

ORDINANCE 2024-07

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 has delayed the three-year utility rate study for the solid waste fund based on the recommendation by FCS Group during its Study Session on June 6, 2022, and

WHEREAS the City Council declined to increase the City’s revenues in 2023 and 2024 to provide the funding necessary for the increasing expenses and capital costs as documented by FCS Group in 2022, and

WHEREAS the solid waste fund will see a significant increase in expenses due to debt service for capital improvements, as noted in the FCS Group utility rate study, and

WHEREAS the FCS Group suggested that the City include all expenses of the utility within the rate to be charged, some of which have been decreased as noted in Ordinance 2022-18, and that the said rate be increased by five percent effective August 1, 2024, by amending Section 8.10.170 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 Fees schedule.

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

		Rate Effective January 1, 2020	Rate Effective January 1, 2021	Rate Effective January 1, 2022	<u>Rate Effective August 1, 2024</u>
All Accounts City-Owned Containers					
First Container	Number of Pickups				
90-gallon	1 per week	<u>\$23.66</u>	<u>\$24.61</u>	<u>\$25.59</u>	<u>\$26.87</u>
300-gallon	1 per week	<u>\$85.89</u>	<u>\$89.33</u>	<u>\$92.90</u>	<u>\$97.55</u>
350-gallon	1 per week	<u>\$100.31</u>	<u>\$104.32</u>	<u>\$108.50</u>	<u>\$113.93</u>
420-gallon	1 per week	<u>\$119.70</u>	<u>\$124.49</u>	<u>\$129.47</u>	<u>\$135.94</u>

Each Additional Container	Number of Pickups				
90-gallon	1 per week	\$21.34	\$22.19	\$23.08	<u>\$24.23</u>
300-gallon	1 per week	\$83.56	\$86.90	\$90.38	<u>\$94.90</u>
350-gallon	1 per week	\$97.98	\$101.90	\$105.98	<u>\$111.28</u>
420-gallon	1 per week	\$117.38	\$122.08	\$126.96	<u>\$133.31</u>

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.

		Rate Effective January 1, 2020	Rate Effective January 1, 2021	Rate Effective January 1, 2022	<u>Rate Effective August 1, 2024</u>
Compost Collection (Grass and Leaves Only)					
Type of Container	Number of Pickups				
90-gallon	1 per week	\$14.72	\$15.31	\$15.93	<u>\$16.73</u>
300-gallon	1 per week	\$20.44	\$21.25	\$22.10	<u>\$23.21</u>
350-gallon	1 per week	\$21.74	\$22.61	\$23.52	<u>\$24.70</u>
420-gallon	1 per week	\$23.64	\$24.58	\$25.57	<u>\$26.85</u>

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 August 1, 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 May 6, 2024.


ELPIDIA SAAVEDRA, Mayor

ATTEST:


HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:


GARY M. CUILLIER, City Attorney

CITY OF TOPPENISH

21 West First Avenue
Toppenish, WA 98948

"Where the West Still Lives"

CLERK'S CERTIFICATION

I, the undersigned, the duly chosen qualified and acting Clerk of the City of Toppenish, Washington, and keeper of the records of the Council of the City (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached Ordinance 2024-07 (herein called the "Ordinance") is a true and correct copy of an Ordinance of the City, as finally passed at a meeting of the Council held on the 6th day of May, 2024, and duly recorded in my office.
2. That said meeting was duly convened and held in all respects in accordance with law, and, to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Toppenish, Washington, this 7th day of May, 2024.



Heidi Riojas, CMC, City Clerk

Official Newspaper: *Sunnyside Sun*

Published: May 15, 2024

Effective: August 1, 2024