

Title 7

HEALTH AND SANITATION¹

Chapters:

- 7.04 Unsanitary Conditions – Nuisances**
- 7.05 Camping**
- 7.06 Solid Waste Management**
- 7.08 Garbage Collection**
- 7.12 Uniform Litter Control Code**
- 7.16 Washington Clean Indoor Air Act**

1. For provisions regarding animals suspected of rabies, see MMC Title 10; for provisions regarding the city's right to make and enforce police and sanitary regulations not in conflict with general law, see Washington State Constitution Article 11 § 11.

Chapter 7.04

UNSANITARY CONDITIONS – NUISANCES

Sections:

- 7.04.010 Offensive and unsanitary premises for animals.
- 7.04.020 Accumulation of manure – Penalty.
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- 7.04.090 Procedure for abatement – Costs as lien.
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- 7.04.110 Person defined.
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7.04.010 Offensive and unsanitary premises for animals.

All pens, stables, barns, kennels, yards and other premises where animals are confined or kept for private or commercial purposes shall be maintained in a clean condition so as to avoid unhealthy conditions for the animals or accumulation of animal waste; provided, however, said requirements shall not pertain to customary farm or agricultural practices. Any person who owns, occupies or has charge of premises which violate this section shall be deemed guilty of maintaining a nuisance and shall be punished by a fine not to exceed \$300.00 or by imprisonment not to exceed three months, or by both such fine and imprisonment. (Ord. 1828, 1991; Ord. 65 § 1, 1894).

7.04.020 Accumulation of manure – Penalty.

Whoever shall suffer or permit to accumulate on any premises owned or occupied by him or under his control, any manure in such manner as to emit noxious, disagreeable or offensive odors to the annoyances or detriment of any family or person, or shall place the contents of any privy vault in or upon any public street, alley or common, shall be deemed guilty of maintaining a nuisance; and on conviction, shall be punished by a fine not less than \$5.00 nor more than \$25.00, or by imprisonment for a period not exceeding 10 days. (Ord. 65 § 2, 1894).

7.04.030 Offensive privy, pool, yard – Penalty.

Whoever shall suffer or permit any cellar, vault, drain, pool, privy, sewer, yard, ground or premises, owned or occupied by him or under his control, to become, from any cause, nauseous, foul or offensive, or injurious to the public health, or unpleasant or disagreeable to adjacent residents or persons, shall be deemed guilty of permitting or maintaining a nuisance and, on conviction, shall be punished by a fine not less than \$5.00 nor more than \$25.00, or by imprisonment for a period not exceeding 10 days. (Ord. 65 § 3, 1894).

7.04.040 Obstructing waterways so as to cause stagnation – Penalty.

Whoever shall place, erect or maintain any obstructions in or across any watercourse, stream, brook or ravine, or other place, so as to cause water to stand or stagnate therein, or shall place or deposit therein any noxious or offensive matter or any straw, hay, manure or dead animal, or other particle or substance, or whoever shall by any means dam or obstruct any sewer drain or gutter shall be deemed guilty of creating and maintaining a nuisance and, upon conviction, shall be punished by a fine not less than \$5.00 nor more than \$25.00, or by imprisonment for a period not exceeding 10 days. (Ord. 65 § 4, 1894).

7.04.050 Allowing stagnant water to stand on premises – Penalty.

Whoever shall suffer or permit any water to stand upon any premises owned, occupied or controlled by him, so that the same shall become stagnant, foul, offensive or injurious to the public health, shall be deemed guilty of maintaining a nuisance and, upon conviction, shall be punished by a fine not less than \$5.00 nor more than \$25.00, or by imprisonment for a period of not more than 10 days. (Ord. 65 § 5, 1894).

7.04.060 Depositing filth and dead animals within city limits – Penalty.

Whoever shall deposit or place in or upon any premises, public or private, enclosed or common, within the city, any vegetable or animal matter or filth of a character likely to affect the public health, or to produce offensive odors, and whoever shall place or deposit in or upon any such premises the carcass of any dead animal to be or remain unburied within the city limits for more than 24 hours after its death, shall be deemed guilty of creating and maintaining a nuisance and, upon conviction, shall be punished by a fine not less than \$5.00 nor

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more than \$25.00, or by imprisonment not exceeding 10 days. (Ord. 65 § 6, 1894).

7.04.070 Order of abatement on conviction.

When judgment shall be rendered against any person creating or maintaining a nuisance, it shall be the duty of the court, before whom such conviction shall be had, to order the defendant in such suit to forthwith abate and remove such nuisances, and if the same be not done by such defendant within 24 hours, the same shall be abated and removed under the direction of the chief of police. Said order shall be entered upon the docket of the court and be made part of the judgment in the cause. (Ord. 65 § 9, 1894).

7.04.080 Failure to abate on order – Penalty.

Any person, having been found guilty of creating or maintaining any nuisance, who shall neglect or fail to abate and remove such nuisance within 24 hours next after his conviction thereof, shall be subject to a fine of not less than \$5.00 nor more than \$25.00, or to imprisonment for a period not exceeding 10 days. (Ord. 65 § 10, 1894).

