

CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: December 2, 2019

AGENDA ITEM: Ordinance amending Chapter 7.08 MMC	
PREPARED BY: John Nield, Financial Operations Manager & JR Myers Solid Waste/Support Services Supervisor	DIRECTOR APPROVAL:
DEPARTMENT: Finance	
ATTACHMENTS: Draft Ordinance	
BUDGET CODE:	AMOUNT:

SUMMARY:

To update Section 7.08 of the Marysville Municipal Code relating to sanitation as follows:

Section 7.08.031 adding language to allow for a monthly rate for a 2nd residential recycling cart.

MMC 7.08.060 updating where excess refuse tags are available for purchase and removing outdated solid waste cart sizes.

MMC 7.08.065 adding language to provide a safer access option for collection by allowing for the exchange of a dumpster with totters and billed at the dumpster rate when it is determined by the Public Works Director or designee.

MMC 7.08.090 adding language to acknowledge once a month collection of refuse.

MMC 7.08.115 providing consistent eligibility language with other City provided-utilities for low income senior citizen and low income disabled citizen.

RECOMMENDED ACTION: Staff recommends that City Council adopt an Ordinance of the City of Marysville Amending Chapter 7.08 of the Marysville Municipal Code.

RECOMMENDED MOTION: I move to approve Ordinance No. _____ amending Chapter 7.08 of the Marysville Municipal Code.

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, AMENDING CHAPTER 7.08 OF THE MUNICIPAL CODE.**

WHEREAS, Chapter 7.08 MMC regulates the removal, collection, and disposal of garbage; and

WHEREAS, certain commercial establishments have dumpsters positioned at locations that are difficult to access, and access could result in property damage to the City or the property owner; and

WHEREAS, providing solid waste collection services through the use of wheeled residential containers would alleviate safety concerns at these commercial establishments; and

WHEREAS, there is currently not an option in the municipal code for residential customers to utilize a second recycling container; and

WHEREAS, changes in conditions in the City and changes to the municipal code have rendered certain provisions of Chapter 7.08 to be outdated; and

WHEREAS, it is appropriate to amend the municipal code in response to changes in state law or conditions in the City; and

WHEREAS, past amendments to the municipal code have resulted in provisions which are not consistent; and

WHEREAS, public health, safety, and welfare benefits from periodic updates to the municipal code.

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

SECTION 1. Section 7.08.031 of the municipal code is amended as set forth in Exhibit A.

SECTION 2. Section 7.08.060 of the municipal code is amended as set forth in Exhibit B.

SECTION 3. Section 7.08.065 of the municipal code is amended as set forth in Exhibit C.

SECTION 4. Section 7.08.090 of the municipal code is amended as set forth in Exhibit D.

SECTION 5. Section 7.08.115 of the municipal code is amended as set forth in Exhibit E.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 7. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's error or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

SECTION 8. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 20_____.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
_____, DEPUTY CITY CLERK

Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

Date of publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

7.08.031 Compulsory recyclable collection service.

(1) The owner and occupant of all residential premises within the city shall be required to use the curbside collection service for recyclable refuse provided by the city's contractor, and shall be required to comply with all regulations and rate schedules relating to the same as specified in this chapter; provided, that this section shall not apply to properties which are located in newly annexed areas of the city temporarily covered by a franchise granted by the city to a private disposal company.

(2) Customers have the option to utilize a second recyclable refuse container for curbside collection, and will be charged a monthly collection charge of \$4.79 for the additional container.

EXHIBIT B

7.08.060 Receptacles required – Specifications and use.

(1) It shall be the duty of every person who owns, occupies or controls any dwelling unit, business premises, manufacturing establishment, school, church or other place where garbage and refuse is created or accumulated, to at all times keep or cause to be kept portable containers for the deposit therein of garbage and refuse, and to deposit or cause to be deposited the same therein. In the case of rental units it shall be the responsibility of the owner of the premises to supply the tenants with garbage containers meeting the specifications of this section.

(2) All garbage containers issued by the city shall remain the property of the city.

(3) All garbage containers shall be watertight and shall be kept in a sanitary condition with the outsides thereof clean and free from accumulated grease and decomposing material.

(4) "Excess refuse" must be either in a container that is watertight, of not more than 30-gallon capacity, having two handles at the sides thereof and tight-fitting lids not exceeding 60 pounds in weight when loaded, with a prepaid excess refuse tag attached; or in a heavy-duty 30-gallon garbage bag with the opening adequately secured shut and a prepaid excess refuse tag affixed thereto. The bag must be able to be picked up by the top without loss of contents. Refuse in boxes, paper bags or small grocery bags will not be accepted. Excess refuse without a prepaid tag attached will not be picked up.

"Excess refuse" tags will be available for customers to purchase at the City Hall and at the [Public Works Building Jennings Park Office](#). The city may also arrange for certain retail stores within the corporate limits of the city to sell tags.

(5) Upon request, bulk containers for garbage and refuse will be supplied by the city. Such containers shall be located on concrete pads constructed at grade level to the following specifications:

- (a) For bulk containers one to two yards in size the pads shall be five feet by eight feet.
- (b) For bulk containers three to six yards in size the pads shall be eight feet by eight feet.
- (c) For bulk containers eight yards in size the pads shall be eleven feet by eleven feet.

