

ORDINANCE NO. 2736

AN ORDINANCE AMENDING CHAPTER 8.08 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "GARBAGE COLLECTION"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 8.08 of the Moses Lake Municipal Code entitled "Garbage Collection" is amended as follows:

8.08.010 Applicability: This chapter shall apply to all territory embraced within the corporate limits of the City and the area of police jurisdiction thereof.

8.08.020 Intent: The maintenance of health and sanitation require, and it is the intention of this chapter to make, the collection, removal, and disposal of garbage, refuse and dead animals within the City compulsory. However, collection service is not required when written notice has been given the City requesting a cessation of service where a building, whether commercial or residential, is vacant or if a building is used for storage or similar type use and has no living quarters, no office facilities, per se, or if the business occupying the building is closed for business and no garbage, rubbish, refuse, solid waste, or other waste material is produced.

8.08.030 Definitions: The following words and phrases shall apply in this chapter:

1. "Agricultural Waste" means all solid waste generated by the growing, washing, or preparation for marketing of agricultural products, without cooking, blanching, or other processing.
2. "Ashes" means solid waste products of coal, wood, or other fuels used for heating and cooking, from all public and private establishments and from all residences.
3. "Can" means a receptacle between fifteen (15) and thirty-two (32) gallon capacity which is designed for garbage collection. It shall be strong, not easily corrodible, rodent-proof, insect proof and shall have two handles attached for easy handling. It shall also be tapered from top to bottom so that contents naturally empty when inverted. There shall be an additional charge for any cans collected.
4. "Cart" means a ninety-six (96) gallon or less receptacle furnished by the City to be used for disposal of garbage that is designed for handling by an automated collection vehicle. Said carts shall be the only residential receptacles collected during weekly pickup without there being a charge for additional service.
5. "Collector of Refuse" means the individual, firm, association, copartnership, corporation, or any other entity whatsoever, including the City of Moses Lake which collects the garbage, rubbish, refuse, solid waste, or other waste material in the City of Moses Lake under any arrangement whatsoever.
6. "Combustible Rubbish" or "Burnable Material" means, in general, the organic component of refuse, paper, rags, cartons, boxes, wood excelsior, furniture, bedding, rubber, plastics, leather, tree branches, lawn trimmings, and the like.
7. "Commercial Refuse" means all solid wastes which originate in businesses, office buildings, stores, markets, theaters, and other buildings. The point at which any of the refuse becomes solid waste and is the responsibility of the City garbage contractor shall be determined by the Utility Service Supervisor of the City.

8. "Compactor" means a container with a device which compresses the loaded material.
9. "Compactor Collection Truck" means an enclosed vehicle provided with special mechanical devices for loading the refuse into the main compartment of the body, for compressing the loaded materials, and for distributing the refuse within the body.
10. "Construction and Demolition Wastes" means building materials and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements, and other structures.
11. "Containers" means small receptacles (one- to ten-cubic yard capacity) that can be emptied by compactor collection trucks on site.
12. "Disposal Site" means the location where any treatment, utilization processing or deposition of solid waste occurs.
13. "Drop Box Site" means a loading site where small loads of solid waste are dumped into a large container for transport to a processing and/or disposal site.
14. "Functional Standards" means the criteria for solid waste handling expressed in terms of expected performance.
15. "Garbage" means all putrescible material including all putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food; swill and carcasses of dead animals, except sewage, sewage sludge and human body wastes.
16. "Groundwater" means water in the ground that is in the zone of saturation.
17. "Hazardous Wastes" means dangerous wastes requiring special handling including, but is not limited to, explosives, pathological wastes, radioactive materials and chemicals.
18. "Industrial Solid Waste" means all solid wastes which result from industrial processes and manufacturing operations such as factories, processing plants, repair and cleaning establishments, refineries and rendering plants.
19. "Institutional Solid Waste" means solid waste generated by hospitals, nursing homes, schools, prisons, reformatories, or other buildings housing an organization having social, educational, or religious purpose.
20. "Jurisdictional Health Department" means Grant County Health District.
21. "Landfill" means the solid waste disposal process using land for the final disposal site.
22. "Noncombustible Rubbish" means material that is unburnable at ordinary incinerator temperatures (one thousand three hundred to two thousand degrees Fahrenheit). For the most part, it is the inorganic component of refuse, such as tin cans, heavy metal, mineral matter, glass, crockery, dust, metal furniture, ashes, and the like.
23. "Offal" means intestine and discarded parts from the slaughter of animals.
24. "On-Site Disposal" includes all means of disposal or, more usually, volume reduction, of refuse on premises before collection. Examples are garbage grinding, burning or incineration, burial, compaction or slurring at homes and commercial establishments.
25. "Open Burning" means the burning of solid wastes in an open area or burning of solid wastes in a type of chamber or vessel which is not approved in regulations.