7.04.090 Procedure for abatement – Costs as lien.

The chief of police is authorized, whenever nuisances shall exist within the city, to notify the person owning, controlling, occupying or in charge of the premises upon which the nuisance exists, to abate the same within two days; and if the same is not abated within said time then it shall be the duty of the chief of police to abate the same, and the expenses thereof shall be assessed against the said property and shall become a lien thereon, and the owner, occupier or person in control, or who has charge of said property, shall become liable to the city for the amount thereof, and said lien may be enforced and foreclosed by an action brought in the name of the city of Marysville, by the city attorney, and the city attorney shall receive therefor a fee of \$25.00 which shall also become a lien upon the property. (Ord. 65 § 11, 1894).

7.04.100 Service of notice to abate – Penalty for failure.

It shall be the duty of the chief of police, whenever he shall have notice of the existence of a nuisance in the city, to notify the owner or person who has control of, or who occupies the premises upon which the nuisance is situated, to vacate and abate the same, and any person who shall violate the terms of any notice of service upon him in pursuance herein, shall upon conviction be punished by

a fine not less than five nor more than \$25.00, or by imprisonment for a period not exceeding 10 days. (Ord. 65 § 12, 1894).

7.04.110 Person defined.

Whenever the word “person” occurs or is used in this chapter, it applies to a corporation, company, or person as the case may be. (Ord. 65 § 13, 1894).

7.04.120 Him defined.

Whenever “him” is used in this chapter, it means him, her, or them, as the case may be. (Ord. 65 § 14, 1894).

Chapter 7.05**CAMPING**

Sections:

- 7.05.010 Unlawful camping.
- 7.05.020 Storage of personal property in public places.
- 7.05.030 Definitions.
- 7.05.040 Penalty for violations.
- 7.05.050 Parked recreational vehicles exempt.
- 7.05.060 Permit.

7.05.010 Unlawful camping.

It shall be unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas, except as otherwise provided by ordinance or as permitted pursuant to MMC 7.05.060:

- (1) Any park;
- (2) Any street;
- (3) Any publicly owned parking lot or publicly owned area, improved or unimproved. (Ord. 2159 § 1, 1997).

7.05.020 Storage of personal property in public places.

It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided by ordinance or as permitted pursuant to MMC 7.05.060:

- (1) Any park;
- (2) Any street;
- (3) Any publicly owned parking lot or publicly owned area, improved or unimproved. (Ord. 2159 § 1, 1997).

7.05.030 Definitions.

The following definitions are applicable in this chapter unless the context otherwise requires:

- (1) "Camp" means to pitch or occupy camp facilities, to use camp paraphernalia.
- (2) "Camp facilities" include, but are not limited to, tents, huts or temporary shelters.
- (3) "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or noncity designated cooking facilities and similar equipment.
- (4) "Park" means those areas subject to the executive and administrative responsibility of the parks and recreation department established by Chapter 2.20 MMC.

(5) "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

(6) "Street" means any highway, lane, road, street, right-of-way, boulevard, alley and every way or place in Marysville open as a matter of right to public vehicular travel. (Ord. 2159 § 1, 1997).

7.05.040 Penalty for violations.

Violation of any of the provisions of this chapter is a misdemeanor, and shall be punished as follows:

(1) First Offense. Any person violating any of the provisions of this chapter shall, upon conviction of such violation, be punished by a fine of not more than \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment.

(2) Second Offense. Every person who violates any of the provisions of this chapter a second time within a five-year period shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. One hundred dollars of the fine and one day of imprisonment shall not be suspended or deferred.

(3) Third or Subsequent Offense. Every person who violates any of the provisions of this chapter a third or more times within a five-year period shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. Five hundred dollars of the fine and five days' imprisonment shall not be suspended or deferred.

(4) If a person is unable to pay the monetary penalty set forth in subsections (1), (2) or (3) of this section, the court may order performance of a number of hours of community service in lieu of a monetary penalty. (Ord. 2159 § 1, 1997).

7.05.050 Parked recreational vehicles exempt.

The provisions of this chapter shall not apply to recreational vehicles parked on any residential street for a period of not greater than 24 hours. For purposes of this chapter, "recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot; provided, that recreational vehicles not owned by the owner or tenant of real property may park on the real property of another for a period not exceeding 14 consecutive

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days in a one-year period. (Ord. 2337 § 1, 2000; Ord. 2159 § 1, 1997).

7.05.060 Permit.

(1) The chief of police is authorized to permit persons to camp, occupy camp facilities, use camp paraphernalia, or store personal property in parks, streets, or any publicly owned parking lot or publicly owned area, improved or unimproved, in the city of Marysville.

(2) The chief of police shall approve a permit as provided under this section when, from a consideration of the application and from such other information as may otherwise be obtained, the chief finds that:

(a) Adequate sanitary facilities are provided and accessible at or near the camp site;

(b) Adequate trash receptacles and trash collection is to be provided;

(c) The camping activity will not unreasonably disturb or interfere with the peace, comfort and repose of private property owners; and

(d) The camping activity is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.

(3) The chief of police is authorized to promulgate rules and regulations regarding the implementation and enforcement of this chapter.

(4) No permit shall be issued for a period of time in excess of seven calendar days.

(5) Any person denied a permit may appeal the denial to city council. Notice of appeal must be in writing, and filed with the city clerk within seven calendar days from the date notice of the denial is received. (Ord. 2159 § 1, 1997).

Chapter 7.06**SOLID WASTE MANAGEMENT**

Sections:

- 7.06.010 Purpose.
- 7.06.020 Definitions.
- 7.06.030 Snohomish County comprehensive solid waste management plan adopted.
- 7.06.040 Disposal of solid waste.
- 7.06.050 Unlawful disposal of solid waste.

