbage", "garbage receptacle", "household hazardous wastes", "mini-can", "recyclable materials", and "yard waste"; and removing the definitions for "dumpster", "garbage can", "mobile toter", and "recycling container", to read as follows with subsections renumbered:

13.14.010 Definitions.

"Cart" means a City contractor-provided 20, 32, 45, 64 or 96 gallon wheeled cart suitable for household collection, storage and curbside placement of garbage, recyclable materials or yard debris.

"Detachable container" means a watertight, metal or plastic container, not less than one-half one cubic yard in capacity nor greater than eight cubic yards in capacity, and

equipped with a tight-fitting metal, plastic, or other city-approved cover, and capable of being mechanically unloaded into a collection vehicle. The term shall also apply to containers of other material of similar size when approved by the city manager.

"Drop-box Container" means an all-metal container with ten cubic yards or more capacity that is loaded onto a specialized collection vehicle, transported to a disposal or recycling site, emptied and transported back to customer's site.

"Dumpster" means any garbage receptacle with a capacity over one cubic yard.

"Food scraps" means both vegetative and non-vegetative food, including meat, dairy products, pastas, breads and soiled paper materials used for food preparation or handling.

"Garbage" means all biodegradable and nonbiodegradable solid and semisolid wastes, including but not limited to refuse, yard debris waste, cold and bagged ashes, industrial wastes, infectious wastes, swill, CDL wastes, junk vehicles or parts thereof, and recyclable materials. The term "garbage" shall not include hazardous wastes, infectious wastes, special category wastes, and special wastes.

"Garbage can" means a container that is watertight galvanized sheet metal, or plastic container not exceeding four cubic feet or 32 gallons in capacity, weighing not over 15 pounds when empty, fitted with two sturdy handles, one on each side, and a tight cover equipped with a handle.

"Garbage receptacle" includes detachable container, mini micro-can, and garbage cart, can, and/or mobile toters, which are rodent and insect proof. This may also include other forms of storage appropriate to the material in question that prevent seepage, contamination of soil, or surface or ground water, spreading due to animal or insect activity or weather conditions, odor, or any risk to public health or safety.

"Household hazardous wastes" means any discarded liquid, solid, contained gas, or sludge, including any material, substance, product, commodity or waste used or generated in the household, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste set forth in Chapter 173-303 WAC, but is exempt according to federal, state, and county regulations. Specific household hazardous wastes which are prohibited from disposal as city waste include infectious waste, sharps/ syringes; nonedible oils; flammable liquids and solids including fuels, solvents, paint thinners, and degreasers; pesticides, including herbicides, insecticides and wood preservatives; fluorescent light bulbs; televisions; computers, monitors and laptops; cellular phones; appliances with CFCs; corrosive materials; PCB capacitors and ballasts; mercury (such as thermometers and mercury switches); vehicle batteries; hobby chemicals and artists' paints; liquid paints; and any other material restricted by federal, state, and county regulations; provided, however, empty containers for household hazardous products may be disposed of as garbage.

"Mini-Micro-can" means a 15-gallon to 20-10-gallon container made of galvanized metal or plastic and supplied by the City's solid waste provider., which meets the approval of the city manager.

"Mobile toter" means a moveable receptacle that holds 32 to 96 gallons of garbage with a tight-fitting, hinged lid, thick-skinned, one-piece balanced weight body which sits on tires, which will be picked up at curbside.

"Mixed paper" means magazines, junk mail, phone books, bond or ledger grade paper, cardboard, paperboard packaging and other fiber-based materials meeting industry standards. Paper packaging combined with plastic wax or foil, tissue paper, paper towels and food-contaminated paper are excluded from the definition of mixed paper.

"Recycling container" means a designated garbage receptacle in which recyclable materials can be stored and later placed at curbside, or other location designated by the city manager. This term also includes but is not limited to the designated commercial front load boxes, drop boxes and compactors at locations as may be specified by the city manager.

"Recyclable materials" means aluminum and tin cans, corrugated cardboard, glass containers, mixed paper, newspaper, recyclable plastic containers that have contained non-hazardous products, plastic films, polycoated cartons, and scrap metals. garbage that is separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable materials through administrative action of the city manager. The term "recyclable materials" shall include motor oil and fluorescent bulbs that are properly packaged, set out for collection separately and not commingled with other recyclable materials.

"Waste" means hazardous waste, household hazardous waste, small quantity generator hazardous waste, special category waste, special waste and unacceptable waste.

"Yard debris waste" means plant material (such as leaves, grass clippings, branches, brush, flowers, roots, wood waste, unflocked holiday trees etc.) and debris commonly removed thrown-away in the course of maintaining yards and gardens that do not exceed four inches in diameter and four feet in length, and, including sod and rocks not over two inches in diameter; and biodegradable waste approved for the yard waste programs by the city manager. Bundles of debris shall not exceed two feet by two feet by four feet in dimension and shall be secured by degradable string or twine, not nylon or synthetic materials. It Food scraps (vegetative and non-vegetative) and compostable paper may be disposed of as yard debris. This term excludes rocks, loose soils, food waste; plastics and synthetic fibers; lumber; human or animal excrement; and soil contaminated with hazardous waste.

Section 3. Amendment. Shoreline Municipal Code section 13.14.080 is hereby amended to read as follows:

13.14.080 Placement of garbage receptacles.

A. Garbage Receptacles.

1. Garbage receptacles other than approved ~~dumpsters~~ drop-box containers shall be placed for collection by the occupants in a convenient, accessible location off the sidewalk as near as practicable to the curbside in a manner that does not interfere with transportation use or use of the sidewalk. Receptacles shall be placed in the following manner:

a. For properties with level planting strips, in the planting strip or driveway within five feet of the curb; or

b. For properties with sidewalks but no planting strips, on the owner's property within five feet of the curb-sidewalk, if level; or

c. When the foregoing locations slope at a grade making placement of a container difficult, a level area that is nearest to either of the previous locations; or

d. If the foregoing locations are not available due to dense shrubbery or extraordinary circumstances, then placement shall be at a location suitable to the customer and approved by convenient to the authorized collection company that does not interfere with transportation or the use of the sidewalk.