26. "Open Dumping" means the depositing of solid wastes into a body or stream of water, or onto the surface of the ground without compacting the wastes and covering with suitable material to a suitable depth that would prevent vector nuisance and pollution problems.
27. "Pathogen" means any infective agent capable of producing disease; it may be a virus, rickettsia, bacteria, protozoan, etc.
28. "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
29. "Pollution" means the presence in the environment or portion of the environment of contaminating substances, materials, forms of animals or plant life in sufficient quantities and of such characteristics and duration, as is or is likely to be, injurious to humans, to other plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.
30. "Processing of Waste" means the operation of solid waste which converts a waste into something useful, leaving the term "handling" to describe what is done to prepare it for disposal.
31. "Pull-on Container" means a detachable container system in which a large container (around twenty to fifty cubic yards) is pulled onto service vehicle mechanically and carried to disposal site for emptying.
32. "Putrescible" means capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances from odors, gases, etc. Kitchen wastes, offal, and dead animals are examples of putrescible components of solid waste.
33. "Refuse" means "Solid Waste" as defined in subsection 41 of this section.
34. "Refuse Fill" means "Landfill" as defined in subsection 21 of this section.
35. "Rendering" means a process of salvaging fats and oils, animal feed and other products from animal waste by cooking. Dead animals, fish and wastes from slaughter houses and butcher shops are commonly used.
36. "Rubbish" means all discarded nonputrescible solid waste except ashes, including paper, cardboard, tin cans, wood, glass, bedding, yard clippings, etc.
37. "Salvage" means reclaimable solid waste such as paper, metal, bottles, or other objects saved for the purpose of sale or other use not prohibited by law, rule, or regulation.
38. "Sanitary Landfill" means a method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.
39. "Scavenging" means the uncontrolled picking of materials.
40. "Solid Waste" means all putrescible and nonputrescible solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, demolition and construction wastes abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes and other discarded material. The point at which any of the above becomes solid waste and is the responsibility of the City garbage contractor shall be determined by the Utility Service Supervisor of the City.
41. "Solid Waste Disposal" means final disposition of solid waste by acceptable means.

42. "Solid Waste Handling" means the storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes.
43. "Special Wastes" means wastes difficult or unusual in the characteristics of quantities or composition to handle.
44. "Street Refuse" means material picked up by manual and mechanical sweeping of streets and sidewalks, litter from public litter receptacles, and dirt removed from catch basins.
45. "Surface Water" means a body of water whose top surface is exposed to the atmosphere including a flowing body as well as a pond or lake.
46. "Swill" means the semi-liquid animal or vegetable waste of kitchens, market or stores.
47. "Transfer Station" means a loading site where solid waste is transferred from one vehicle to another for transfer to a final disposal site.
48. "Trash" means "Rubbish", as defined in subsection 36 of this section.
49. "Unsanitary Condition" means any situation which negatively effects the health and general welfare of humans or is of such a character so as to be likely to be injurious to humans, plant or animal life, or property, or which unreasonably interferes with the enjoyment of life or property.
50. "Utility Service Supervisor" means the City official or employee of the City delegated and authorized to administer this chapter.
51. "Vacant" means not lived in or occupied.
52. "Vector" (of disease) means a living insect or other arthropod, or animal (not human), which transmits infectious diseases from one person or animal to another.
53. "Waste" means useless, unused, unwanted, or discarded materials. Waste includes solids, liquids, and gases. The gases are principally industrial fumes and smoke; the liquids consist mainly of sewage and the fluid part of industrial wastes, the solids are classed as refuse or solid wastes.