7.06.010 Purpose.

The purpose of this chapter is to establish a comprehensive solid waste management plan for the city which is consistent with, and a part of, the Snohomish County comprehensive solid waste management plan, as required by Chapter 70.95 RCW. The goals and objectives of the plan are to reduce the generation of solid waste, to encourage recycling, and to dispose of solid waste in a manner which prevents land, air and water pollution and conserves the natural and economic resources of the city and the region. (Ord. 1768 § 1, 1990).

7.06.020 Definitions.

As used in this chapter, the following definitions apply:

(1) "Comprehensive solid waste management plan" or "comprehensive plan" means the Snohomish County Comprehensive Solid Waste Management Plan, including a recycling element, as adopted by Snohomish County in 1990, and as amended from time to time.

(2) "County" means Snohomish County, Washington.

(3) "Interlocal agreement" means the Interlocal Agreement Regarding Solid Waste Management executed by the county and the city in 1990, including any duly approved amendments or revisions thereto.

(4) "Person" means an individual, firm, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(5) "Solid waste" or "waste" means solid waste as defined by RCW 70.95.030(16) and WAC 173-304-100(73) with the exception of wastes excluded by WAC 173-304-015.

(6) "Solid waste handling" means all activities defined in RCW 70.95.030 (17).

(7) "System" means all facilities for solid waste handling owned or operated, or contracted for, by the county, and all administrative activities related thereto; provided, that the same shall be consistent

with the comprehensive plan. (Ord. 1768 § 1, 1990).

7.06.030 Snohomish County comprehensive solid waste management plan adopted.

The Snohomish County comprehensive solid waste management plan, as approved in 1990 and as the same may hereafter be amended, is hereby adopted by reference as the comprehensive solid waste management plan for the city. (Ord. 1768 § 1, 1990).

7.06.040 Disposal of solid waste.

(1) All solid waste generated within the corporate limits of the city shall be disposed of through the system, as provided for in the comprehensive plan, except as otherwise provided in subsection (4) of this section.

(2) Snohomish County is authorized to designate disposal sites for the disposal of all solid waste which is generated within the city, subject to the applicable laws and regulations of the Snohomish health district and of any city in which said disposal sites are located.

(3) No solid waste may be diverted from the designated disposal sites without county approval, or as provided in the comprehensive plan.

(4) The provisions of this section shall not apply:

(a) To the disposal of solid waste through the waste recycling element of the comprehensive plan or any waste reduction or recycling plan approved by the county;

(b) To the disposal of hazardous wastes or substances where disposal into the system is prohibited or where other provisions pursuant to state or federal law are made for the handling of such wastes or substances;

(c) Where disposal is otherwise provided for under state or federal law. (Ord. 1768 § 1, 1990).

7.06.050 Unlawful disposal of solid waste.

(1) It is unlawful for any person to dispose of any solid waste generated in the city and subject to this chapter unless such person complies with the provisions of RCW 70.95.240, 70.95.500 and 70.95.610, which are hereby adopted by this reference.

(2) Any violations of RCW 70.95.240, 70.95.500 or 70.95.610 shall be a misdemeanor, and any person found guilty thereof shall be punished by a fine not to exceed \$1,000 or imprisonment in jail not to exceed 90 days or by both such fine and imprisonment. (Ord. 1768 § 1, 1990).

Chapter 7.08

GARBAGE COLLECTION

Sections:

- 7.08.010 Purpose.
- 7.08.012 Definitions.
- 7.08.020 Administrative responsibility.
- 7.08.030 Compulsory garbage collection service.
- 7.08.031 Compulsory recyclable collection service.
- 7.08.032 Optional recyclable collection service.
- 7.08.033 Optional yard waste collection service.
- 7.08.035 Exemptions from city garbage collection service.
- 7.08.040 Garbage collection hauling and disposal businesses prohibited.
- 7.08.050 Garbage refuse and waste defined.
- 7.08.055 Scavenging prohibited.
- 7.08.060 Receptacles required – Specifications and use.
- 7.08.065 Accessibility of cans.
- 7.08.067 Litter around cans.
- 7.08.070 Special arrangements for business establishments.
- 7.08.080 Unlawful dumping.
- 7.08.090 Frequency of collection.
- 7.08.095 Temporary discontinuance of collection service.
- 7.08.100 Billing for collection service delinquent bills – Liens.
- 7.08.110 Rate schedule.
- 7.08.111 Yard waste rate schedule.
- 7.08.112 Commercial recyclable collection rates.
- 7.08.113 Multi-family recyclable collection rates.
- 7.08.115 Eligibility for senior citizen rate.
- 7.08.120 Special services performed by city – Owner’s cost.
- 7.08.125 Waiver of garbage fees for new buildings under construction.
- 7.08.130 Garbage disposal fund.
- 7.08.150 Penalty for violations.

7.08.010 Purpose.

The city finds that it is in the interest of the public health, safety and welfare to require and regulate the removal, collection and disposal of garbage, refuse, waste, rubbish, debris, discarded food, animal and vegetable matter, brush, grass, weeds, cans, glass, ashes, offal, boxes and cuttings

from trees, lawns and gardens, swill and dead animals. (Ord. 1186 § 1, 1981; Ord. 436 § 1, 1957).

