

Chapter 8.04

GARBAGE

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8.04.010 **Definitions.** The following words and phrases shall, when used in this chapter, have the meaning attributed to them in this section:

- A. "Ashes" means the solid waste products of the burning of coal, wood and other fuels for heating and cooking.
- B. "Commercial establishment" means any establishment whether or not utilized for private gain, that is not a residence or a public food establishment as defined in this section.
- C. "Garbage" includes all putrid waste including sawdust, wood waste, logs, tree limbs, vegetable and animal offal, but not including carcasses of dead animals, sewage and human remains or body waste.

- D. "Occupied premises" means any premises that currently houses a family, commercial establishment, or public food establishment.
- E. "Multifamily residence" means any building or establishment in which four or more families are separately housed including hotels, motels, mobile home parks, rooming houses and boarding houses.
- F. "Person" means any person, firm, partnership, association or corporation.
- G. "Public food establishment" means any restaurant, hotel, cafe, drinking place, grocery, food market, boarding house, school, church or any other establishment where food and drink is served, provided or prepared for the public with or without charge.
- H. "Solid waste" means garbage, rubbish, ashes, swill and all decomposable and non-decomposable waste from all public and private establishments and residences except sewage and demolition waste resulting from major renovations, new construction or earth, rocks or sod.
- I. "Solid waste collector" means any person entering, into a contract with the city, if so designated by the city council, for the collection and transportation of solid waste as provided in this title.
- J. "Rubbish" includes all non-decomposable waste except ashes.
- K. "Sanitary fill operator" means the person entering into a contract with the city for the disposal of solid waste as provided in this title.
- L. "Swill" means every solid waste accumulation of animal, fruit, vegetable matter, liquid or otherwise, that attends the preparation, cooking, dealing in or storing of meat, fish, fowl, fruit, vegetables but not including coffee grounds.
- M. "Unoccupied premises" means any dwelling unit that does not currently house an individual family and for which the owner or his authorized agent has notified the city clerk that the unit is so vacant for a minimum time period of one month. (Ord. 393, 1981.)

8.04.020 **Solid waste collection--In general.** It is unlawful for any person, other than the city or its contractor, if any, to engage in the business of collecting, removing, transporting or disposing of solid waste in the city, except as otherwise specifically provided in this chapter. (Ord. 393, 1981.)

8.04.030 **Solid waste collection--Private contracts.** In the event it is advisable for the city to arrange for the collection of solid waste from within the city by other than its own forces, it may, in accordance with the law, contract with another person

to perform such service. (Ord. 393, 1981.)

8.04.031 **Private contracts -- Indemnification and insurance.** In the event the city elects to contract for the services defined in this chapter, the contractor shall agree to indemnify the city against any and all claims for loss, liability, death, or damage, arising out of or in connection with the solid waste service and in connection with or arising out of the acts from negligent omissions of the contractor's officers, agents, or employees, however caused. Contractor shall appear and defend any action or suit instituted against the city arising in any manner out of the acts or omissions defined above. The contractor shall procure and maintain, at his own expense during the life of this contract liability insurance coverage for all claims, liability or action defined above, and to include completed operations and contractual coverages. Coverage limits shall be determined in the contract document between the city and the contractor. The city is to be named as an additional insured under the contractor's policy, and the contractor's insurance policy is to be primary insurance coverage. All such insurance shall be subject to the approval for adequacy of protection, and shall include a provision preventing cancellation or alteration without ten days prior notice to the city in writing. (Ord. 496, April 1986.)

8.04.032 **Private contracts -- Automated collection service.** In the event a collection contract between the city solid waste collector makes a provision for residential automated collection service and requires the contractor to provide a specified container or containers to customers to facilitate the automated collection services, such contractor furnished container shall be considered to have met the solid waste container specifications provided in the Benton City municipal Code Section 8.04.070, that shall be kept in lieu of other sufficient and satisfactory cans and containers for the deposit therein of all such solid waste the container has the capacity to accept. (Ord. 496, April 1986.)