8.08.040 City Sanitary Division:

- A. For the purpose of carrying into effect the provisions and aims of this chapter, there is created and established a division to be known as the City sanitary division.
- B. The City Manager is empowered and authorized and may appoint a suitable and qualified person as Utility Service Supervisor and this person shall have full charge and control of all the work provided for and contemplated under this chapter and as may be provided for by rules and regulations subsequently adopted. The Utility Service Supervisor shall also have charge of all collections and the enforcement of all charges for services rendered. In the absence of the appointment of a Utility Service Supervisor, the City Manager may designate an individual employed by the City or a City department to perform the functions of a Utility Service Supervisor.

8.08.050 Sanitation Fund: There is created and established a special fund known and designated as the Sanitation Fund, into which all sums collected under this chapter shall be deposited and kept by the Treasurer of the City and from which all expenses of the administration and operation of this chapter shall be paid.

8.08.055 Collection - Contract:

- A. The City Council may authorize the entering into of a contract with a contractor or contractors for the collection, removal, and disposal of all garbage, rubbish, refuse, solid waste, or other waste material; provided, however, that the City Council may, at its option, authorize the City of Moses Lake to handle the collection, removal, and disposal of garbage, rubbish, refuse, solid waste, and other waste material by the City of Moses Lake.
- B. The contractor shall be a person who, in the minds of the City Council, is responsible and qualified to perform the duties required under a contract for solid waste collection. Such contract shall be made at least every ten (10) years or more frequently if desired. The contractor may be required, at the discretion of the City, to furnish a corporate surety bond to the City in a sum set under the contract, conditioned upon the faithful performance of his contract and in compliance with all ordinances of the City and all rules, regulations, laws, and statutes relating to his business including the provisions of this chapter and in addition provide for payment to all laborers, mechanics, and subcontractors and materialmen, and all persons who shall supply such contractor with provisions and supplies for carrying on such work.
- C. Any contract with the contractor may be terminated by the City at any time for cause, or for failure to comply with the terms of the contract with the City or the provisions of this chapter and reasonable regulations imposed pursuant thereto. In any conflicts between this ordinance and the contract, the contract shall prevail.

8.08.060 Container Regulations:

- A. It shall be the duty of every person in possession, charge or in control of any dwelling, flat, roominghouse, apartment house, or eating place or in possession, charge, or control of any shop, place of business, or manufacturing establishment at all times, to keep or cause to be kept, portable containers, carts, or garbage cans of approved size, type, and construction, and to deposit or cause to be deposited the refuse therein.
- B. Refuse or garbage containers shall not be filled with liquid or semi-liquid wastes. Such containers, carts, and cans shall be kept in a sanitary condition with the outside thereof clean and free from accumulative grease and decomposing material. Putrescible waste shall be placed in sealed bags prior to being placed in a cart, container, or can.
- C. For residential service every cart on the day designated for collection, shall be placed within five feet (5') of the traveled right-of-way and at least five feet (5') from any obstruction with the front facing the street or alley. Where alley access is available, meaning that the alley has sufficient height and width clearances for the collector of refuse's equipment to negotiate the alley without interference, all containers shall be placed at the alley line. Where no alley access is available, all containers shall be placed at the curb line on the day designated for collection and on all other days shall be removed from street view. For commercial service, accounts shall have their containers placed on a solid surface in a location accessible to the collector of garbage and refuse without its having to move the container up grades. Safety and maneuverability of the collector of refuse's vehicles shall be prime considerations, but not the only considerations, in determining accessibility. The Utility Service Supervisor, after consulting with the property owner if required, shall be the determiner of accessibility after conferring with the collector of garbage and refuse. If there is a dispute between the Utility Service Supervisor and the collector of garbage and refuse as to accessibility, the City Manager shall make the determination as to whether a location is accessible. The decision of the City Manager shall be final. Provided there is access to the container, the collector of garbage and refuse shall pick up all commercial accounts where the container is located whether the location is on private or publicly owned property.
- D. Each container, cart, or can shall be kept clean inside and out so that no odor nuisance shall exist. It shall be the responsibility of the person using any container, cart, or can to keep them clean unless this responsibility is altered by contract between the City and the collector of garbage and refuse. In such a situation, the contract shall control. The area around the