7.08.012 Definitions.

As used in this chapter, unless the context indicates otherwise:

(1) “Garbage” means all putrescible solid and semisolid wastes, including but not limited to animal and vegetable wastes. Garbage does not include the following:

- (a) Recyclable refuse and yard waste as defined below;
- (b) Primary products of public, private, industrial, commercial, mining and agricultural operations;
- (c) Sludge and septage;
- (d) Wood waste as defined by WAC 173-304-100(91);
- (e) Dangerous or hazardous wastes as defined in RCW 70.105.010 and/or Chapter 173-303 WAC;
- (f) Abandoned vehicles or parts thereof;
- (g) Demolition wastes as defined by WAC 173-304-100(19);
- (h) Problem wastes as defined by WAC 173-304-100(61);
- (i) Medical wastes as defined by WAC 173-304-100(47);
- (j) Agricultural wastes as defined by WAC 173-304-100(2);
- (k) Industrial solid wastes as defined by WAC 173-304-100(39);
- (l) White goods, meaning any large household appliance, including refrigerators, stoves, water heaters, etc.;
- (m) Radioactive wastes as defined by Chapters 402-12 and 402-19 WAC;
- (n) Rubber tires; or
- (o) Oil.

(2) “Garbage and refuse” is a generic term used in this chapter to mean garbage, recyclable refuse and yard waste as defined in this section.

(3) “Recyclable refuse” means:

- (a) Newspapers;
- (b) Uncoated mixed paper, including magazines, junk mail, phone books, bond or ledger grade, cardboard and paperboard packaging. (This does not include tissue paper, paper towels, frozen food containers, milk cartons or paper packaging combined with plastic, wax or foil);
- (c) P.E.T. (recyclable plastic), glass, aluminum and other metal food and beverage containers.

(4) “Yard waste” means leaves, grass, prunings and clippings of woody as well as fleshy plants.

Materials larger than four inches in diameter and three feet in length shall not be considered yard waste. Yard waste does not include dirt, rocks, sod and such items as pumpkins and apples. Christmas trees will be considered yard waste if they have been cut and bundled to a maximum length of three feet.

(5) "Excess refuse" is disposable garbage secured in one or more heavy duty plastic bags as required by MMC 7.08.060(3), or in a garbage can as described in MMC 7.08.060(2), and is in addition to the number of containers for which a customer has requested regular service. Excess refuse shall not include "recyclable refuse" or "yard waste" as defined above. (Ord. 1849 § 1, 1991; Ord. 1822 § 1, 1991).

7.08.020 Administrative responsibility.

Administrative responsibility for garbage and refuse collection, and enforcement of all provisions of this chapter, shall be vested in the utility department of the city of Marysville. (Ord. 1140 § 1, 1980; Ord. 928 § 1, 1977; Ord. 436 § 2, 1957).

7.08.030 Compulsory garbage collection service.

The owner and occupant of all occupied premises within the city of Marysville shall be required to use the garbage collection and disposal service provided by the city utility department, and to comply with all regulations and rate schedules relating to the same, as specified in this chapter; provided, that the compulsory service shall not apply to properties which are located in areas of the city temporarily covered by a franchise granted by the city to a private garbage collection and disposal company, and use of the company's services shall be optional; provided, further, compulsory garbage service shall not be required for single-family residences which meet all of the following conditions:

- (1) The property is two acres or greater in size;
- (2) The residence is at least 300 feet from the public right-of-way;
- (3) The resident or property does not utilize any other city utility service for any purpose;
- (4) The residence is not being served by a private garbage hauler.

An exemption to mandatory garbage must be initiated by the property owner or occupant of the property by written request which addresses each of the four criteria referenced above. The director of public works or his designee shall review and approve or deny all requests for exemptions based upon the criteria listed above. The decision of the public works director shall be final. In the event an

exemption is granted, the exemption will be reviewed on an annual basis and in the event any of the four criteria referenced above are found to no longer apply, the property shall then become subject to the mandatory garbage provisions of this section. (Ord. 2116, 1997; Ord. 1186 § 2, 1981; Ord. 436 § 3, 1957).

7.08.031 Compulsory recyclable collection service.

The owner and occupant of all residential premises within the city shall be required to use the curbside collection service for recyclable refuse provided by the city's contractor, and shall be required to comply with all regulations and rate schedules relating to the same as specified in this chapter; provided, that this section shall not apply to properties which are located in newly annexed areas of the city temporarily covered by a franchise granted by the city to a private disposal company. (Ord. 1836 § 1, 1991; Ord. 1822 § 3, 1991).

7.08.032 Optional recyclable collection service.

The owner and occupant of any commercial, industrial or multi-family residential premises within the city, shall have the option of voluntarily registering for collection service for recyclable refuse provided by the city's contractor. Such customers shall be required to comply with all regulations and rate schedules relating to the same as specified in this chapter; provided, that this section shall not apply to properties which are located in newly annexed areas of the city temporarily covered by a franchise granted by the city to a private disposal company. (Ord. 1925 § 3, 1992; Ord. 1836 § 2, 1991; Ord. 1822 § 4, 1991).

7.08.033 Optional yard waste collection service.

The owner and occupant of any premises within the city shall have the option of voluntarily registering for curbside collection service for yard waste provided by the city's contractor. Such customers shall be required to comply with all regulations and rate schedules relating to the same as specified in this chapter; provided, that this section shall not apply to properties which are located in newly annexed areas of the city temporarily covered by a franchise granted by the city to a private disposal company. (Ord. 2078 § 1, 1996; Ord. 1854 § 1, 1991; Ord. 1822 § 5, 1991).

