

Chapter 8.04

GARBAGE¹

Sections:

- 8.04.010 Coverage.**
- 8.04.020 Intent.**
- 8.04.030 Definitions.**
- 8.04.040 Garbage collection by collection company.**
- 8.04.050 Regulations regarding garbage and refuse collection.**
- 8.04.060 Recyclable materials – Collection.**
- 8.04.070 Residential recyclable yard waste materials – Collection – Prohibition on co-mingling yard waste with other solid waste or recyclables.**
- 8.04.080 Solid waste handling service.**
- 8.04.090 Hours of collection.**
- 8.04.100 Special regulations.**
- 8.04.110 Location of containers.**
- 8.04.120 Lien for utility services.**
- 8.04.130 Notice of violation.**
- 8.04.140 Time to comply.**
- 8.04.150 Extension of compliance date.**
- 8.04.160 Civil penalty.**
- 8.04.170 Summary abatement.**
- 8.04.180 Violation – Penalty.**

¹ For statutory provisions pertaining to garbage collection, see RCW [35.21.120](#) et seq.; [35A.21.060](#).

8.04.010 Coverage.

This chapter shall apply to all territory embraced within the corporate limits of the city. (Ord. 831 § 2, 1997).

8.04.020 Intent.

For maintenance of health and sanitation, it is the intention of this chapter to make the collection, removal and disposal of solid waste within the city limits of the city compulsory and universal for the preservation of natural resources and to meet state and King County goals. Recycling and waste reduction is a primary objective of this chapter. (Ord. 831 § 2, 1997).

8.04.030 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. "Collection company" means the person, firm, corporation or combination thereof operating under a contract for solid waste, residential recyclables or yard waste collection with, or under the direction of, the city, including an authorized contractor for the collection of residential recyclable materials under this chapter.

B. "Detachable container" means any garbage container compatible with the collection company's equipment that is not a garbage can, garbage unit or mobile toter.

C. "Director" means the director of public works.

D. "Garbage" means all accumulations of solid waste.

E. "Garbage can" means a watertight, galvanized, raised-bottom container or suitable plastic container not exceeding four cubic feet or thirty-two gallons in capacity, weighing not over twenty-two pounds when empty and not over sixty five when full, fitted with two sturdy handles, one on each side and a tight fitting cover equipped with a handle.

F. "Garbage units" means secure and tight bundles, none of which shall exceed three feet in the longest dimension and shall not exceed sixty-five pounds in weight. Garbage units may also mean small discarded boxes, barrels or bags or securely tight cartons or other receptacles not intended for recycling under this chapter and able to be reasonably handled and loaded by one person onto a collection vehicle.

G. "Mobile toter" means a movable container which holds thirty-two, sixty or ninety gallons, with an attached fitting lid, and a thick skinned one-piece balanced weight body which sets on tires, which will be picked up at curbside. The director may approve collection company use of alternative mobile toters.

H. "Person" means every person, firm, partnership, business, association, institution, or corporation in the city accumulating garbage requiring disposal or generating, accumulating, and collecting recyclable materials. The term shall also mean the occupant and/or the owner of any premises for which service mentioned in this section is rendered.

I. "Recycle container" means toters or other containers approved by the director in which recyclable materials, including yard waste, can be stored and later placed at curbside, alleyside or other approved location. This term also includes but is not limited to designated commercial front load boxes, drop boxes and compactors at locations as may be specified by the director. The director may approve collection company use of alternative recycle containers.

J. "Recyclable materials" mean waste materials generated in the city capable of reuse as designated by the director, including but not limited to sorted or unsorted newsprint, glass, aluminum, ferrous and nonferrous cans, plastic containers designated as 1 or 2, mixed paper, and cardboard accumulated and intended for recycling or reuse and collection by the collection company. This term excludes all dangerous wastes and hazardous wastes as

defined in Chapters [70.105](#) and [70.105A](#) RCW, and solid wastes intended for disposal in a landfill, incinerator, or solid waste disposal facility under Chapter [173-304](#) WAC. All recyclable materials intended for collection by a city authorized collection company or contractor shall remain the responsibility and in the ownership of participants until such materials as contained in designed recycle containers are placed out for collection for the authorized contractor. Such materials then become the responsibility and property of the collection company or authorized contractor subject to the right of the participant to claim lost property of value.