2. Receptacles shall not be placed for collection until a reasonable time prior to collection. Containers shall be removed within a reasonable time thereafter.

3. Detachable containers may be stored within a building but shall be readily accessible for servicing without ~~unnecessary delay~~ or special collection equipment and minimal delay.

B. ~~Dumpsters~~-Drop-box Containers.

1. ~~Dumpsters~~ Drop-box Containers shall be placed at a location that is agreed to by the customer and the authorized collection company that does not interfere with transportation or the use of the sidewalk.

Section 4. Amendment. A new section 13.14.175 is added to the Shoreline Municipal Code to read as follows:

13.14.175 Recycling program.

A. The City encourages customers to participate in the recycling program. Recyclable materials may be set out for separate curbside collection in a 32, 64 or 96 gallon recycling carts supplied by the authorized collection company. Recyclable materials shall be defined as set forth in SMC 13.14.010.

B. Only recyclable materials shall be placed in a recycling cart and set out for collection.

Section 5. Amendment. Shoreline Municipal Code section 13.14.180 is hereby amended to read as follows:

13.14.180 Yard debris ~~waste~~ programs.

A. The City encourages customers to participate in the yard debris program. Yard debris waste for collection may be set out for separate curbside collection at the curbside shall be set apart from other garbage for pickup in a 32, 64 or 96 gallon yard debris cart supplied by the authorized collection company garbage receptacle that is readily identifiable by the collectors. Extra yard debris and food scraps (vegetative and non-vegetative) may be placed in biodegradable paper bags specifically marketed for such use. Plastic bags are not to be used for yard debris collection. Extra limbs and brush may be set out in bundles not exceeding two feet by two feet by four feet in length and secured with biodegradable string or twine. Limbs cannot exceed four inches in diameter and four feet in length. Yard debris waste shall be defined as set forth in SMC 13.14.010. Food scraps and compostable paper may be placed in a yard debris cart. (37); except that yard debris waste for curbside collection shall not include wood or tree limbs over three feet long, nor three inches in diameter. Only yard debris waste generated at the dwelling unit shall be collected at curbside. Yard waste may be set out for separate curbside collection in a garbage receptacle clearly marked for that purpose or in biodegradable paper bags specifically marketed for such use. Plastic bags are not to be used for this purpose.

B. Only yard debris, food scraps and compostable paper waste shall be placed in a garbage receptacle marked for yard debris cart waste and set out for collection.

Section 6. Amendment. Shoreline Municipal Code section 13.14.210 is hereby amended to read as follows:

13.14.210 Littering.

A. No person shall throw, discard, or deposit litter on any street, sidewalk, or other public property within the city, on any private property within the city and not owned by the person, or in or upon any body of water within the jurisdiction of the city, whether from a vehicle or otherwise; except:

1. When the property is designated by the state of Washington or any of its agencies or political subdivisions or by the city for the disposal of litter or other garbage and such person is authorized to use the property in such manner; or
2. Into a public garbage receptacle or garbage receptacle or ~~dumpster~~ drop-box container owned by or authorized for the person's use, in a manner in which the litter will be prevented from being carried or deposited by the elements or otherwise on any street, sidewalk, or other public or private property.

B. No owner, tenant, or other person responsible for the condition of a construction site shall cause or allow any litter from the site to be deposited by the elements or otherwise on any other public or private property in the city. During such time as the

site is not being used, all litter shall be stored or deposited in garbage receptacles or other containers in such a manner as to prevent the litter from being deposited on any other public or private property.

C. No person shall place or tack notices, handbills, literature, etc., on vehicles, utility or sign poles, or other features or improvements on public property. This provision does not prohibit the handing of notices, handbills, literature, etc., from one person into the hands of another or the posting of informational materials upon public kiosks designated for that purpose

Section 7. Amendment. Shoreline Municipal Code section 13.14.230 is hereby amended to read as follows:

13.14.230 Accumulation of garbage, waste and recyclables.

A. It shall be unlawful for any person to keep garbage or allow garbage or recyclables to accumulate on any property, or in any public place, except in a garbage receptacle or recycling cart, or as otherwise authorized by ordinance or by the city manager. It shall be unlawful for any person to keep or allow waste to accumulate on any property, or in any public place, except as provided in this chapter. This subsection applies to any accumulation of garbage, waste and recyclables ~~accumulation~~ with the exclusion of litter.

B. It shall be unlawful for any owner or occupant of abutting private property, residential or nonresidential, to allow the accumulation of any garbage, waste or recyclables on sidewalks or planting strips, whether the garbage, waste or recyclables are-is deposited by such owner or occupant or not. Garbage, waste and recyclables that is prohibited to accumulate includes but is not limited to cigarette butts and burning or smoldering materials. This provision shall not apply to:

1. The sheriff when removing the contents of a building to a public place pursuant to an eviction order; provided, however, any contents remaining in a public place for greater than 24 hours shall be considered abandoned property by the tenant and a violation of this section by the landlord if not removed and disposed of pursuant to RCW 59.18.312;
2. Firefighters placing debris on the sidewalk or planting strip in the course of extinguishing a fire or explosion;
3. The use of receptacles placed or authorized by the city for the collection of garbage or recyclables on sidewalks or planting strips; or
4. Accumulations temporarily authorized under a street use permit.