7.08.035 Exemptions from city garbage collection service.

Any premises within the city which use garbage containers or drop boxes larger than eight cubic yards in size, or which cannot be emptied by a rear-end-load garbage truck, shall contract for private garbage collection service with pickups on at least a weekly basis, and shall be exempt from the requirement of using city garbage collection services and paying for the same. (Ord. 1639, 1988).

7.08.040 Garbage collection hauling and disposal businesses prohibited.

It is unlawful for any person, firm or corporation, other than the city of Marysville, to engage in the business of collection, hauling or disposal of garbage refuse or waste as defined in this chapter, within the city limits without having obtained a franchise for said business issued by the city council. (Ord. 1140 § 3, 1980; Ord. 436 § 4, 1957).

7.08.050 Garbage refuse and waste defined.

(1) It is unlawful for any person, firm or corporation to use the city's garbage collection service for any waste or refuse which is not defined as "garbage" in MMC 7.08.012(1), or to commingle any such waste or refuse with garbage; provided, that commingling of recyclable refuse with garbage is permitted by commercial or industrial customers who legitimately elect not to register for curbside collection service for recyclable refuse, pursuant to MMC 7.08.032.

(2) It is unlawful for any person, firm or corporation to use the city's recyclable collection service for any garbage, waste or refuse which is not defined as "recyclable refuse" in MMC 7.08.012 (3), or to commingle any such garbage, waste or refuse with recyclable refuse.

(3) It is unlawful for any person, firm or corporation to use the city's yard waste collection service for any garbage, refuse or waste which is not defined as "yard waste" in MMC 7.08.012(4), or to commingle any such garbage, waste or refuse with yard waste. (Ord. 1836 § 3, 1991; Ord. 1822 §§ 2, 6, 1991; Ord. 436 § 5, 1957).

7.08.055 Scavenging prohibited.

It is unlawful for any person, firm or corporation, other than the city, the city's recycling contractor, or a private disposal company franchised by the city, to scavenge, remove or collect any garbage or refuse after it has been set out by a customer for collection at the curbside or other approved location. (Ord. 1822 § 7, 1991).

7.08.060 Receptacles required – Specifications and use.

(1) It shall be the duty of every person who owns, occupies or controls any dwelling unit, business premises, manufacturing establishment, school, church or other place where garbage and refuse is created or accumulated, to at all times keep or cause to be kept portable cans or containers for the deposit therein of garbage and refuse, and to deposit or cause to be deposited the same therein. In the case of rental units it shall be the responsibility of the owner of the premises to supply the tenants with garbage cans or containers meeting the specifications of this section.

(2) All garbage cans and containers shall be watertight, of not more than 30-gallon capacity, shall have two handles at the sides thereof and tight-fitting lids. No can or container shall exceed 60 pounds in weight when loaded. All cans and containers shall be kept in a sanitary condition with the outsides thereof clean and free from accumulated grease and decomposing material.

(3) "Excess refuse" must be either in a container as defined by subsection (2) of this section, with a prepaid excess refuse tag attached; or in a heavy-duty 30-gallon garbage bag with the opening adequately secured shut and a prepaid excess refuse tag affixed thereto. The bag must be able to be picked up by the top without loss of contents. Refuse in boxes, paper bags or small grocery bags will not be accepted. Excess refuse without a prepaid tag attached will not be picked up.

"Excess Refuse" tags will be available for customers to purchase at the City Hall and at the Jennings Park Office. The city may also arrange for certain retail stores within the corporate limits of the city to sell tags.

(4) Upon request, bulk containers for garbage and refuse will be supplied by the city. Such containers shall be located on concrete pads constructed at grade level to the following specifications:

(a) For containers one to two yards in size the pads shall be five feet by eight feet.

(b) For containers three to six yards in size the pads shall be eight feet by eight feet.

Containers shall be located so that they are accessible to garbage trucks or may be rolled out on a hard surface. Any roll-out in excess of 20 feet shall be charged an extra fee pursuant to the rate schedule. The user of a container shall exercise reasonable care of the same. Repairs or cleaning which are necessitated by reason of neglect or abuse shall be charged to the user. The user shall be responsible to notify the utility department if container repairs are needed. Failure to do so may be

considered as abuse. (Ord. 1849 § 2, 1991; Ord. 1788 §§ 1, 2, 1990; Ord. 1505, 1987; Ord. 1145, 1980; Ord. 1140 § 4, 1980; Ord. 928 § 5, 1977; Ord. 436 § 6, 1957).

7.08.065 Accessibility of cans.

(1) On the day of collection, it shall be the duty of each garbage customer to place all garbage cans, excess garbage containers, recycling bins and yard waste collection carts in an accessible place abutting the street or alley used by the city garbage trucks to service the subject property. The cans, excess garbage containers, bins and/or carts shall be situated at the edge of the public right-of-way, or at the curblin if such exists. Arrangements may be made for special collection sites for handicapped persons, multiple-family complexes, and commercial and industrial customers. Customers not complying with the collection site requirements shall be charged an additional fee of \$2.00 per receptacle per month.

(2) On the day of collection, garbage cans or other receptacles shall be removed by the customer from inaccessible places or underground storage. In the event that any garbage can or other receptacle is inaccessible to the collector, the city shall refuse collection service. Such refusal shall not relieve the customer of the obligation to pay the regular service fee. (Ord. 1849 § 3, 1991; Ord. 1822 § 10, 1991; Ord. 1253 § 1, 1982; Ord. 616 § 2, 1968).

