



LYNNWOOD
WASHINGTON

ORDINANCE NO. 3108

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO MANDATORY GARBAGE COLLECTION SERVICE IN THE CITY; AMENDING SECTIONS 7.04.040 AND 7.04.050 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING CHAPTER 7.06 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

WHEREAS, the City has broad authority under the Washington State Constitution, Article XI, Section 11 and under State statutes, including Titles 35 and 35A RCW, to enact regulations that the City Council determines are necessary and appropriate to promote public health, safety and general welfare within the City; and

WHEREAS, the regulation of common nuisance activities is a necessary governmental service, to protect the public health, safety and general welfare, and to promote economic growth and aesthetic values in the community; and

WHEREAS, the accumulation of garbage and refuse on property can lead to the harboring of vermin, the creation of odors, the spread of litter to adjacent private and public property, and other health and safety problems; is detrimental to neighborhood quality, stability and property values; and is unsightly and contrary to the aesthetic values of the community, and therefore is detrimental and contrary to the aforementioned goals; and

WHEREAS, in Chapter 7.06 of the Lynnwood Municipal Code, the City established regulations and procedures for ordering that certain properties be placed on mandatory garbage collection service, but these procedures have proven to be inefficient, ineffective and inadequate; and

WHEREAS, the City has determined that a universal, mandatory garbage collection requirement would be a better mechanism to prevent the harms described above; and

WHEREAS, the entire City is served by solid waste haulers licensed by the Washington State Utilities and Transportation Commission, and

WHEREAS, the City Council has determined that it will promote the public health, safety and general welfare, and will be in the best interests of the City and the City's property owners, residents, tenants and general public, to enact the regulations in this ordinance requiring that garbage collection service is mandatory for all premises in the City that create, generate or accumulate solid waste and refuse;

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

Section 1. Section 7.04.040 of the Lynnwood Municipal Code is amended to read as follows:

Methods of disposal – Mandatory garbage collection service.

A. The City Council finds that all residents, property owners, and other citizens benefit from the orderly, timely, and sanitary disposal of garbage, refuse and solid waste, and that mandatory and universal garbage collection service is important to maintain the health, safety and general welfare of the citizens of the City.

B. All persons or entities shall use a solid waste collector, licensed by the appropriate state agency, to remove, transport and dispose of all garbage, refuse and other solid waste created, generated, or accumulated by, on or at any premises or other property owned or controlled by that person or entity, and to that end it shall be the duty of each such person or entity to obtain garbage collection service from a licensed solid waste collector; provided, that the following shall not be a violation of this Paragraph B:

1. Nonregular or occasional basis. A person or entity who is not a solid waste collector may remove, transport, and dispose of accumulations of solid waste from the person's or entity's own property or the property of another person or entity on a nonregular and occasional basis for disposal at a disposal facility or for waste recycling if in doing so the person or entity would not be required to have a certificate of convenience and necessity issued by the Washington State Utilities and Transportation Commission pursuant to Chapter 81.77 RCW as now existing or as hereafter amended; provided, that this exception does not excuse the person or entity from complying with the mandatory requirement of this section to obtain regular garbage collection service from a licensed solid waste collector;

2. Abandoned or junk vehicles. Removal of abandoned or junk vehicles is not the responsibility of a solid waste collector, and abandoned or junk vehicles may be removed from a property and disposed of pursuant to the provisions of Chapter 10.08 LMC, as now existing and as may be hereafter amended;

3. Construction and demolition waste. Construction and demolition waste from a property must be removed, transported, and disposed of at a disposal facility by the person or entity in charge of the property or by someone

acting at that person or entity's direction, or the construction or demolition waste may be removed, transported, and disposed of by a licensed solid waste collector;

4. Dead animals. Every person or entity in charge of a property upon which a dead animal is located shall immediately cause the carcass to be (a) preserved or interred so as to be incapable of attracting or providing food for vectors; (b) delivered to an appropriate facility for scientific or educational study purposes; (c) cremated; or (d) removed for disposal by an animal control officer. A solid waste collector is not responsible for removing the carcass of a dead animal;

5. Dangerous wastes. Dangerous wastes shall not be removed from a property by a solid waste collector regularly servicing that property unless the solid waste collector has agreed with the person or entity in charge of the property to do so and that person or entity has complied with the requirements for removal of the dangerous waste, if any, of the solid waste collector. Otherwise, the removal, transport and disposal of dangerous waste is the responsibility of the person or entity in charge of the property. For purposes of this subsection, "dangerous waste" shall be defined as any solid waste designated as dangerous waste by the state department of ecology under Chapter 173-303 WAC, as now existing or as may be hereafter amended, and also known as "hazardous waste" under Chapter 70.105 RCW, as now existing or as may be hereafter amended;

6. Problem wastes. Problem wastes shall not be removed from a property by a solid waste collector. Removal, transport and disposal of problem waste is the responsibility of the person or entity in charge of the property. For purposes of this section, "problem waste" shall be defined as (i) soils removed during the cleanup of a remedial action site, or a dangerous waste site, or from such other cleanup efforts and actions that contain harmful substances but are not designated as dangerous wastes, or (ii) dredge spoils resulting from the dredging of surface waters of the state where contaminants are present in the dredge spoils at concentrations not suitable for open water disposal and the dredge spoils are not dangerous wastes and are not regulated by Section 400 of the Federal Clean Water Act, as now existing and as may hereafter be amended;

7. Septage. Septage shall not be removed from a property by a solid waste collector. Removal, transport and disposal of septage from a property is the responsibility of the person or entity in charge of the property. For purposes of this section, "septage" shall be defined as a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system; and

8. Yard waste. Yard waste from a property must be removed, transported, and disposed of by the person or entity in charge of the property or by someone acting at the person's or entity's direction, or it may be removed by a solid waste collector.

Section 2. Section 7.04.050 of the Lynnwood Municipal Code is amended to read as follows:

Penalties for violation.

A. Violations of this chapter shall be punishable by a fine of not over \$100 for each violation, or imprisonment for 30 days, or both.

B. As an alternative to the penalty stated in Paragraph A of this section, the city may pursue any other penalty or remedy for violations of this chapter authorized by the city code or other law, including but not limited to the procedures and penalties authorized under Chapters 1.40 and 10.08 LMC.

Section 3. Chapter 7.06 of the Lynnwood Municipal Code is repealed.

Section 4. Effective Date. This Ordinance shall take effect and be in force on August 1, 2015, which date is more than five days after its passage and publication.

Section 5. 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 6. Summary Publication. Publication of this Ordinance shall be by summary publication consisting of the ordinance title.

PASSED THIS 23rd day of February, 2015, and signed in authentication of its passage this 25th day of February, 2015.

APPROVED:




Nicola Smith, Mayor

ATTEST/AUTHENTICATED:



Chris Johnson, Interim Finance Director

APPROVED AS TO FORM:



Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 02/25/2015
PASSED BY THE CITY COUNCIL: 02/23/2015
PUBLISHED: 02/26/2015
EFFECTIVE DATE: 03/03/2015
ORDINANCE NUMBER: 3108




On the, 23rd day of February, 2015 the City Council of the City of Lynnwood, Washington, passed ordinance 3108. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3108

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO MANDATORY GARBAGE COLLECTION SERVICE IN THE CITY; AMENDING SECTION 7.04.040 AND 7.04.050 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING CHAPTER 7.06 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request.

DATED this 26th day of February, 2015.


Chris Johnson, Interim Finance Director

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH617474 ORD. 3107-3111 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 02/26/2015 and ending on 02/26/2015 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$82.90.

Kathleen Landis

Subscribed and sworn before me on this

26 day of February
2015

Debra Ann Grigg

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890
DEBRA KARBER



CITY OF LYNNWOOD

On the 23rd day of February, 2015 the City Council of the City of Lynnwood, Washington, passed ordinances: 3107 through 3111. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3107

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING TABLE 21.50.01 IN THE LYNNWOOD MUNICIPAL CODE, RELATING TO SELF-STORAGE FACILITIES IN THE INDUSTRIAL ZONES, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3108

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO MANDATORY GARBAGE COLLECTION SERVICE IN THE CITY; AMENDING SECTION 7.04.040 AND 7.04.050 OF THE LYNNWOOD MUNICIPAL CODE, REPEALING CHAPTER 7.06 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3109

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE 2843, ESTABLISHING PROJECT FUNDING FOR 36TH/35TH AVENUE WEST ROAD IMPROVEMENT PROJECT; AN ORDINANCE AUTHORIZING EXPENDITURES IN PROJECT FUND 317; AND AUTHORIZING FUNDING TRANSFERS, ALLOCATIONS, AND REIMBURSEMENTS FROM FUND 331, FUND 440, FUND 110, FUND 411, GRANT FUNDS, MITIGATION FUNDS, AND SNOHOMISH COUNTY FUNDS; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3110

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CREATION OF AN ECONOMIC DEVELOPMENT INFRASTRUCTURE FUND AS AUTHORIZED BY RESOLUTION NO. 2012-06; CREATING CHAPTER 3.106 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3111

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, MODIFYING ORDINANCE NO. 3091, A TWO YEAR BIENNIAL BUDGET FOR THE CITY OF LYNNWOOD, WASHINGTON, FOR THE YEARS ENDING DECEMBER 31, 2015 AND 2016; BY MAKING ADJUSTMENTS TO THE CITY'S BUDGET IN EXHIBIT A; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

The full text of this ordinance will be mailed upon request. DATED this 26th day of February, 2015.

Chris Johnson, Interim Finance Director
Published: February 26, 2015. EDH617474

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017




LYNNWOOD
WASHINGTON

CERTIFICATE

I, the undersigned, Chris S. Johnson, the duly appointed Interim City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3108 of the City of Lynnwood, Washington, entitled as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO MANDATORY GARBAGE COLLECTION SERVICE IN THE CITY; AMENDING SECTION 7.04.040 AND 7.04.050 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING CHAPTER 7.06 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on February 23, 2015 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on February 26, 2015.



Chris S. Johnson,
Interim City Clerk of the City of Lynnwood WA