8.04.035 **Solid Waste Collection -- Mandatory collection.** Each residential unit and business within the City of Benton City shall be provided total solid waste collection services on a mandatory basis. All lots, tracts, and parcels of property within the City, except vacant land or unoccupied premises, are liable for the collection rates and charges as established by the Solid Waste Collection Service Agreement between the City and contracted solid waste collector. Unpaid collection rates and charges shall become a lien against the lot, tract or parcel of property receiving the service. This lien shall be in addition to any lien rights acquired by the solid waste collector, which may be assigned to the City for the enforcement of its lien. Notice of the City's lien specifying the amount due, the period covered, and giving the legal description of the premises sought to be charged may be filed with the county auditor within the time required and may be foreclosed in the manner and within the time prescribed for liens for labor and materials as authorized by Chapter 35.21 of the Revised Code of Washington. (Ord. 610, December 1994.)

8.04.040 **Collection points.** Points of collection in industrial and commercial areas shall be the service entrance of such establishments which are located in alleys or service roads. However, the city or solid waste collector, if any, may enter into special agreements for collecting solid waste at other points. Residential area solid waste shall be placed at the street curb or in an alley for pickup as designated by the city or solid waste collector, if any. Contractor furnished containers to facilitate residential automated service will be placed as follows:

- A. Street Pickup: at the edge of the street curb or, in case of noncurbed streets, at the edge of the roadway shoulder.
- B. Alley Pickup: at the edge of the alley.

An additional charge over and above the regular charge may be made if the can or container is kept adjacent to or within a building, in a basement, upstairs, or as unaccessible by reason of locked doors, or if it is necessary to call or knock for the owner or occupant of the premises to gain admittance. Said additional charge shall be based upon the extra time required to provide said service. (Ord. 496, April 1986.)

8.04.050 **Collection schedule.** Residential solid waste collection shall be collected at least once a week. Solid waste from public food establishments shall be deposited in appropriate containers for collection at least once each day that the establishment is in operation. Solid waste from commercial establishments shall be deposited for collection at least once each week and may be scheduled by the city or solid waste collector, if any, in accordance with special arrangements with the owner or occupant. (Ord. 393 SI (part), 1981.)

8.04.055 **Schedule of service charges.**

- A. The person responsible for water or sewer service to a place receiving solid waste disposal service is responsible for all charges and costs resulting from such service. The tenant in possession is also responsible for all charges and costs resulting from such services if the bill is sent to that person. In the event no water or sewer services are provided at a location receiving solid waste disposal service, the tenant in possession, if billed, and the person making application for the service, are responsible for all charges and costs resulting from such services. In all events the property and the property owner are responsible for all charges and costs and the same may become a lien upon the property in the manner provided by law.
- B. The charges for solid waste disposal services are as set forth in the collection contract between the contractor and the city. (Ord. 496, April 1986.)

- 8.04.060** **Solid waste containers--Required.** Every person in possession, charge or control of any residence, multifamily residence, public food establishment, or commercial establishment where solid waste, garbage and swill is created or accumulated shall keep or cause to be kept sufficient and satisfactory cans or containers for the deposit therein of all such solid waste produced by such establishment. Such person shall deposit or cause to be deposited in such cans or containers all solid waste produced by such establishment. (Ord. 393 SI (part), 1981.)
- 8.04.070** **Solid waste containers--Specifications.** Solid waste cans shall be strong, watertight, water impermeable, not easily corrodible, rodent proof and insect proof. Solid waste cans and containers shall meet all state, health and ecology requirements. (Ord. 393 SI (part), 1981.)
- 8.04.080** **Solid waste containers--Maintenance.** Cans and containers shall be kept in a sanitary condition inside and out. Lids shall be kept on cans and containers except while solid waste is being deposited or removed. Subsequent to any person depositing solid waste in or removing solid waste from a can or container, he shall replace the lid on the can or container. (Ord. 393 SI (part), 1981.)
- 8.04.090** **Residence garbage preparation.** All garbage created at any residence shall be drained and securely wrapped in paper or other materials in such a manner so as to nearly as possible prevent moisture from such garbage from coming in contact with the sides or bottom of the can. (Ord. 393 SI (part), 1981.)
- 8.04.100** **Residence solid waste bundling.** Boxes, cartons, shrubs, trees, (less than six inches in diameter), small tree limbs, strips of boards or lumber and other refuse may be broken or cut and tied into bundles that shall not exceed five feet in the longest dimension and two feet in girth and not exceeding one hundred pounds. (Ord. 393 SI (part), 1981.)
- 8.04.110** **Ashes and clinkers.** Ashes and clinkers shall be placed in noncombustible containers. Hot ashes or clinkers shall not be set out for removal. (Ord. 393 SI (part), 1981.)
- 8.04.120** **Solid Waste--Separation of.** The city reserves the right to and may have the option to require separation of paper and swill or other component parts of solid waste and may require the deposit thereof in separate cans or receptacles and may prescribe the method of disposal thereof. (Ord. 393 S1 (part), 1981.)
- 8.04.130** **Solid waste--Accumulation.** No person shall permit unconfined solid waste in such quantities as to create a fire hazard or a hazard to public health and safety. (Ord. 393 SI (part), 1981.)