7.08.067 Litter around cans.

It is the duty of each customer to keep the area around its garbage and refuse receptacles free from litter. If it is necessary for the city or the city's recycling contractor to clean up the litter around receptacles, the customer's garbage and refuse bill for that month shall be doubled. (Ord. 1822 § 12, 1991; Ord. 928 § 6, 1977; Ord. 616 § 3, 1968).

7.08.070 Special arrangements for business establishments.

Special arrangements may be made with the utilities department by business establishments having large quantities of dry garbage or refuse in the shape of packing cases, crates, barrels, etc., for the convenient hauling of the same by the garbage collector. (Ord. 928 § 7, 1977; Ord. 436 § 7, 1957).

7.08.080 Unlawful dumping.

It is unlawful to dump or deposit any garbage or refuse upon any street or alley or on any public or private property, except in a receptacle intended for that purpose and with the implied or express

consent of the owner of said receptacle. (Ord. 1822 § 12, 1991; Ord. 436 § 8, 1957).

7.08.090 Frequency of collection.

The garbage and refuse department shall collect, remove and dispose of all garbage and refuse in the residential section of the city at least once each week, and at least once a day, if required, in the business section of the city and from all business houses in the city and from schools. (Ord. 436 § 9, 1957).

7.08.095 Temporary discontinuance of collection service.

A customer may request voluntary discontinuance of garbage collection service during periods that the premises are vacant. The conditions of such discontinuance shall be as follows:

(1) Three days' advance notice of a request for discontinuance shall be given, in writing, to the city and to the recycling contractor, if applicable.

(2) The customer must simultaneously request discontinuance of water service to the premises pursuant to MMC 14.05.060.

(3) The customer shall pay the city any delinquent fees or charges owed on its garbage and refuse account.

Following such discontinuance, no charges for garbage collection service shall accrue, and no liens shall accumulate, until the service is commenced again at the request of the owner. If a customer requests reconnection of water service to the premises, garbage service shall be simultaneously commenced. (Ord. 1822 § 13, 1991; Ord. 1439, 1985).

7.08.100 Billing for collection service delinquent bills – Liens.

Bills for garbage and refuse collection services, as specified in the rate schedule in MMC 7.08.110, shall be sent to all customers on a monthly or bimonthly basis, using the addresses contained in the records of the city utility department. For customers also receiving bills for city water and sewer utilities, the billing statements shall be combined and processed pursuant to MMC 14.05.030. The owner of premises receiving the benefit of garbage and refuse collection services shall be responsible for the payment of all charges. In the event that such charges are not paid to the city within 30 days after mailing of the bills, they shall be considered delinquent. Delinquent bills may be collected by the city by use of one or more of the following cumulative remedies:

7.08.110

(1) All garbage and refuse service to the premises may be suspended. Such suspension shall not relieve the owner of the premises from paying the delinquent account or from accruing additional monthly charges during the period of suspension. Further, such suspension shall not relieve the owner of the premises from an obligation to comply with all provisions of this chapter, and an accumulation of garbage or refuse on the premises may result in an action by the city for abatement of a health hazard.

(2) A civil collection action may be instituted against the owner of the premises and/or the person or persons occupying the same during the period that the delinquent account arose. If the city obtains judgment against such parties, it shall also be entitled to judgment for court costs and reasonable attorney’s fees expended in said litigation.

(3) The amount of a delinquent account shall constitute a lien against the property for which the garbage collection service was rendered. In order to enforce said lien, the city must file a notice of the same with the Snohomish County auditor within 90 days from the date on which the services were performed. Such notice must comply with RCW 35.21.140. The city may file a judicial action to foreclose said lien within a period of eight calendar months after the lien was filed. If the city obtains judgment on said lien, it shall also be entitled to judgment for court costs and reasonable attorney’s fees incurred in said litigation. (Ord. 1849 § 4, 1991; Ord. 1140 § 6, 1980; Ord. 436 § 10, 1957).

7.08.110 Rate schedule. (Effective January 1, 2002)

The monthly rates for the collection of garbage and refuse to be charged by the city shall be according to the following schedule:

Description	Weekly Pickup
Each dwelling unit	\$16.90
	Minimum charge for one 21 – 32-gallon can
	11.30 Each additional can picked up on a regular weekly basis
	13.60 Mini-can rate for one can not exceeding 20 gallons
	8.20 One 21 – 32-gallon can picked up once per month
	4.55 Each additional can or excess refuse bag per pickup
Low-income senior citizen rate (see eligibility requirements of MMC 7.08.115)	\$10.70
	Minimum charge for one can up to 32 gallons (additional cans at regular rates)
Business, schools, churches, etc.	Same as dwelling unit rate on a per can basis

Service more frequent than weekly	Rate multiplied by number of weekly pickups
Containers (noncompacted):	
One cubic yard	\$76.20/month (or \$19.05/pickup)
One and one-half cubic yards	\$103.50/month (or \$25.88/pickup)
Two cubic yards	\$131.30/month (or \$32.83/pickup)
Three cubic yards	\$179.80/month (or \$44.95/pickup)
Four cubic yards	\$200.60/month (or \$50.15/pickup)
Six cubic yards	\$272.30/month (or \$68.08/pickup)
Eight cubic yards	\$353.20/month (or \$88.30/pickup)
Containers (compacted):	

The term “compacted material” means any material which has been compressed or shredded by any mechanical device either before or after it is placed in the receptacle handled by the collector.