containers shall be kept in a neat and sanitary condition. The Utility Service Supervisor may place tags on garbage containers found to be in violation of this subsection and notify the property owner when the areas around the container are not being kept in a neat and sanitary condition. All tags and notifications shall be dated and signed by the Utility Service Supervisor. Two (2) or more violations of this provision of this section shall subject the person responsible to the penalties described in Chapter 1.08 of this code.

- E. Those containers or cans found to be defective or illegal (defective bottoms, crushed so that lids will not fit, fifty-five (55) gallon barrels, waste baskets, paper drums, etc.) or any other containers that are found to be illegal shall be subject to impounding and/or disposal. If a container received two (2) violations within a thirty (30) day period, the Utility Service Supervisor of the City may authorize its destruction or impoundment.

The container or can shall be stored by the City not to exceed ten (10) days. If after ten (10) days the owner has not claimed and agreed to repair the illegal container or can, it will be disposed of by the City. The impoundment of an illegal container shall not relieve the owner from compliance with regulations in this chapter.

- F. No garbage or refuse cart, can, or container shall contain earth, rocks, or heavy refuse. Any cart, can or container requiring a person to lift it shall not exceed fifty (50) pounds in total weight of container and refuse.
- G. Customers must restrain vicious dogs beyond reach of the garbage containers, carts, or cans and prevent any interference with the pickup person on this account.
- H. Large, suitable containers for collection of garbage and refuse may, with the approval of the Utility Service Supervisor, be used in the business and commercial zones. Such containers shall be supplied by the collector of garbage and refuse if the collector of garbage and refuse is so required by his contract with the City, however, that does not preclude any person from owning their own container(s) if they so desire.
- I. Compactors for industrial and commercial users shall be designed to be compatible with local sanitation transportation equipment. The Utility Service Supervisor shall approve all compactors used for commercial or industrial uses.
- J. All carts, cans, containers, or compactors, shall comply with the Consumer Products Safety Commission laws and regulations. It shall be the responsibility of the account holder assigned any container, or compactor to load it so that it can be legally hauled on public highways by the contractor of garbage and refuse. Containers shall not be loaded heavier than five hundred (500) pounds gross per cubic yard of capacity and in no event more than two thousand (2,000) pounds.
- K. It shall be 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.
- L. No person shall place their garbage, rubbish, refuse, solid waste, or other waste material in the container or garbage can of another.
- M. Containers designated for residential use may not be used for any commercial purpose except as may be allowed by this chapter.
- N. It shall be the responsibility of each account holder or customer to manage the carts under their custody and control. The repair or replacement of all carts damaged, destroyed, stolen, or lost as a result of the negligence of the account holder or customer shall be billed to the account holder or customer.

8.08.070 Unlawful Disposal - Permits - Compost:

- A. It is unlawful for any person to burn, dump, collect, remove, or in any other manner, dispose of garbage, rubbish, refuse, solid waste, other waste material, or swill upon any streets, alleys, public place or private property within the City otherwise than as provided in this chapter.
- B. No person shall maintain on his premises in any residential zone in the City any receptacle for outdoor burning of waste paper, boxes, rubbish, paper, or cardboard. Persons in any zone may burn brush, leaves, grass, wood, limbs, weeds, or other vegetable type matter in the open or in a receptacle so long as an open burning permit is obtained from the Moses Lake Fire Department and all other local, state and federal laws are observed. In commercial and industrial zones incinerators may be constructed in accordance with standards set by the Building Official as administered under controls of the State Building Code.
- C. No compost pile shall be kept or maintained unless sufficient appropriate material or substance, approved by the Utility Service Supervisor, is used to prevent the presence of flies, insects, bugs, rodents, or other pests or menaces to public health and welfare.

