

ORDINANCE 2024-16

AN ORDINANCE ADJUSTING SOLID WASTE RATES BY AMENDING SECTION 8.10.170 OF THE TOPPENISH MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS the City of Toppenish received a rate study from FCS group in August of 2024, and

WHEREAS FCS group recommended rate increase of 2.75%, and

WHEREAS City staff recognizes the burden a large rate increase would have on the citizens and is working on other scenarios to lower costs in the future, and

WHEREAS FCS Group suggested that the City include all expenses of the utility within the rate to be charged, and that the said rate be increased by three percent effective December 16, 2024, by amending Sections 13.44.025, 13.44.030, 13.44.040 and 13.44.045 of the Toppenish Municipal Code,

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

Section 1: Section 8.10.170 of the Toppenish Municipal Code is amended as follows:

8.10.170 Monthly Fee schedule.

A. The schedule of charges and collection fees to be paid to the city is as follows:

		<u>Rate Effective August 1, 2024</u>	<u>Rate Effective December 16, 2024</u>
All Accounts City-Owned Containers			
First Container	Number of Pickups		
90-gallon	1 per week	<u>\$26.87</u>	<u>\$27.68</u>
300-gallon	1 per week	<u>\$97.55</u>	<u>\$100.48</u>
350-gallon	1 per week	<u>\$113.93</u>	<u>\$117.35</u>
420-gallon	1 per week	<u>\$135.94</u>	<u>\$140.02</u>

Each Additional Container	Number of Pickups		
90-gallon	1 per week	\$24.23	\$24.96
300-gallon	1 per week	\$94.90	\$97.75
350-gallon	1 per week	\$111.28	\$114.62
420-gallon	1 per week	\$133.31	\$137.31

Charges shall be assessed per container. Number of containers multiplied by number of calendar days collected for one week equals the monthly charge.

B. The classification of each recipient of garbage service, size of container and type of container shall be determined by the public works director or his designee.

C. Rates will be increased as rates increase at the disposal site by ordinance amendment or as other conditions such as inflation or other matters render such increases necessary.

D. A callback fee will be charged to those accounts which have failed to put out solid waste on the proper day or proper time of day, which results in the required return of the collection truck to the account. Callback fees shall be established by resolution of the city council, as amended from time to time.

E. There shall be extra hauling fees for special items, weekend pickups, or unusual volumes of solid waste outside of containers and these shall be agreed upon with the public works director or his designee prior to pickup by the city. Such items shall include but not be limited to automobile tires and parts, large metal pieces or objects, concrete chunks, stone, tree limbs and heavy wood pieces. Extra hauling fees shall be established by resolution of the city council, as amended from time to time.

F. Compost collection containers shall be marked "Grass and Leaves Only" and will be provided to residents upon request. The containers for grass and leaves only shall not be used for any other garbage, refuse, swill or trash. If such a container shall be used for unauthorized materials, the rate for the month during which the unauthorized use occurs shall be the same as the monthly rate for other 90-gallon containers.

		<u>Rate Effective August 1, 2024</u>	<u>Rate Effective December 16, 2024</u>
Compost Collection (Grass and Leaves Only)			
Type of Container	Number of Pickups		
90-gallon	1 per week	\$16.73	\$17.23
300-gallon	1 per week	\$23.21	\$23.91
350-gallon	1 per week	\$24.70	\$25.44
420-gallon	1 per week	\$26.85	\$27.66

G. Overfull Containers. The schedule of fees under subsection A of this section is for one container with lid closed. Whenever the lid is not flush with top of container, city collectors may choose to collect or leave for special pickup. If collectors pick up the overfull container, a fee shall be assessed. Overfull container fees shall be established by resolution of the city council, as amended from time to time.

H. The City Manager is authorized to adjust the service level or container size to match the garbage and rubbish actually collected from the premises, to match the amount of garbage and rubbish reasonably anticipated from the premises, or to accommodate existing inventory and/or equipment restrictions. The customer will be responsible for the appropriate charges for the adjusted service level in accordance with this section.

I. Pickups on calendar days not regularly scheduled shall be at a rate established by resolution of the city council, as amended from time to time.

J. Any additional disposal costs incurred by the city due to the placement in residential or commercial containers of materials which are prohibited under TMC 8.10.060(D) or are declared to be unacceptable under TMC 8.10.140, or are determined to be hazardous under Chapter 173-303 WAC or result in charges to the city collection service in an amount more than the standard domestic or commercial refuse disposal rate (including, but not limited to, dead animals, tires or asbestos) shall be passed on to and paid by the user of the container. Any damage caused to the residential or commercial containers or equipment resulting from the placement of any of the above-referenced materials in the containers shall be the responsibility of the container user, and the user shall bear the cost of repairing or replacing the container. All delinquent and unpaid charges for sanitation, water, sewer or other charges shall be a lien against the premises to which the same are furnished.

Section 2. Severability: If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Corrections: The city clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the corrections of scriveners/clerical errors, and any references thereto.

Section 4. Effective Date: This ordinance shall become effective on December 16, 2024, which is more than five (5) days after publication of a summary thereof.

PASSED by the Toppenish City Council at its meeting held on November 12, 2024

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney