

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator:	RJ	4/26/94	<b>RECEIVED</b>  <b>MAY 04 1994</b>  <b>WHATCOM COUNTY COUNCIL</b>	5/10/94	Council Introduction
Division Head:	RJ	4/20/94		5/24/94	Hearing
Dept. Head:	NWB	5/3/94			
Prosecutor:					
Purchasing/Budget:					
Executive:	log/pal	5/2/94			

**SUBJECT:**

Ordinance amending WCC Chapter 8.28 to provide for litter control from vehicles using County solid waste facilities.

**ATTACHMENTS:**

1. Cover Letter to County Executive
2. Proposed Ordinance

**SUMMARY STATEMENT:** *Please complete sections of box as appropriate & explain the item below.*

Related County contract #:	Should Clerk schedule a hearing? NO / / YES / X / Requested date: 5/24/94
Amount budgeted for this item/project: N/A	Is it (or will it be) within budget? YES / X / NO / / (Please explain below)
Budget line item number(s): N/A	

State law directs counties to adopt ordinances requiring operators of vehicles delivering solid waste to waste handling facilities to secure and/or cover their loads. An extra charge is to be collected from operators failing to comply with the requirement.

**ORIGINATOR'S RECOMMENDED ACTION:**

Adopt Ordinance amending WCC Chapter 8.28

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

- 5/10/94: Council Introduction  
 5/24/94: Council adopted the ordinance, 5-2 Brenner and Nelson opposed

SPONSORED BY: Consent

PROPOSED BY: Solid Waste

INTRODUCTION DATE: 5/10/94

ORDINANCE NO. 94-031

IN THE MATTER OF AMENDING CHAPTER 8.28;  
LITTER CONTROL OF WHATCOM COUNTY CODE  
TO PROVIDE FOR LITTER CONTROL FROM VEHICLES USING COUNTY  
SOLID WASTE FACILITIES

WHEREAS, Section 1, Chapter 399, Laws of Washington 1993 amends Chapter 70.93 RCW to require the County to impose a fee on unsecured loads of solid waste delivered to any staffed landfill, transfer station or other permitted solid waste handling facility within the jurisdiction of Whatcom County; and

WHEREAS, a Washington State Department of Ecology study, Washington Litter: 1990, states that nearly 25% of all litter comes from vehicle loads that are not covered or not secured;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Chapter 8.28 WCC is hereby amended as indicated below:

8.28.020 Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations, shall have the meanings given in this section. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "Authorized disposal site" means a site approved and designated by the Whatcom County Council.

B. "County" means the unincorporated areas of Whatcom County.

C.F. "Fire Hazard" as defined by the Uniform Building Code and the County Fire Marshal.

~~D.C.~~ "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation and consumption of food.

E.H. "Health Hazard" as defined by the health department.

~~F.D.~~ "Litter" means garbage, refuse and rubbish.

~~E. "Refuse" is all putrescible and nonputrescible solid waste, except body waste, including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles and solid market and industrial wastes.~~

G.F. "Rubbish" means nonputrescible solid waste consisting of both combustible and noncombustible wastes such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding crockery and similar materials.

H. "Solid Waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

I. "Unsecured Loads" means a load of solid waste which has not been tied, covered, or confined within a vehicle in such a manner that will prevent any part of the load from leaving the vehicle while the vehicle is in motion.

1 J.G. "Vehicle" means every device, in, upon, or by which any person or property is or may be transported or  
2 drawn upon a highway.

3 K.J. "Water craft" means any boat, ship, barge or other floating craft.  
4  
5

6 **8.28.055 Securing/Covering Waste Transported to Solid Waste Facilities**

7 a. Effective June 1, 1994, every vehicle delivering solid waste to a staffed solid waste handling site or staffed  
8 disposal facility shall have its load tied, covered, or confined in a manner that will prevent any part of the load from  
9 leaving the vehicle while the vehicle is in motion. If, in the opinion of solid waste facility staff, the load is not  
10 secured in such a manner and the vehicle is not exempt pursuant to subsection (d), below, the operator of the vehicle  
11 delivering the load shall pay a surcharge at the staffed solid waste handling site or staffed disposal site according  
12 to the following scale:

13  
14 1. Cars and Light Trucks: Loads of one (1) ton or less: \$5.00

15  
16 2. Trucks: Loads of more than one (1) ton: \$10.00  
17

18 b. Surcharges collected under this section at County operated facilities shall be deposited into the Solid Waste Fund  
19 together with daily solid waste facility receipts. Surcharges collected under this section at private operated facilities  
20 shall be remitted to the County at least quarterly for depositing into the Solid Waste Fund minus a fifteen (15)  
21 percent handling charge. To the extent possible, surcharge monies collected for unsecured loads shall be designated  
22 for litter control activities.

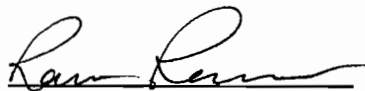
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24 c. Between June 1, 1994 and January 1, 1995, an awareness period will be conducted to inform the public of the  
25 new requirement. A verbal warning shall be given to drivers of vehicles whose loads, in the opinion of the solid  
26 waste site or facility staff, do not meet the securement requirement. Also, information literature shall be distributed  
27 to drivers delivering solid waste to any solid waste handling site and disposal facility. The information shall  
28 emphasize methods to secure loads and the reasons for doing so.

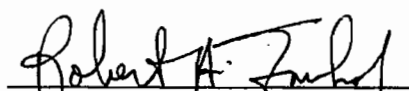
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30 d. A vehicle transporting sand, dirt, or gravel in compliance with the provisions of RCW 46.61.655, as now existing  
31 or hereafter amended, shall not be required to secure or cover a load or pay a fee pursuant to this section.  
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34 ADOPTED this 24th day of May, 1994.

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37 ATTEST:

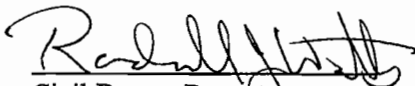
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

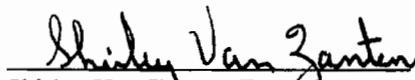
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41 Ramona Reeves, Council Clerk

  
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43 Robert A. Imhof, Chairman

44 APPROVED AS TO FORM:

Approved  Denied

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48 Civil Deputy Prosecutor

  
Shirley Van Zanten, Executive

5/26/94