K. "Solid waste" shall be defined by RCW [70.95.030](#) and WAC [173-304-100\(73\)](#), with the exception of sludge from wastewater treatment plants and septage, from septic tanks, extremely hazardous waste, hazardous waste, dangerous waste, and problem wastes as defined in Chapters [173-204](#) and [173-303](#) WAC, and Chapters [70.105](#) and [70.105A](#) RCW.

L. "Solid waste utility" shall be the city system of solid waste handling under Chapters [35.21](#) and [35.67](#) RCW and this code.

M. "Yard waste" means plant material including leaves, grass clippings, prunings, branches (cut to less than three feet and under four inches in diameter), and other biodegradable waste as may be designated by the director. Rocks, dirt and sod, except incidental amounts, are unacceptable. Materials may be bundled with twine or other similar organic string only. Yard waste does not include demolition debris such as concrete, wallboard, lumber or roofing materials. (Ord. 831 § 2, 1997).

8.04.040 Garbage collection by collection company.

A. Garbage collections shall be made by the garbage and refuse collection company as authorized by the city.

B. It shall be unlawful for any person other than those duly authorized by the city to haul garbage through the streets of the city or to dump garbage.

C. This section does not apply to the following:

1. Occasional hauling by residential customers of solid waste to an authorized disposal area or transfer station if the minimum level of collection service is paid for by the residential customer.

2. If a commercial or residential customer owns or controls abutting properties on different solid waste collection accounts, one solid waste service may be shared among such properties based upon a written request to and approval from the city and the solid waste collection contractor.

3. If a residential customer owns or controls a business in the city limits and the solid waste produced at the residence is being collected at the business, the residential account may be exempted from mandatory service based upon a written request to and approval from the city and the solid waste collection contractor.

4. If the solid waste collection contractor is unable to provide collection service due to inadequate clearance for the disposal vehicles, a customer may file a written request for an exemption from solid waste collection services from the city. Such exemption must be approved by the contractor and the city and shall

be conditioned upon agreement that solid waste will be disposed of properly on a weekly basis at an authorized disposal area or transfer station by the customer. (Ord. 1005-08 § 1; Ord. 831 § 2, 1997).

8.04.050 Regulations regarding garbage and refuse collection.

To provide for the public health, safety and general welfare, the collection company operating within the city shall, at no additional cost to the city or its residents:

- A. Comply with all provisions of the city code and amendments thereof, and applicable federal, state and county laws and regulations pertaining to the collection, handling, transportation and disposal of garbage. The city shall be entitled, during regular business hours, to inspect the books and records of collection companies operating within the city. Information from the review and/or audit of the contractor's records will be kept confidential, except as disclosure may be required by public disclosure laws.
- B. Pick up unflocked and undecorated Christmas trees at curbside on a specified day as agreed upon by the city and the collection company.
- C. Provide for a semi-annual residential curbside cleanup of one day each in the spring and fall.
- D. *Provide service to city buildings and facilities, as designated by the director.* Upon consultation with collection companies, the director may add or delete city buildings or facilities from such designation in the interests of public health and safety.
- E. Offer discount of twenty-five percent from the normal charge to subscribers who are age sixty-five or older and/or disabled; provided, that such person(s) are the legal owner or lessee/tenant of their residence and that their combined disposable income from all sources does not exceed the Housing and Urban Development standards for the Seattle-Everett area for the current and preceding calendar year. The city shall be responsible for certifying to the contractor that such applicants conform to the specified criteria. (Ord. 831 § 2, 1997).

8.04.060 Recyclable materials – Collection.

- A. The collection company operating in compliance with this chapter is permitted to enter into an agreement with the city and to enter private property to collect recyclable materials from participants under a program administered by the city or as may be further prescribed in regulations promulgated by the director. Subject to terms and conditions of any such contract regulations, such company is solely responsible for all costs of removal, marketing, and processing of recyclable materials placed out for collection by program participants.
- B. The director is authorized to prepare any implementing regulations needed for the development and implementation of a voluntary waste reduction and recycling collection program for participation by residential and commercial generators of waste materials capable of being recycled and reused.