Section 8. Effective date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and the ordinance shall take effect and be in full force five (5) days after the publication date.

PASSED BY THE CITY COUNCIL ON NOVEMBER 24, 2008.

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

Council Meeting Date: October 13, 2008**Agenda Item:** Consent

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 519 to Amend, Update and Add Definitions and Procedures to the Solid Waste Municipal Code Chapter 13.14
DEPARTMENT:	Public Works & City Attorney's Office
PRESENTED BY:	Rika Cecil, Environmental Programs Coordinator and Flannary Collins, Assistant City Attorney

PROBLEM/ISSUE STATEMENT:

Adoption of Ordinance No. 519 was originally scheduled for City Council consideration on September 22, 2008. Consideration of the ordinance was postponed until the October 13, 2008 meeting so that the ordinance would be consistent with Department of Public Health regulations.

King County has requested a variance from the Department of Public Health that would allow meat and dairy to be disposed of in yard debris and collected every other week. Currently, meat and dairy may only be disposed of in yard debris if the yard debris is collected every week. The variance is expected to be approved the week of October 6, 2008.

Ordinance No. 519 states that food scraps may be disposed of as yard debris, and does not exclude meat and dairy from such disposal. Yard debris is collected every other week in the Shoreline. Since the ordinance does not exclude meat and dairy from its definition of "food scraps" or "yard debris" and since yard debris collection is every other week in Shoreline, in order to be consistent with the Department of Public Health's regulations, the City needs to wait until the variance is approved in order to adopt the ordinance.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 519 amending the Garbage Code, SMC Chapter 13.14.

Approved By: City Manager ____ City Attorney ____

Council Meeting Date: September 22, 2008

Agenda Item: Consent

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of Ordinance No. 519 to Amend, Update and Add Definitions and Procedures to the Solid Waste Municipal Code Chapter 13.14
DEPARTMENT: Public Works & City Attorney's Office
PRESENTED BY: Rika Cecil, Environmental Programs Coordinator and Flannary Collins, Assistant City Attorney

PROBLEM/ISSUE STATEMENT:

In the process of reviewing the Garbage Code for updates and clarification, staff found gaps in the code, as well as inconsistencies with the current King County Solid Waste Code. Staff proposes the following revisions:

1. Change the name of the code from "Garbage Code" to "Solid Waste Code".
2. Update the definitions for types of solid waste and recycling containers, garbage, waste, yard debris, and recyclables.
3. Add procedures for disposal and collection of recyclables.
4. Add a new section to encourage, define and describe the City's recycling program for collection of paper, plastic, glass and metal products.
5. Amend the prohibition for accumulation of garbage to include waste and recyclables
6. Adopt miscellaneous amendments, including language/wording changes

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 519 amending the Garbage Code, SMC Chapter 13.14.

Approved By: City Manager ____ City Attorney ____

INTRODUCTION

Since Shoreline's last update of the Garbage Code in 2006, King County has amended its Solid Waste Code and the City has entered into a new contract with a new solid waste collection provider. As a result of these two developments, the Garbage Code has some minor inaccuracies in the definition section and gaps in other parts of the Code. The proposed amendments tighten up the definitions, update the Code to reflect current procedures for yard debris collection, encourage participation in the City's recycling program, and clarify unlawful accumulation to aid enforcement. In addition, the name of the chapter is proposed to be changed from "Garbage Code" to "Solid Waste Code" to more accurately reflect the type of waste governed by the code.

DISCUSSION

The first proposed change is to rename Chapter 13.14 from "Garbage Code" to "Solid Waste Code." "Solid Waste Code" more accurately captures all of the types of waste disposed of through solid waste collection, including garbage, recyclables and yard debris.

Second, several changes to the definition section are proposed. The City disposes of its waste in the King County solid waste disposal system; thus, code definitions should be consistent with King County's. Many of the following definition changes update the code to be consistent with the County's. Other definition changes are updated to more accurately reflect the service provided by the new collection provider.

Section 13.14.010, Definitions, is updated to reflect the changed, deleted or added definitions.

1. Replace "Garbage can", "Recycling container" and "Mobile Toter" with "Cart"; amend "Detachable Container"; replace "Dumpster" with "Drop-box Container"; and replace "Mini-can" with "Micro-can"

Outdated terms have been replaced by broader, current terms and definitions.

2. Amend "Garbage"

The garbage definition has been amended to exclude hazardous, infectious and other dangerous wastes, which have special disposal requirements.

"Junk vehicles or parts thereof" was removed as an example of garbage; although parts of junk vehicles can be disposed of, identifying a "junk vehicle" as garbage is misleading, as the service collector cannot haul away a vehicle as part of its normal garbage collection.

3. Add "Mixed paper"

By adding "Mixed paper", paper that can be recycled is clarified, and contamination of recycled materials by non-recyclable materials will be reduced.

4. Expand "Recyclable materials"

To encourage recycling, the new definition clarifies the items that can be recycled and expands it to include motor oil and fluorescent bulbs, when appropriately packaged.

5. Add "Waste"

For clarity, "Waste" is defined in the various forms in which it appears in SMC 13.14.

6. Replace "Yard waste" with "Yard debris" and expand "Yard debris"

Since plant material and debris from yard maintenance can now be routinely recycled, the term "debris" replaces the term "waste" to reflect the recyclable nature of the material. In addition, the King County Code allows food scraps and compostable paper to be deposited with yard debris for recycling.

Third, the following sections have been changed for consistency with the definition changes as well as to fill other miscellaneous gaps in the code, as detailed after each section.

Section 13.14.080, Placement of garbage receptacles, is updated to reflect the definition changes in Section 13.14.010 above.