8.08.080 Collection Frequency: The collector of garbage and refuse shall collect, remove, and dispose of all garbage and refuse in the residential sections of the City at least once each week, and in the business and commercial zones of the City as required.

8.08.085 Ownership of Collected Waste: The collector of garbage and refuse shall have title to all garbage, rubbish, refuse, solid waste, and other waste material after the material has been collected by the collector of garbage and refuse.

8.08.090 Separation of Garbage: The City reserves the right to and may have the option to require the separation of paper or swill or other component parts of refuse, and may require the deposit thereof in separate cans or receptacles and may prescribe the method of disposal thereof.

8.08.100 Impermissible Actions: It is unlawful for any person, firm, or corporation to deposit, throw, or place swill or other refuse matter in a lane, alley, street, or other public place, or to deposit, throw, or place any swill upon any property, regardless of ownership, unless the swill is enclosed in vessels or tanks of type approved by the Utility Service Supervisor, and which are perfectly watertight and have tightly fitting covers, which covers shall not be removed, except when absolutely necessary for the depositing and removal of swill. Such vessels or tanks shall be kept in the rear of the premises or in the basement, or other place authorized by the Utility Service Supervisor, so as to be readily accessible for collection and shall not be kept upon the street, alley, or sidewalk or public place. All such tanks or vessels shall be promptly delivered to the collector when called for and shall be returned by him without unnecessary delay, and no person, except for the purpose of collection under license, shall in any manner interfere with the vessels or tanks or with contents thereof. Swill, offal, and other liquid or semi-liquid waste may not be placed in dumpsters or containers handled by the collector of refuse without permission of the collector of garbage and the Utility Service Supervisor.

8.08.108 Hazardous Waste: Hazardous waste shall not be the responsibility of the collector of garbage and refuse and shall be disposed of in accordance with all local, state, and federal law directly by the person producing such waste. Whether waste is considered hazardous waste is the decision of the Utility Service Supervisor and his decision is final.

8.08.110 Disposal of Garbage and Other Refuse: All disposal of refuse shall be by sanitary fill method or methods specifically approved by the state Department of Health; provided, that the method or methods shall include the maximum practicable rodent, insect, and nuisance control at the place of disposal; and, provided further, that animal offal and carcasses of dead animals shall be buried or cremated as directed by the Utility Service Supervisor or shall be rendered at forty (40) pounds per square inch steam pressure or higher, or heated by equivalent cooking.