C. Designated recycle containers shall be placed at curbside, alleyside, or other locations as determined by the director or collection company with the concurrence of the director. Back yard collection of recyclables shall not be required of the collection company or contractor except under special circumstances determined by the director and agreeable to the contractor, including disabled or elderly participants. (Ord. 831 § 2, 1997).

8.04.070 Residential recyclable yard waste materials – Collection – Prohibition on co-mingling yard waste with other solid waste or recyclables.

A. The collection company operating in compliance with this chapter is permitted to enter into an agreement with the city and to enter private property to collect residential recyclable yard waste materials from participating residences under a program administered by the city or as may be further prescribed in regulations promulgated by the director. Subject to terms and conditions of any such contract and regulations, the company is solely responsible for all costs of removal, marketing, and disposal of residential recyclable yard waste materials placed out for collection by program participants.

B. The director is authorized to prepare any implementing regulations needed for the development and implementation of a voluntary residential yard waste reduction and recycling collection program for participation by residential generator of yard waste materials capable of being recycled and reused. Such program shall not prohibit the customary collection and sale of recyclable and reusable residential yard waste materials by individual residential yard waste recyclers.

C. Designated residential yard waste containers shall be placed at curbside, alleyside, or other locations as determined by the director or collection company with the concurrence of the director. Back yard collection of residential yard waste shall not be required of the collection company or contractor except under special circumstances determined by the director, for example, for disabled or elderly participants.

D. All persons and residences within the territorial limits of the city are prohibited from disposing of any yard waste in any garbage, solid waste, or recycle container other than a designated yard waste container. (Ord. 831 § 2, 1997).

8.04.080 Solid waste handling service.

A. All persons accumulating garbage in the city shall place and accumulate garbage in garbage cans or garbage units, mobile toters, or detachable containers as required by this chapter. Except as provided in Section [8.04.040\(C\)](#), all persons and properties within the city shall use the solid waste, recycle and yard waste system and service of the solid waste utility under contract with the collection company. All persons and occupied property shall be subject to and responsible for the minimum level of service and associated charges, whether or not such persons and property use the service.

- B. It shall be unlawful to deposit, throw, or place any garbage in any land, alley, street or other public place, or to deposit, throw or place any garbage on any private property regardless of ownership, unless the garbage is placed in garbage cans, containers, or toters, the covers of which shall not be removed except when necessary for the depositing or removing of garbage. Boxes, small barrels, cartons, scraps of wooden crates and boxes, broken up household furniture and equipment, paper, hollowware and rubbish in general may be broken up or cut up and placed in garbage units, consistent with this chapter or as approved by the director.
- C. Any garbage can when filled shall not weigh more than sixty-five pounds and shall be packed so that the contents thereof will dump out readily when the can is inverted. All garbage cans and garbage units shall be placed in convenient, accessible locations upon the ground level or ground floor and as near as practicable to the approximate rear of the building or near the alley, street or road at which collection trucks are to be loaded; all walks, paths and driveways to the place of loading shall have an overhead clearance of not less than fourteen feet. All garbage cans and garbage units shall be placed at the pickup point before 7:00 a.m. and removed from the pickup point as soon as possible after collection.
- D. Any sixty-gallon mobile toter when filled shall not weigh more than seventy-five pounds and any ninety-gallon mobile toter not more than one hundred pounds, or as otherwise regulated by the director, and shall be so packed that the contents thereof will dump out readily. All mobile toters shall be placed at curbside or alley before 7:00 a.m. and removed from the curb or alley as soon as possible after collection, but no later than 7:00 p.m.
- E. *Dangerous and Other Waste.*
1. No hot ashes or other hot material, dirt, sand, rocks, gasoline, solvents, oil, paint, medical waste or sharps, dangerous or hazardous wastes shall be placed in any garbage can, garbage unit, detachable container or mobile toter for collection or removal. All kitchen, table and cooking waste, before being deposited in garbage cans, garbage units, detachable containers, or mobile toters, shall be drained and wrapped in paper or other material in such a manner as to prevent as nearly as possible moisture from such garbage from coming in contact with sides or bottoms of the containers.
 2. As used in this section "dangerous or hazardous wastes" means any solid waste designated as dangerous or hazardous waste by the State Department of Ecology, and such wastes shall be disposed of consistent with Department of Ecology rules and regulations.
- F. When use of garbage cans is allowed or required, sufficient garbage cans must be provided for the collection of all garbage as defined in this chapter. Worn out and improper cans shall be discarded.
- G. Specified certain mobile toters shall be provided by the collection company, at the customers expense, for the health, safety, convenience, and general welfare of the residences and their occupants. All mobile toters provided by the collection company shall remain the property of the collection company. The containers shall not be damaged, destroyed or removed from the premises by any person. Markings and identification devices on the containers, except as placed or specifically permitted by the collection company, are expressly prohibited and shall be regarded as damage to the containers.
- H. It shall be unlawful, except as authorized by the owner, collection company or the city, to deposit any garbage or other material in any garbage can, garbage unit, detachable container or mobile toter or to remove the covers