Section 13.14.175, Recycling program, is a new section that encourages, defines and differentiates a co-mingled recycling program from the yard debris recycling program, identifies the carts which can be used, and where to place the cart(s) for collection.

Section 13.14.180, Yard debris programs, specifies the type of items that can be included, the cart that is appropriate for use, and where to place the cart for collection.

Section 13.14.210, Littering, is updated to reflect the definition changes in Section 13.14.010 above.

Section 13.14.230, Accumulation of garbage, is amended to prohibit accumulation of garbage, waste and recyclables to aid enforcement by specifying the categories of materials involved in solid waste management.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 519 amending the solid waste regulations in the Shoreline Municipal Code Chapter 13.14.

Chapter 13.14

GARBAGE CODE

Sections:

- 13.14.010 Definitions.
- 13.14.020 Titles, declarations, and administrative provisions.
- 13.14.030 Enforcement authority.
- 13.14.040 Garbage receptacles – Nonresidential.
- 13.14.050 Garbage receptacles – Residential.
- 13.14.060 Garbage receptacles – Maintenance.
- 13.14.070 Garbage receptacles – Weight.
- 13.14.080 Placement of garbage receptacles.
- 13.14.090 Paths to garbage storage area.
- 13.14.100 Unlawful hauling of city's waste – Exceptions.
- 13.14.110 Unlawful disposal within garbage receptacles.
- 13.14.120 Unlawful use of city garbage receptacles.
- 13.14.130 Unlawful use of garbage receptacles on private property.
- 13.14.140 Repealed.
- 13.14.150 Small quantity generator hazardous wastes.
- 13.14.160 Asbestos-containing material.
- 13.14.170 Household hazardous wastes, tires and other special category waste.
- 13.14.180 Yard waste programs.
- 13.14.190 Large household appliances and bulky items.
- 13.14.200 Hazardous waste screening.

13.14.210 Littering.

13.14.220 Unlawful dumping of garbage.

13.14.230 Accumulation of garbage.

13.14.240 Violation – Penalty – Civil infractions.

13.14.250 Presumption that violation committed.

13.14.010 Definitions.

1. “Asbestos-containing material” means any material containing at least one percent asbestos as determined using the method specified in Appendix A of Subpart F in 40 CFR Part 763, Section 1 unless it can be demonstrated that the material does not release asbestos fibers when crumbled, pulverized or otherwise disturbed.

2. “Authorized collection company” means the person(s) authorized by contract with the city, or by state law for wastes not included in such a contract, to collect garbage within the city consistent with the provisions of this chapter.

3. “Bulky items” include and are illustrated by such articles for household use as furniture, mattresses, box springs, television sets, stereos, and wardrobes not exceeding eight feet in length. Bulky items not used in households are not included, such as motor vehicles or hulks; car parts and tires; commercial machinery or equipment; lumber and building materials; or hazardous wastes.

4. “CFCs” or “chlorofluorocarbons” means a compound consisting of chlorine, fluorine, and carbon, also known as fluorochlorocarbon (FCC).

5. “City” means the city of Shoreline.

6. “City manager” means the city manager of the city of Shoreline or designee.

7. “City’s waste” means all residential and nonresidential garbage generated within the city, excluding unacceptable waste, hazardous waste, special waste, and materials intended for recycling.

8. “Composting” means the controlled degradation of organic waste yielding a product for use as a soil conditioner.

9. “Construction, demolition and land clearing waste (CDL waste)” means waste comprised primarily of the following materials:

a. “Construction waste” means waste from construction of buildings, roads, or other structures. This may include, but is not limited to scraps of wood, concrete, masonry,

roofing, siding, structural metal, wire, fiberglass insulation, other building materials, plastics, Styrofoam, twine, baling and strapping materials, cans and buckets, and other packaging materials and containers.

b. "Demolition waste" means garbage, largely inert waste, resulting from the demolition or razing of buildings, roads and other manmade structures. "Demolition waste" consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of metals like copper. Plaster (i.e., sheet rock or plasterboard) or any other material, other than wood, that is likely to produce gases or leachate during its decomposition process and asbestos containing materials are not considered to be demolition waste.

c. "Land clearing waste" means natural vegetation and mineral from clearing and grubbing land for development, such as stumps, brush, blackberry vines, tree branches, tree bark, mud, dirt, sod and rocks.

10. "Contaminated soils" means soils removed during the cleanup of a remedial action site, or a hazardous waste site closure or other cleanup efforts and actions, which contain contaminants, but not at levels to qualify as hazardous waste. "Contaminated soils" may include excavated soils surrounding underground storage tanks, vector wastes (street and sewer cleanings), and soil excavated from property underlying industrial activities.

11. "County" means King County, a political subdivision of the state of Washington, its successors or assigns.

12. "Curb" or "curbside" means the area on the customer's property and within five feet of the public street within which garbage, recyclable, and yard waste must be left for collection without blocking sidewalks, driveways, or on-street parking. If extraordinary circumstances preclude such a location for purposes of the collection of garbage, recyclable materials and yard waste, curbside shall mean an alternate location suitable to the customers, convenient to the authorized collection company's equipment, and mutually agreed to by the parties.

13. "Customer" means resident, property owner, tenant, or business owner that is a customer of the authorized collection company.

14. "Detachable container" means a watertight, metal or plastic container, not less than one-half cubic yard in capacity and equipped with a tight-fitting metal, plastic, or other city-approved cover. The term shall also apply to containers of other material of similar size when approved by the city manager.

15. "Disposal site" means the areas or facilities where any final treatment, utilization, processing or deposition of garbage occurs. See also the definition of "interim garbage handling site."

16. "Dumpster" means any garbage receptacle with a capacity over one cubic yard.