8.08.133 Billing - Service Charges:

- A. The City shall perform all billing of customers, the collection of charges, service initiation, changes in service and service deletions and will pay the contractor in accordance with his contract. The City may withhold payment to the contractor of any bills disputed by a customer for any reason until the dispute is resolved.
- B. Charges for refuse collection and disposal may be billed in conjunction and simultaneously with statements issued by the City for water and sewer service, if any, unless the owner of the real estate wishes the garbage separated. If the owner of the real estate wishes the garbage bill separated, the owner of the real estate first must execute a form provided for by the City of Moses Lake indicating his desires. The form shall contain, at a minimum, the owner of the real estate's name and address, the address to which he wishes the bill sent, and a statement that if the person at the address to which the bill is sent moves and leaves an unpaid balance, the owner of the real estate recognizes his responsibility for the bill. If garbage charges become delinquent they may be transferred to and added to the water account at the same property, if a water account exists. However, the form of billing shall be at the City's discretion. If charges for refuse collection and disposal are billed in conjunction and simultaneous with statements issued by the City for water and sewer charges, all payments received from a customer shall be credited first to past due garbage charges, then the remainder, if there be any, first to past due sewer charges then to past due water charges. Payments on current accounts shall be credited first to garbage charges then the remainder, if there be any, to sewer charges then to water charges.
- C. The billing for garbage service shall be made in the name of the owner of the real estate served or a tenant at the direction of the owner of the real estate. If the owner of the real estate wishes the bill sent to another address, the owner of the real estate first must execute a waiver form provided for by the City of Moses Lake. The form shall contain, at a minimum, the owner of the real estate's name and address, the address to which he wishes the bill sent, and a statement that if the person at the address to which the bill is sent moves and leaves an unpaid balance, the owner of the real estate recognizes his responsibility for the bill.
- D. The charges or accounts shall be paid at the Civic Center thirty (30) days after the date of billing, and if not paid, shall become delinquent on the thirty-first (31st) day after the date of billing. Service may be suspended for nonpayment of such accounts. Such suspension shall not relieve the person owing such account from the duty of complying with the provisions of this chapter. Such suspension shall render the premises where such service is suspended, subject to condemnation for sanitary reasons.
- E. Upon failure to pay the charges for garbage collection and disposal, the amount thereof shall become a lien against the real estate as provided for by law.
- F. New garbage accounts, changes of occupant, and changes in garbage service shall be submitted on forms prescribed by the City's Finance Department.
- G. The service charge to establish a new garbage account or to change the occupant shall be the same as 13.12.085, Subsection C. Only one service charge shall be imposed if the account includes joint charging for water, sewer, garbage service, or any combination thereof.
- H. A delinquent service charge shall apply to each garbage account to be the same as 13.12.085, Subsection B. Only one delinquent service charge shall be imposed if the account includes joint charging for water, sewer, garbage service, or any combination thereof.
- I. Property served by more than one account must keep all accounts current. Any charges for garbage service which are billed on accounts separate from the water account may be transferred to the water account at the same property if the garbage account becomes delinquent.

8.08.135 Utility Tax Passthrough:

- A. Section 3.30.050 provides in part for the collection of a utility tax upon every person, including the City, who engages in or carries on the business of selling or furnishing sanitation or garbage facilities and/or service for domestic or industrial use. As a result of the operation of the City sanitary division, the City is subject to the utility tax imposed by Section 3.30.050.
- B. The City is authorized to collect the percentage of gross income portion of the utility tax imposed by Section 3.30.050 from the users of the City's sanitary services by including on each user's billing the sum the City would be liable to pay as a utility tax on that basis.

8.08.140 Fee Schedule: Commencing with billing dates after April 1, 1993, except as otherwise provided, services and charges for garbage collection shall be as follows (The garbage service description in effect at the time the garbage bill is prepared shall be printed on the utility bill for each account with garbage service.):

- A. Residential Rates: Regular service at the curb or alley for collection of one ninety-six (96) gallon or less cart once per week shall be as set forth on Schedule A adopted in conjunction with this ordinance and attached hereto. Rates shall be prorated for service of less than one (1) month with charges being assessed on a per day basis. Additional items shall be collected for the fee as set forth in Schedule A adopted in conjunction with this ordinance. The charge as set forth in Schedule A per bag, bundle, or box shall be paid in cash in advance at the Moses Lake Finance Department with the purchase of a coupon which will be attachable and attached to the extra item. Service fees for duplexes shall be in accordance with the service fees as shown on Schedule A adopted in conjunction with this ordinance which will be found on file in the office of the Finance Director. Service fees for condominiums shall be the same as the rate for regular residential service and shall be effective with billing dates after April 1, 1993 or as in the future revised by indexing. Residential rates may apply to mobile home parks and planned unit developments (PUDs).
- B. Commercial Rates: Service fees for, including but not limited to apartments, motels, planned unit developments, and mobile home parks shall be in accordance with the service fees as shown in Schedule A adopted in conjunction with this ordinance which will be found on file in the Office of the Finance Director, except as modified by 8.08.140 A. Rates shall be prorated for service of less than one (1) month with charges being assessed on a per day basis.
- C. Additional or Special Services: Additional or special services desired by residential or commercial customers shall be arranged with the garbage contractor and paid to the City at the rates for special garbage service in accordance with Schedule A adopted in conjunction with this ordinance which will be found on file in the Office of the Finance Director.
- D. Drop Boxes and Compactor Rates: If drop box and compactor rates, other than 1 x month or 1 x month together with extra pickup rates, are used; the rates are for an annual basis not to be adjusted seasonally. Compensation for unused pickups, if any, are included in a reduced rate. Extra pickups when applicable may be used with any service rate. Contractor will be paid a minimum of one (1) time per month service for drop boxes and compactors which shall include one (1) pickup per month then the contractor shall be paid for additional actual pickups.