Rates for compacted material shall be 50 percent greater than the rate for the same size container of uncompacted refuse.

Surplus garbage at pickup point	Same as container rate for an equivalent bulk
Service more frequent than weekly	Container rate multiplied by number of weekly pickups
Rollouts beyond 20 feet	\$11.35/month per container
Cleaning – if not maintained by user	\$28.36/container

(Ord. 2390 § 1, 2001; Ord. 2352 § 1, 2000; Ord. 2285 § 1, 1999; Ord. 1925 § 1, 1992; Ord. 1876 § 1, 1992; Ord. 1788 § 3, 1990; Ord. 1552 § 1, 1987; Ord. 1474 § 1, 1986; Ord. 1322 § 1, 1983; Ord. 1177, 1981; Ord. 1140 § 7, 1980; Ord. 1057, 1979; Ord. 928 § 8, 1977; Ord. 876 § 1, 1975; Ord. 728 § 3, 1971; Ord. 616 § 1, 1968; Ord. 563 §§ 2, 3, 1966; Ord. 438 § 1, 1957).

7.08.110 Rate schedule. (Effective January 1, 2004)

The monthly rates for the collection of garbage and refuse to be charged by the city shall be according to the following schedule:

Description	Weekly Pickup
Each dwelling unit	\$18.10
	Minimum charge for one 21 – 32-gallon can
	12.10 Each additional can picked up on a regular weekly basis
	14.60 Mini-can rate for one can not exceeding 20 gallons
	8.80 One 21 – 32-gallon can picked up once per month
	4.90 Each additional can or excess refuse bag per pickup
Low-income senior citizen rate (see eligibility requirements of MMC 7.08.115)	\$11.40
	Minimum charge for one can up to 32 gallons (additional cans at regular rates)
Business, schools, churches, etc.	Same as dwelling unit rate on a per can basis

Service more frequent than weekly Rate multiplied by number of weekly pickups

Containers (noncompacted):

One cubic yard	\$81.50/month (or \$20.38/pickup)
One and one-half cubic yards	\$110.70/month (or \$27.68/pickup)
Two cubic yards	\$140.50/month (or \$35.13/pickup)
Three cubic yards	\$192.40/month (or \$48.10/pickup)
Four cubic yards	\$214.60/month (or \$53.65/pickup)
Six cubic yards	\$291.40/month (or \$72.85/pickup)
Eight cubic yards	\$377.90/month (or \$94.48/pickup)

Containers (compacted):

The term "compacted material" means any material which has been compressed or shredded by any mechanical device either before or after it is placed in the receptacle handled by the collector.

Rates for compacted material shall be 50 percent greater than the rate for the same size container of uncompacted refuse.

Surplus garbage at pickup point Same as container rate for an equivalent bulk

Service more frequent than weekly Container rate multiplied by number of weekly pickups

Rollouts beyond 20 feet \$12.15/month per container

Cleaning – if not maintained by user \$30.35/container

(Ord. 2390 § 3, 2001; Ord. 2352 § 1, 2000; Ord. 2285 § 1, 1999; Ord. 1925 § 1, 1992; Ord. 1876 § 1, 1992; Ord. 1788 § 3, 1990; Ord. 1552 § 1, 1987; Ord. 1474 § 1, 1986; Ord. 1322 § 1, 1983; Ord. 1177, 1981; Ord. 1140 § 7, 1980; Ord. 1057, 1979; Ord. 928 § 8, 1977; Ord. 876 § 1, 1975; Ord. 728 § 3, 1971; Ord. 616 § 1, 1968; Ord. 563 §§ 2, 3, 1966; Ord. 438 § 1, 1957).

7.08.111 Yard waste rate schedule.

Each customer participating in the city's optional yard waste collection service, as provided for in MMC 7.08.033, shall be charged a monthly collection charge of \$7.00 for the first container and \$1.87 for each additional container. (Ord. 2390 § 2, 2001; Ord. 2352 § 1, 2000; Ord. 2285 § 2, 1999; Ord. 2078 § 2, 1996; Ord. 1854 § 2, 1991; Ord. 1826 § 1, 1991).

7.08.111 Yard waste rate schedule. (Effective January 1, 2004)

Each customer participating in the city's optional yard waste collection service, as provided for in MMC 7.08.033, shall be charged a monthly collection charge of \$7.50 for the first container and \$2.00 for each additional container. (Ord. 2390 § 4, 2001; Ord. 2352 § 1, 2000; Ord. 2285 § 2, 1999; Ord. 2078 § 2, 1996; Ord. 1854 § 2, 1991; Ord. 1826 § 1, 1991).

7.08.112 Commercial recyclable collection rates.

Commercial and industrial customers participating in the city's optional recycling collection service, as provided in MMC 7.08.032, shall be charged collection rates as follows:

- 3 bins - \$2.80 per set per month
- 64 gallon cart - \$2.15 per pickup
- 90 gallon cart - \$2.87 per pickup
- 1 yard container - \$7.45 per pickup
- 2 yard container - \$11.50 per pickup
- 3 yard container - \$15.21 per pickup
- 4 yard container - \$17.45 per pickup
- 6 yard container - \$21.30 per pickup
- 8 yard container - \$24.55 per pickup

(Ord. 2078 § 3, 1996; Ord. 1925 § 1, 1992; Ord. 1854 § 3, 1991).