17. "Garbage" means all biodegradable and nonbiodegradable solid and semisolid wastes, including but not limited to refuse, yard waste, ashes, industrial wastes, infectious wastes, swill, CDL wastes, junk vehicles or parts thereof, and recyclable materials.

18. "Garbage receptacle" includes detachable container, mini-can, garbage can, and/or mobile toters, which are rodent and insect proof. This may also include other forms of storage appropriate to the material in question that prevent seepage, contamination of soil, or surface or ground water, spreading due to animal or insect activity or weather conditions, odor, or any risk to public health or safety.

19. "Garbage can" means a container that is watertight galvanized sheet metal, or plastic container not exceeding four cubic feet or 32 gallons in capacity, weighing not over 15 pounds when empty, fitted with two sturdy handles, one on each side, and a tight cover equipped with a handle.

20. "Hazardous waste" means any waste, material or substance that is:

a. Defined as hazardous by 40 CFR Part 261 and regulated as hazardous waste by the United States Environmental Protection Agency under Subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976, 42 USC & 6901 et seq., as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984; the Toxic Substances Control Act, 15 USC & 2601 et seq.; or any other federal statute or regulation governing the treatment, storage, handling or disposal of waste imposing special handling or disposal requirements similar to those required by Subtitle C or RCRA; and/or

b. Defined as dangerous or extremely hazardous by Chapter 173-303 WAC and regulated as dangerous waste or extremely hazardous waste by the Washington State Department of Ecology under the State Hazardous Waste Management Act, Chapter 70.105 RCW, or any other Washington State statute or regulation governing the treatment, storage, handling or disposal of wastes and imposing special handling requirements similar to those required by Chapter 70.105 RCW.

21. "Health officer" means the director of the King County department of public health or his/her designated representative.

22. "Household hazardous wastes" means any discarded liquid, solid, contained gas, or sludge, including any material, substance, product, commodity or waste used or generated in the household, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste set forth in Chapter 173-303 WAC, but is exempt according to federal, state, and county regulations. Specific household hazardous wastes which are prohibited from disposal as city waste include nonedible oils; flammable liquids and solids including fuels, solvents, paint thinners, and degreasers; pesticides, including herbicides, insecticides and wood preservatives; fluorescent light bulbs; televisions; computers, monitors and laptops; cellular phones; appliances with CFCs; corrosive materials; PCB capacitors and ballasts; mercury (such as thermometers and mercury switches); vehicle batteries; hobby chemicals and artists' paints; liquid paints;

and any other material restricted by federal, state, and county regulations; provided, however, empty containers for household hazardous products may be disposed of as garbage.

23. "Interim garbage handling site" means any garbage collection site that is not the final site of disposal. Community cleanup and yard waste collection event locations are considered interim garbage handling sites.

24. "Large household appliances" includes appliances over one cubic foot in size but is not limited to refrigerators, iceboxes, stoves, washing machines, dryers, dishwashing machines, water heaters and air conditioners.

25. "Litter" means garbage in the amount of one cubic foot or less which does not contain hazardous waste and is not an immediate threat to the health or safety of the public.

26. "Mini-can" means a 15-gallon to 20-gallon container made of galvanized metal or plastic, which meets the approval of the city manager.

27. "Mobile toter" means a moveable receptacle that holds 32 to 96 gallons of garbage with a tight-fitting, hinged lid, thick-skinned, one-piece balanced weight body which sits on tires, which will be picked up at curbside.

28. "Person" means any governmental entity, or any public or private corporation, partnership or other form of association, as well as any individual.

29. "Planting strip" means that part of a street right-of-way between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

30. "Public place" means all public property including, but not limited to streets, avenues, ways, boulevards, drives, places, alleys, sidewalks and planting (parking) strips, squares, triangles, parks, and rights-of-way, whether open to the use of the public or not, and the space above or beneath the surface of the same.

31. "Recycling" means transforming or remanufacturing waste material into usable or marketable materials for the use other than incineration or other methods of disposal.

32. "Recyclable materials" means garbage that is separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable materials through administrative action of the city manager.

33. "Recycling container" means designated garbage receptacle in which recyclable materials can be stored and later placed at curbside, or other location designated by the city manager. This term also includes but is not limited to the designated commercial front load boxes, drop boxes and compactors at locations as may be specified by the city manager.

34. "Refuse" includes, but is not limited to, all abandoned and disabled vehicles, all appliances or parts thereof, vehicle parts, broken or discarded furniture, mattresses, carpeting, all old iron or other scrap metal, glass, paper, wire, plastic, boxes, old lumber, old wood, and all other waste, or discarded material.

35. "Small quantity generator hazardous waste" means any discarded liquid, solid, contained gas, or sludge, including any material substance, product, commodity or waste used or generated by businesses, that exhibits any of the characteristics or criteria of dangerous waste set forth in Chapter 173-303 WAC, but which is exempt from regulations as dangerous waste.

36. "Special category wastes" means wastes whose disposal is limited by certain restrictions and limitations, as identified in SMC 13.14.170.

37. "Special waste" means contaminated soils, asbestos, and/or other wastes that the county requires a waste clearance decision prior to acceptance.

38. "Street" means a public or private way used for public travel.

39. "Unacceptable waste" means all waste not authorized for disposal at the landfill or transfer station designated by the city, by those governmental entities having jurisdiction, or any waste the disposal of which would constitute a violation of any governmental requirement pertaining to the environment, health, or safety. "Unacceptable waste" includes any waste that is now or hereafter defined by federal or state law as radioactive, dangerous, hazardous or extremely hazardous waste.