The garbage contractor shall submit all charges for special garbage service and all drop box and compactor pickups on forms prescribed by the City's Finance Department.

8.08.150 Administration:

- A. If a home occupation is carried on in a residential zone as allowed by the Community Development Director or other similar position or designee under the Moses Lake Municipal Code, the resident shall pay only for residential service so long as there is never more than one (1) cart per week put out for collection. In the event a dispute arises over whether a home occupation should be required to pay residential or commercial rates, the Utility Service Supervisor shall make the determination as to what service is being used or should be used

and therefor what service is to be charged. The decision of the Utility Service Supervisor shall be final.

- B. If a commercial building with a single entrance, exclusive of fire exits, has multiple tenants, the owner of the real estate shall have the option of paying for service for all the tenants or the owner of the real estate upon notifying the City of Moses Lake on a form provided by the City can require the tenants to pay for individual services. The form shall provide that in the event the tenant fails to pay for the service rendered, the owner of the real estate shall assume responsibility for the debt and agree to pay the same.
- C. If two (2) or more types of service are available to a garbage account, both which adequately and satisfactorily serve the account, the owner of the real estate or the party receiving the service, depending upon the circumstances, shall have the option of selecting the service he wishes to receive so long as no unsanitary condition is created as a result of the service selection of the owner of the real estate or the party receiving the service. If a dispute arises between the owner of the real estate or the party receiving the service and the collector of refuse concerning the type of collection service an account should be receiving, the Utility Service Supervisor shall make the determination as to what type of service is to be charged. The decision of the Utility Service Supervisor is final.
- D. The type of service to be utilized by commercial accounts and the attendant fee shall be agreed upon by the owner of the real estate served or the party receiving the service, depending upon the circumstances. If a dispute arises between the owner of the real estate or the party receiving the service and the collector of refuse concerning the type of collection service an account should be receiving, the Utility Service Supervisor shall make the determination as to what type of service is to be charged. The decision of the Utility Service Supervisor shall be final.
- E. The monthly rates established in Schedule A are all inclusive and intended as annual rates for residents and businesses desiring long term service of at least one (1) year. Residents or businesses wanting temporary service will be required to pay individual charges for container delivery, dumping, and pickup per Schedule A.
- F. The City shall have the power, from time to time, by resolution or after City Council consideration by motion duly made and passed, to set forth and determine additional rules and regulations and other matters as may be necessary in the discretion of the City Council for the proper execution of this chapter.

8.08.160 Violation Enforcement: The Utility Service Supervisor shall enforce this chapter and enforce its provisions using the provisions of Chapter 1.20 of this Code.

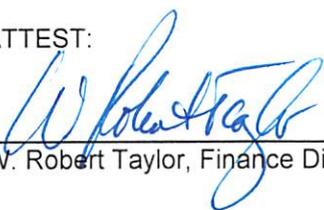
Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on November 11, 2014.



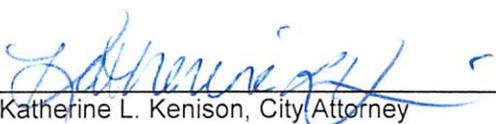
Dick Deane, Mayor

ATTEST:



W. Robert Taylor, Finance Director

APPROVED AS TO FORM:



Katherine L. Kenison, City Attorney