(6) Bulk containers shall be located so that they are accessible to garbage trucks or may be rolled out on a hard surface. Any roll-out in excess of 20 feet shall be charged an extra fee pursuant to the rate schedule.

(7) Exemptions to required use of city-owned carts (~~20, 35, 65, 90-gallon~~) shall be considered on a case-by-case basis. The customer shall be required to provide the city with justification of substantial hardship if the city were to impose the required use of city-owned carts. Final determination shall be at the discretion of the city.

(8) The user of any city-owned container shall exercise reasonable care of the same. Repairs or cleaning which are necessitated by reason of neglect or abuse shall be charged to the user. The user shall be responsible to notify the utility department if container repairs are needed. Failure to do so may be considered as abuse.

EXHIBIT C

7.08.065 Accessibility of containers.

(1) Within but no sooner than 24 hours of the time of collection, it shall be the duty of each garbage customer to place all garbage containers, excess garbage containers, recycling carts and yard waste collection carts in an accessible place abutting the street or alley used by the city garbage trucks to service the subject property.

(a) The garbage containers, excess garbage containers, and carts shall be situated at the edge of the public right-of-way, or at the curblin if such exists.

(b) Place all carts with lids opening toward roadway.

(c) Maintain at least two feet of clearance between each cart, can, or container.

(2) Arrangements may be made for special collection sites for handicapped persons, multiple-family complexes, and commercial and industrial customers. Special collection procedures that involve "additional" or "extra" service may be charged for such service per MMC [7.08.120](#), Special services performed by city – Owner's cost.

(3) On the day of collection, garbage containers or other receptacles shall be removed by the customer from inaccessible places or underground storage. In the event that any garbage container or other receptacle is inaccessible to the collector, the city shall refuse collection service. Such refusal shall not relieve the customer of the obligation to pay the regular service fee. If the customer wishes to schedule the garbage container or other receptacle to be emptied which was refused service because of inaccessibility, the customer shall be billed an amount equal to an extra pick-up commensurate with their current level of service, as noted in MMC [7.08.110](#), Rate schedule. This does not relieve the customer of the obligation to pay the regular service fee.

(4) On the day of collection, after the garbage is collected it shall be the duty of each garbage customer to remove all garbage containers from the accessible place abutting the street or alley as referenced in subsection (1) of this section. Any container not so removed within two business days may be removed by the utility, and a fee will be charged to redeliver the container. (Ord. 2765 § 1, 2009; Ord. 2540 § 1, 2004; Ord. 1849 § 3, 1991; Ord. 1822 § 10, 1991; Ord. 1253 § 1, 1982; Ord. 616 § 2, 1968).

(5) If the Public Works Director or his or her designee determines that service to a commercial dumpster meets all of the conditions below, service can be provided via (2) 96-gallon totters for each cubic yard of dumpster space at the cubic yard dumpster rate.

(a) It is unsafe for the sanitation truck driver to access to the dumpster or accessing the dumpster could result in property damage.

- (b) The dumpster cannot be relocated on the customer's property in a manner that allows safe and easy access.

EXHIBIT D

7.08.090 Frequency of collection.

The garbage and refuse department shall collect, remove and dispose of all garbage and refuse in the residential section of the city at least once each week (except for those residences with monthly garbage collection service), and at least once a day, if required, in the business section of the city and from all business houses in the city and from schools.

EXHIBIT E

7.08.115 Eligibility for senior citizen rate. Rate Relief.

~~The occupant of a single-family dwelling unit or duplex in the city of Marysville shall be eligible for the senior citizen garbage and refuse collection rate under the following conditions:~~

~~(1) The dwelling unit must be occupied by the person claiming eligibility as his or her principal place of residence.~~

~~(2) The person claiming the rate must be the head of the household for the dwelling unit in question.~~

~~(3) The garbage account must be in the name of the person claiming eligibility.~~

~~(4) No person may claim a senior citizen garbage and refuse collection rate for more than one dwelling unit during the same period.~~

~~(5) The person claiming eligibility for the senior citizen rate must qualify in one of the following categories:~~

~~(a) Low-Income Senior Citizen. "Low-income senior citizen" means a person who is 62 years of age or older and whose total income, including that of his or her spouse or cotenant, does not exceed the amount specified in RCW 84.36.381(5)(b), as now or hereafter amended.~~

~~(b) Low-Income Disabled Citizen. "Low-income disabled citizen" means:~~

~~(i) A person qualifying for special parking privileges under RCW 46.16.381(1)(a) through (f);~~

~~(ii) A blind person as defined in RCW 74.18.020; or~~

~~(iii) A disabled, handicapped or incapacitated person as defined under any other existing state or federal program and whose income, including that of his or her spouse or cotenant, does not exceed the amount specified in RCW 70.164.020(4).~~

~~(6) Claims for low-income senior citizen or low-income disabled citizen garbage and refuse collection rates shall be made annually and filed on or before March 1st of each year. Claims shall be filed on forms prescribed and furnished by the city clerk. Said forms shall require the claimant to certify his or her eligibility under this chapter. The city clerk is authorized to require documentation of eligibility when necessary. Low-income senior citizens and low-income disabled persons may be eligible for rate relief pursuant to Chapter 3.63 MMC.~~