40. "Yard waste" means plant material (leaves, grass clippings, branches, brush, flowers, roots, wood waste, etc.); debris commonly thrown away in the course of maintaining yards and gardens, including sod and rocks not over two inches in diameter; and biodegradable waste approved for the yard waste programs by the city manager. It excludes loose soils, food waste; plastics and synthetic fibers; lumber; human or animal excrement; and soil contaminated with hazardous waste. [Ord. 415 § 1, 2006; Ord. 251 § 1, 2000]

13.14.020 Titles, declarations, and administrative provisions.

A. The garbage code is declared to be an exercise of the police power of the city to promote the public health, safety and general welfare, and its provisions shall be liberally construed for the accomplishment of that purpose. This code is a public health ordinance for the purpose of enforcement under SMC 20.30.750.

B. The garbage code shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

C. Nothing in the garbage code is intended to be nor shall be construed to create or form the basis for any liability of the city or any of its officers, employees, or agents for any

injury or damages resulting from the failure of any person to comply with the provisions of this code, or by reason of any inspection, notice, order, or other action or inaction by or of the city or any of its officers, employees or agents in connection with the implementation or enforcement of this code. [Ord. 251 § 1, 2000]

13.14.030 Enforcement authority.

The city manager is authorized and directed to supervise and manage the collection and disposal of garbage under this chapter and to provide, designate, and supervise places for the disposal thereof, and shall have general charge of supervision over the administration and enforcement of this chapter; provided the health officer shall enforce the provisions of waste screening in SMC 13.14.200. [Ord. 251 § 1, 2000]

13.14.040 Garbage receptacles – Nonresidential.

Every owner, tenant, occupant, and other person responsible for the condition of private property that is not used as a residence or dwelling shall have and use garbage receptacle(s) of a number and size sufficient to contain all garbage generated on the site and shall provide for lawful disposal of all such garbage. [Ord. 251 § 1, 2000]

13.14.050 Garbage receptacles – Residential.

A. It is unlawful for the owners or occupants of private property to deposit or accumulate, or to permit the deposit or accumulation of, garbage upon such private property; provided, however, that this shall not prohibit the storage of garbage in private garbage receptacle(s), in accordance with health and safety regulations; provided, that all garbage and refuse shall be removed at least every two weeks; provided further, that the use of a compost pile or bin shall not be prohibited if the use and maintenance thereof is in such a manner as to prevent the attraction, breeding and/or harboring of insects and rodents. Any such use permitted hereunder shall not be construed to permit a nuisance as defined by SMC 20.30.750 or state law.

B. No garbage shall be placed out for collection in bundles or otherwise outside of an approved garbage receptacle. [Ord. 391 § 3, 2005; Ord. 251 § 1, 2000]

13.14.060 Garbage receptacles – Maintenance.

A. The owner and/or occupant of any premises shall be responsible for the safe and sanitary storage of all garbage accumulated at that premises until it is removed to a disposal site or interim garbage handling site.

B. All garbage receptacles shall be kept tightly covered and in good condition for garbage storage and handling, and garbage receptacles that leak or have jagged edges or holes shall not be used. The city manager shall have the authority to determine whether or not the condition of any garbage receptacle is satisfactory for use. [Ord. 251 § 1, 2000]

13.14.070 Garbage receptacles – Weight.

A. Garbage receptacles, when filled, shall not exceed the following limits:

20-gallon mini-can 45 pounds

32-gallon can or toter 65 pounds

64-gallon toter 200 pounds

96-gallon toter 250 pounds

1 yard 1,000 pounds

2 yards 1,250 pounds

3 yards 1,750 pounds

4 yards 2,000 pounds

6 yards 3,000 pounds

8 yards 4,000 pounds

20 – 40 yard roll off 16,000 pounds

B. The contents of a container shall dump out readily when it is inverted. [Ord. 251 § 1, 2000]

13.14.080 Placement of garbage receptacles.

A. Garbage Receptacles.

1. Garbage receptacles other than approved dumpsters shall be placed for collection by the occupants in a convenient, accessible location off the sidewalk as near as practicable to the curbside in a manner that does not interfere with transportation use or use of the sidewalk. Receptacles shall be placed in the following manner:

a. For properties with level planting strips, in the planting strip or driveway within five feet of the curb; or

b. For properties with sidewalks but no planting strips, on the owner's property within five feet of the sidewalk, if level; or

c. When the foregoing locations slope at a grade making placement of a container difficult, a level area that is nearest to either of the previous locations; or

d. If the foregoing locations are not available due to dense shrubbery or extraordinary circumstances, then placement shall be at a location suitable to the customer and convenient to the authorized collection company that does not interfere with transportation or the use of the sidewalk.

2. Receptacles shall not be placed for collection until a reasonable time prior to collection. Containers shall be removed within a reasonable time thereafter.

3. Detachable containers may be stored within a building but shall be readily accessible for servicing without unnecessary delay or special collection equipment.

B. Dumpsters.

1. Dumpsters shall be placed at a location that is agreed to by the customer and the authorized collection company that does not interfere with transportation or the use of the sidewalk. [Ord. 415 § 2, 2006; Ord. 251 § 1, 2000]

13.14.090 Paths to garbage storage area.

All walks, paths, and driveways from the garbage receptacle set out location to the place of loading shall have an unrestricted overhead clearance of not less than eight feet. [Ord. 251 § 1, 2000]

13.14.100 Unlawful hauling of city's waste – Exceptions.

It is unlawful for anyone, except the following, to haul city's waste and recyclables through the streets in the city:

A. An authorized collection company;

B. Business concerns or residents, as to city's waste originating within their own establishments or households; or

C. Service providers where garbage hauling is incidental to the performance of other labor-intensive services such as construction, land clearing, or landscaping services. This authorization specifically does not apply to any drop box or container related garbage hauling services. [Ord. 251 § 1, 2000]

13.14.110 Unlawful disposal within garbage receptacles.

A. The following shall not be deposited or discarded into any commercial or residential garbage receptacle to be set out for collection by the authorized collection company or into any interim garbage handling site, except as specifically provided by SMC 13.14.170: dead animals over 15 pounds; sewage; human or animal excrement that is not contained in a closed, leak-proof bag or container; hot ashes; household hazardous waste;

small quantity generator hazardous waste; asbestos-containing material; tires; hazardous waste; radioactive wastes; and explosives.