therefrom. The covers shall be securely placed on each can, toter or unit at all times, except when it is necessary to remove same for deposit or at times of collection.

I. Yard waste shall be deposited in containers provided or approved by collection companies or by the director, and disposed of as provided for in this chapter or authorized by the director. Nothing in this chapter shall prohibit persons from composting yard waste on property owned or leased by such persons. Compost facilities shall be operated and maintained consistent with other applicable law and regulation. (Ord. 831 § 2, 1997).

8.04.090 Hours of collection.

All garbage will be collected within the boundaries of the city as follows:

A. Residential pick-ups shall be made one day per week, Monday through Friday from 7:00 a.m. to 4:00 p.m., unless otherwise approved by the city in writing. Residential collection shall be at curbside unless otherwise agreed upon.

B. Commercial pick-ups may begin at 4:00 a.m., Monday through Saturday and may be made as often as required; provided, however, that in commercial areas abutting residential neighborhoods, pick-ups shall be limited to days and times set forth in subsection [\(A\)](#) of this section. (Ord. 831 § 2, 1997).

8.04.100 Special regulations.

The city reserves the right to prescribe special regulations for the collection of garbage and waste from the construction and repair of buildings, waste products from manufacturing plants, refuse of peculiar quality or garbage which may be thoroughly offensive or dangerous to haul through the streets or alleys of the city. (Ord. 831 § 2, 1997).

8.04.110 Location of containers.

A. The location of detachable containers, garbage cans or units, or mobile toters of commercial, industrial or multifamily dwellings shall be subject to inspection by the fire department and must be relocated in areas with a reduced or nonexistent fire hazard as necessary.

B. The location of the mobile toters in conjunction with the residential pick-ups shall be at curbside. Persons with physical constraints, unable to bring their refuse or garbage to the curbside for collection, may be granted an exemption from doing so by the collection company. (Ord. 831 § 2, 1997).

8.04.120 Lien for utility services.

- A. Pursuant to Chapter [35.21](#) RCW, liens are authorized by this code against property for which solid waste, recyclable materials, or yard waste collection services have been provided by collection companies operating under contract with the city.
- B. Charges for solid waste collection and disposal; recyclable collection and disposal; and yard waste collection and disposal services are set by the collection company consistent with solid waste utility contracts with the city. Upon failure to pay the charges within the time provided for in invoices and/or bills issued by the collection company, the amount thereof shall become a lien against the property for which the solid waste, recyclable material, or yard waste collection service is rendered.
- C. A notice of the lien authorized by this section shall specify the charges, the period covered by the charges, and the legal description of the property sought to be charged. The notice shall be filed with the county auditor within the time required and shall be foreclosed in the manner and within the time prescribed for liens for labor and material.
- D. Liens authorized by this section shall be prior to all liens and encumbrances filed subsequent to the filing of the notice of lien with the county auditor, except the lien of general taxes and local improvement assessments whether levied prior or subsequent thereto.
- E. The collection company seeking to exercise rights under this section shall have a current, executed contract for solid waste handling with the city authorizing the rights herein and providing for the method of such lien enforcement. (Ord. 831 § 2, 1997).