7.08.113 Multi-family recyclable collection rates.

Commercial and industrial customers participating in the city's optional recycling collection service, as provided in MMC 7.08.032, shall be charged collection rates as follows:

- 3 bins - \$2.97 per set per month
- 64 gallon cart - \$2.28 per pickup
- 90 gallon cart - \$3.04 per pickup
- 1 yard container - \$7.90 per pickup
- 2 yard container - \$12.19 per pickup
- 3 yard container - \$16.12 per pickup
- 4 yard container - \$18.50 per pickup
- 6 yard container - \$22.58 per pickup
- 8 yard container - \$26.02 per pickup

(Ord. 1925 § 2, 1992).

7.08.115 Eligibility for senior citizen rate.

The occupant of a single-family dwelling unit or duplex in the city of Marysville shall be eligible for the senior citizen garbage and refuse collection rate under the following conditions:

(1) The dwelling unit must be occupied by the person claiming eligibility as his or her principal place of residence.

(2) The person claiming the rate must be the head of the household for the dwelling unit in question.

(3) The garbage account must be in the name of the person claiming eligibility.

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(4) No person may claim a senior citizen garbage and refuse collection rate for more than one dwelling unit during the same period.

(5) The person claiming eligibility for the senior citizen rate must qualify in one of the following categories:

(a) Low-Income Senior Citizen. "Low-income senior citizen" means a person who is 62 years of age or older and whose total income, including that of his or her spouse or cotenant, does not exceed the amount specified in RCW 84.36.381 (5)(b), as now or hereafter amended.

(b) Low-Income Disabled Citizen. "Low-income disabled citizen" means:

(i) A person qualifying for special parking privileges under RCW 46.16.381(1)(a) through (f);

(ii) A blind person as defined in RCW 74.18.020; or

(iii) A disabled, handicapped or incapacitated person as defined under any other existing state or federal program and whose income, including that of his or her spouse, or cotenant, does not exceed the amount specified in RCW 70.164.020(4).

(6) Claims for low-income senior citizen or low-income disabled citizen garbage and refuse collection rates shall be made annually and filed on or before March 1st of each year. Claims shall be filed on forms prescribed and furnished by the city clerk. Said forms shall require the claimant to certify his or her eligibility under this chapter. The city clerk is authorized to require documentation of eligibility when necessary. (Ord. 1787 § 2, 1990; Ord. 1655, 1988; Ord. 1633 §§ 1, 2, 1988; Ord. 1417 §§ 1, 2, 1985; Ord. 1140 § 3, 1980).

7.08.120 Special services performed by city – Owner's cost.

In the event that city employees are authorized by the superintendent of the utility department to perform special extraordinary garbage or refuse collection services for a private party, using city time or equipment, said private party shall be charged, on the next billing cycle, in an amount equal to the prevailing hourly wage rate for the employees involved. Such charges shall be collected pursuant to the procedures specified in MMC 7.08.100. Authorization for such special or extraordinary services shall only be given for the purpose of abating a violation of this title or for other purposes which benefit the public interest. (Ord. 1140 § 9, 1980).

7.08.125 Waiver of garbage fees for new buildings under construction.

During construction of a new building a contractor may request connection to city utilities. Unless requested, however, city garbage collection for said premises shall not commence, and garbage fees shall not be charged, until the date of first occupancy of the building. (Ord. 1674 § 1, 1989).

7.08.130 Garbage disposal fund.

There is hereby established and created a garbage disposal fund. All money received by the city for the collection and disposal of garbage and refuse shall be placed in such fund and the expense of such garbage collection and disposal shall be paid therefrom. The city council may, from time to time, provide for additional revenues to be paid into such fund and may, subject to the provisions of RCW 35.27.510, from time to time transfer a portion of the net earnings into the current expense fund of the city. (Ord. 436 § 12, 1957).

7.08.150 Penalty for violations.

Any person or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of not to exceed \$100.00, or by imprisonment for not to exceed 30 days, or both. (Ord. 436 § 14, 1957).

7.12.010

Chapter 7.12

UNIFORM LITTER CONTROL CODE

Sections:

7.12.010 Adoption by reference.

7.12.010 Adoption by reference.

The following sections of the Washington State Litter Control Act, and any amendments to the same, are adopted by reference:

RCW

70.93.030 Definitions.

70.93.050 Enforcement by police officers – Arrest without warrant.

70.93.060 Littering prohibited – Penalties.

70.93.090 Litter receptacles.

70.93.100 Litter bags.

70.93.110 Responsibility for removal of litter.

70.93.230 Violations – Penalties.

(Ord. 1597 § 2, 1988).

Chapter 7.16

WASHINGTON CLEAN INDOOR AIR ACT

Sections:

7.16.010 Statutes incorporated by reference.

7.16.010 Statutes incorporated by reference.

The following sections of the Washington Clean Indoor Air Act are incorporated by reference:

RCW

70.160.010 Legislative intent.

70.160.020 Definitions.

70.160.030 Smoking in public places except designated smoking areas prohibited.

70.160.040 Designation of smoking areas in public places – Exceptions.

70.160.050 Owners, lessees to post signs prohibiting or permitting smoking.

70.160.060 Exception for private enclosed work places.

70.160.070 Intentional violations – Penalties.

70.160.080 Local regulations authorized.

70.160.100 Penalty paid to city.

(Ord. 1448 § 2, 1986).