1. Cold ashes, bagged or boxed to contain dust, may be placed in garbage receptacle(s).

B. Operators and/or attendants at disposal sites and/or interim garbage handling sites shall have the authority to refuse to accept any prohibited or restricted garbage. [Ord. 415 § 3, 2006; Ord. 251 § 1, 2000]

13.14.120 Unlawful use of city garbage receptacles.

Except as authorized by the city manager, it shall be unlawful to place in any garbage receptacle provided by the city any garbage accumulated on private property or generated by any business, including but not limited to the materials excluded by SMC

13.14.110(A) and dead animals; nor shall the contents of any such garbage receptacle be removed or disturbed by anyone except as authorized by the city manager. [Ord. 251 § 1, 2000]

13.14.130 Unlawful use of garbage receptacles on private property.

It is unlawful for anyone not authorized by the property owner or occupant to deposit any material in any garbage receptacle on private property or on a sidewalk or a planting strip abutting private property. [Ord. 251 § 1, 2000]

13.14.140 Household hazardous wastes.

Repealed by Ord. 415. [Ord. 251 § 1, 2000]

13.14.150 Small quantity generator hazardous wastes.

Small quantity generator hazardous waste shall be managed according to the provisions of Chapter 173-303 WAC, except that small quantity generator wastes are prohibited from disposal as city's waste. [Ord. 251 § 1, 2000]

13.14.160 Asbestos-containing material.

Asbestos material shall be handled and disposed pursuant to 40 CFR 61 Subpart M, Chapter 173-303 WAC, and Article 10 of Regulation No. 1 Puget Sound Air Pollution Control Agency (PSAPCA). [Ord. 251 § 1, 2000]

13.14.170 Household hazardous wastes, tires and other special category wastes.

A. The city manager may authorize collection of household hazardous wastes and tires at city of Shoreline special collection events according to reasonable restrictions articulated in notices for those events.

B. The city manager may define special restrictions and limitations on the disposal of certain types of wastes which cannot be handled safely through the city's waste collection system. Restricted materials may include items over a certain size or weight, dust-producing materials, and polystyrene packaging pieces. [Ord. 415 § 5, 2006; Ord. 251 § 1, 2000]

13.14.180 Yard waste programs.

A. Yard waste for collection at the curbside shall be set apart from other garbage for pickup in a garbage receptacle that is readily identifiable by the collectors. Yard waste shall be defined as set forth in SMC 13.14.010(37), except that yard waste for curbside collection shall not include wood or tree limbs over three feet long, nor three inches in diameter. Only yard waste generated at the dwelling unit shall be collected at curbside. Yard waste may be set out for separate curbside collection in a garbage receptacle clearly marked for that purpose or in biodegradable paper bags specifically marketed for such use. Plastic bags are not to be used for this purpose.

B. Only yard waste shall be placed in a garbage receptacle marked for yard waste and set out for collection. [Ord. 251 § 1, 2000]

13.14.190 Large household appliances and bulky items.

A. Large household appliances and bulky items shall be collected at a cost from persons who subscribe to garbage collection services from the authorized collection company at the same location utilized for standard garbage collection. They shall not be placed for collection on any public place.

B. Bulky items may be disposed of as garbage, unless they contain hazardous waste as defined under SMC 13.14.010.

C. Large household appliances shall be considered recyclable materials and shall be processed by the authorized collection company for reuse or recovery, or delivered to a large household appliances processor.

D. By setting out or delivering possession to the authorized collection company, the customer relinquishes title to the large household appliances and bulky items picked up.

E. The authorized collection company may refuse large household appliances that contain garbage unassociated with the large household appliances set out for collection. They may also refuse large household appliances or bulky items that contain contraband or hazardous wastes and shall place a notice on such refused items indicating the specific

basis for refusal. The person who set out any item refused hereunder shall be responsible for the removal of said item within a reasonable period not to exceed five days.

F. Large household appliances that represent a suffocation hazard shall only be set out in a safe condition, that is, with the door removed, latch disabled, or door secured in a closed position. [Ord. 415 § 6, 2006; Ord. 251 § 1, 2000]

13.14.200 Hazardous waste screening.

A. Hazardous Waste. The health officer may screen any wastes that are being disposed, and that are suspected of being a regulated hazardous waste. The screening process may involve certified testing, a disclosure of the waste constituents and waste generation process, and other additional information. If the health officer determines that the waste is not a regulated hazardous waste but still poses a significant threat to the public health, safety or the environment, he/she may direct the generator or transporter to dispose of the waste at a specific type of disposal site. If the health officer determines that the waste is regulated hazardous waste, he/she shall notify the Department of Ecology, which shall have full jurisdiction regarding handling and disposal. The hazardous waste regulations, Chapter 173-303 WAC, shall be considered when screening and making waste determinations.