8.04.140 **Solid waste--Regular disposal.** It shall be the duty of every person who has ownership, possession or control of a residence, public food establishment, commercial establishment, or multifamily residence to cause such garbage and solid waste to be removed and disposed of on a regular basis. (Ord. 393 SI (part), 1981.)

8.04.150 **Solid waste--Transportation.** It is unlawful for any person to operate a truck, trailer or other vehicle which is transporting solid waste or garbage upon the streets of the city unless the material being transported is covered or otherwise secured to prevent the material from escaping from the vehicle. Any person violating this chapter shall be subject to a fine and imprisonment as provided in Chapter 1.16. (Ord. 393 S1 (part), 1981.)

8.04.160 **Accumulation of combustible rubbish--Prohibited.** It is unlawful for any person to allow or permit to remain upon any roof, or in any yard, alley or vacant lot, any accumulation of paper, hay, straw, moss or flammable or combustible rubbish or waste of any description without approval of the fire district. (Ord. 393 SI (part), 1981.)

8.04.170 **Open burning—Prohibited.** It is unlawful for any person to burn trash, lumber, leaves, straw, or other combustible material in any street, alley, yard or vacant lot within the city limits without the approval of the Benton Clean Air Agency. (Ord. 1001, June 2019: Ord. 393 SI (part), 1981.)

8.04.180 **Littering.** No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the city or upon private property in this city now owned by him or in the waters within Benton City whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

- A. When such property is designated by the city or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose.
- B. Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of the private or public property or waters. (Ord. 393 S1 (part), 1981.)

8.04.190 **Liquid waste.** No person, firm or corporation, or any agent, servant or employee thereof, shall hereafter operate or permit to be operated any storage lots, laundries, restaurants, food shops, groceries, meat plants, cold storage lockers, or other businesses whereby water, irrigation or domestic, and all other liquid wastes are allowed to reach any public sidewalk, street, alley or other property of the city. (Ord. 393 S1 (part), 1981.)

8.04.200 **Removal of dead animals.** It is the duty of the owner of any dead animal to forthwith cause the same to be removed and disposed of. In the event the owner of the dead animal is unknown, then in such an event, it is the duty of every person in possession, charge or control of any dead animal or upon whose premises the same may be located to forthwith cause the same to be removed and disposed of. (Ord. 393 S1 (part), 1981.)

8.04.210 **Penalties.** Any person found to be in violation of any provisions of this chapter shall be deemed to have committed a civil infraction and for each infraction shall be subject to penalty in the amount listed, plus court costs and statutory assessments as follows:

- A. The first violation within a six month period, \$50.00.
- B. The second violation within a six month period, \$75.00.
- C. The third violation within a six month period, \$150.00.
- D. Violations in excess of third within a six month period, \$250.00.

Each day that a violation continues shall be deemed a separate violation subject to the specified civil penalty as set forth above. Court costs of \$10.00 shall be assessed in addition to any other fine, penalty, cost or statutory assessment imposed. (Ord. 496, April 1986.)