8.04.130 Notice of violation.

- A. If the director determines after investigation that this chapter has been violated, the director may have a notice of violation served upon the owner and the tenant or other person believed to be responsible for the condition. The notice shall be served by personal service or by the United States mail addressed to the last known address of the owner and the tenant or other person believed to be responsible for the condition. The notice shall state separately each violation of this chapter and what corrective action is necessary to comply with the chapter. A reasonable time for compliance shall be established in the notice.
- B. The notice of violation shall not be amended by the director to include additional violations as a result of any reinspection for compliance or other purposes except upon a clear showing that the amendment is necessary for the protection of public safety, health and general welfare and that the additional violation did not exist or could not reasonably have been discovered at the time of the original inspection. (Ord. 831 § 2, 1997).

8.04.140 Time to comply.

When calculating a reasonable time for compliance, the director shall take into consideration:

- A. The type and degree of violation cited in the notice;
- B. The intent of a responsible party to comply if an intent has been expressed. (Ord. 831 § 2, 1997).

8.04.150 Extension of compliance date.

An extension of time for compliance with a notice of violation may be granted in writing by the director upon receipt of a written request therefor. The director may without a written request grant an extension of time after finding that required actions have been started and that the work is progressing at a satisfactory rate. (Ord. 831 § 2, 1997).

8.04.160 Civil penalty.

- A. In addition to any other sanction or remedial procedure which may be available, any person failing to comply with a notice of violation of this chapter shall be subject to cumulative penalty in the amount of fifty dollars per day for each violation from the date set for compliance until the notice of violation is complied with. Persons failing to comply with a notice of violation in connection with a venture entered into for profit shall be subject to a cumulative penalty in the amount of one hundred dollars per day. The penalty for failure to comply with a notice of violation where the city has removed the solid waste shall be increased to include the actual cost of such removal plus fifteen percent.
- B. The penalty imposed by this section shall be collected by civil action brought in the name of the city. The director shall notify the city attorney in writing of the name of any person subject to the penalty and the amount of the penalty and the city attorney shall, with the assistance of the director, take appropriate action to collect the penalty.
- C. Whenever solid waste, deposited, thrown or placed in violation of this chapter, contains three or more items bearing the name of one individual or whenever a motor vehicle or trailer used in the activity is identified by its license plate, it shall be presumed that the individual whose name appears on the items or to whom the vehicle or trailer is registered committed the unlawful act. The defendant shall have an opportunity to rebut the presumption and may show as full or partial mitigation of liability:
 - 1. That the violation giving rise to the action was caused by the wilful act, neglect, or abuse of another; or
 - 2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but 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 conditions or circumstances beyond the control of the defendant. (Ord. 831 § 2, 1997).

8.04.170 Summary abatement.

- A. The city council may, after a report has been filed by the director and the property owner and/or tenant or other person responsible for the condition has had an opportunity to be heard, require such person to abate a nuisance by removal and proper disposal of refuse from the property at such person's cost and expense within a time specified. If the removal and disposal is not accomplished within the time specified, the director may abate the nuisance and recover in a civil action the cost and expense thereof plus fifteen percent.
- B. The director may also seek relief in superior court to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this chapter when the civil or criminal remedies provided herein are inadequate to effect compliance. (Ord. 831 § 2, 1997).

8.04.180 Violation – Penalty.

- A. Anyone violating or failing to comply with Section [8.04.040](#) shall, upon conviction, be punished by a fine of not more than five thousand dollars or by imprisonment for a period not to exceed one year, or by both such fine and imprisonment.
- B. Alternatively, anyone failing to comply with any other provision of this chapter shall be subject to a civil penalty in the amount of fifty dollars per day for each violation pursuant to Sections [8.04.130](#) through [8.04.160](#). (Ord. 831 § 2, 1997).

The Algona Municipal Code is current through Ordinance 1231-23, passed December 11, 2023.

Disclaimer: The city clerk's office has the official version of the Algona Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.algonawa.gov](http://www.algonawa.gov)

[Hosted by Code Publishing Company, A General Code Company.](#)