B. Procedure. When such wastes are identified as being suspected hazardous wastes, the health officer may issue a notice for requirement of screening. This notice will specify requirements, which must be met to satisfy the screening process and schedule for compliance. [Ord. 251 § 1, 2000]

13.14.210 Littering.

A. No person shall throw, discard, or deposit litter on any street, sidewalk, or other public property within the city, on any private property within the city and not owned by the person, or in or upon any body of water within the jurisdiction of the city, whether from a vehicle or otherwise; except:

1. When the property is designated by the state of Washington or any of its agencies or political subdivisions or by the city for the disposal of litter or other garbage and such person is authorized to use the property in such manner; or
2. Into a public garbage receptacle or garbage receptacle or dumpster owned by or authorized for the person's use, in a manner in which the litter will be prevented from being carried or deposited by the elements or otherwise on any street, sidewalk, or other public or private property.

B. No owner, tenant, or other person responsible for the condition of a construction site shall cause or allow any litter from the site to be deposited by the elements or otherwise on any other public or private property in the city. During such time as the site is not being used, all litter shall be stored or deposited in garbage receptacles or other

containers in such a manner as to prevent the litter from being deposited on any other public or private property.

C. No person shall place or tack notices, handbills, literature, etc., on vehicles, utility or sign poles, or other features or improvements on public property. This provision does not prohibit the handing of notices, handbills, literature, etc., from one person into the hands of another or the posting of informational materials upon public kiosks designated for that purpose. [Ord. 415 § 7, 2006; Ord. 251 § 1, 2000]

13.14.220 Unlawful dumping of garbage.

No person shall dump, throw, or place garbage on any public or private property, except in a garbage receptacle owned by or authorized for the person's use, disposal site, or interim garbage handling site provided and/or designated by the city manager, as authorized by city ordinance. This section does not apply to litter. [Ord. 415 § 8, 2006; Ord. 251 § 1, 2000]

13.14.230 Accumulation of garbage.

A. It shall be unlawful for any person to keep garbage or allow garbage to accumulate on any property, or in any public place, except in a garbage receptacle, or as otherwise authorized by ordinance or by the city manager. This subsection applies to any garbage accumulation with the exclusion of litter.

B. It shall be unlawful for any owner or occupant of abutting private property, residential or nonresidential, to allow the accumulation of any garbage on sidewalks or planting strips, whether the garbage is deposited by such owner or occupant or not. Garbage that is prohibited to accumulate includes but is not limited to cigarette butts and burning or smoldering materials. This provision shall not apply to:

1. The sheriff when removing the contents of a building to a public place pursuant to an eviction order; provided, however, any contents remaining in a public place for greater than 24 hours shall be considered abandoned property by the tenant and a violation of this section by the landlord if not removed and disposed of pursuant to RCW 59.18.312;
2. Firefighters placing debris on the sidewalk or planting strip in the course of extinguishing a fire or explosion;
3. The use of receptacles placed or authorized by the city for the collection of garbage on sidewalks or planting strips; or
4. Accumulations temporarily authorized under a street use permit. [Ord. 415 § 9, 2006; Ord. 251 § 1, 2000]

13.14.240 Violation – Penalty – Civil infractions.

A. The violation of or failure to comply with the following sections shall be a civil infraction and subject to a Class 4 civil infraction under RCW 7.80.120 to maximum monetary penalty and default amount of \$25.00, not including statutory assessments:

Sections:

13.14.040 Garbage receptacles – Nonresidential

13.14.070 Garbage receptacles – Weight

13.14.080 Placement of garbage receptacles

13.14.110 Unlawful disposal within garbage receptacles

13.14.120 Unlawful use of city garbage receptacles

B. The violation of or failure to comply with the following sections shall be a civil infraction and subject to a Class 3 civil infraction under RCW 7.80.120 to maximum monetary penalty and default amount of \$50.00, not including statutory assessments:

Sections:

13.14.050 Garbage receptacles – Residential

13.14.060 Garbage receptacles – Maintenance

13.14.140 Household hazardous wastes

13.14.170 Tires and special category wastes

13.14.210 Littering

C. The violation of or failure to comply with the following sections shall be a civil infraction and subject to a Class 2 civil infraction under RCW 7.80.120 to maximum monetary penalty and default amount of \$125.00, not including statutory assessments:

Sections:

13.14.100 Unlawful hauling of city's waste – Exceptions

13.14.150 Small quantity generator hazardous wastes

The following, if unacceptable waste is involved in the violation:

Sections:

13.14.110 Unlawful disposal within garbage receptacles

13.14.120 Unlawful use of city garbage receptacles

13.14.130 Unlawful use of garbage receptacles on private property

13.14.210 Littering

D. The violation of or failure to comply with the following sections shall be a civil infraction and subject to a Class 1 civil infraction under RCW 7.80.120 to maximum monetary penalty and default amount of \$250.00, not including statutory assessments:

Sections:

13.14.160 Asbestos-containing material

13.14.220 Unlawful dumping of garbage

13.14.230 Accumulation of garbage

E. The penalties provided in this section are in addition to any criminal sanction or abatement which may be available under Chapter 20.30 SMC. The criminal or civil penalty, and the limitation on the amount of the penalty, does not include any amounts that may be recovered for restitution. [Ord. 415 § 10, 2006; Ord. 251 § 1, 2000]

13.14.250 Presumption that violation committed.

A. Whenever garbage deposited, thrown, placed or kept in violation of SMC 13.14.210, 13.14.220 or 13.14.230 contains three or more items bearing the name of one individual, a junk vehicle's owner as identified by vehicle registration, or whenever an owner of a motor vehicle or trailer used in the activity is identified by its license plate or vehicle identification number, it shall be presumed that the individual whose name appears on the items or to whom the vehicle or the trailer is registered committed the unlawful act.

B. The defendant shall have an opportunity to rebut the presumption or may show as full or partial mitigation of liability that full compliance within the time specified was prevented by inability to obtain necessary labor, inability to gain access to the subject property, or other condition or circumstances beyond the control of the defendant. [Ord. 251 § 1, 2000]