



**NOTICE OF WORKSHOP MEETING**  
**Council Chambers, 865 SE Barrington Drive**

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NOTICE IS HEREBY GIVEN that the Oak Harbor City Council will hold a Workshop Meeting on January 31, 2018 at 2:00PM to discuss the following agenda items. This meeting will be held in the Council Chambers, 865 SE Barrington Drive

DATED this 25th day of January, 2018.

Carla Brown, City Clerk

The City Council may meet informally in workshop sessions (open to the public) to do concentrated strategic planning, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Administrator, provided that all discussions and conclusions thereon shall be informal. Council shall make no disposition of any item at a workshop meeting. Public comment is not normally allowed at workshop meetings, although Council may allow, or request participation.

**\*\* Please Note: No action will be taken\*\***

**\*\*Times for each department are approximate. Due to time constraints, a time slot scheduled for a specific department may be revised (earlier or later) as the Workshop progresses.\*\***

**WORKSHOP MEETING AGENDA**  
**JANUARY 31, 2018 AT 2:00PM**

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- 2:00PM**      **MAYOR**
- a.      CALL TO ORDER
- HUMAN RESOURCES**
- a.      INTRODUCTION OF NEW EMPLOYEES
- 2:05PM**      **DEVELOPMENT SERVICES**
- a.      DRAFT ORDINANCE: GARRY OAK TREE PROTECTION
  - b.      AFFORDABLE HOUSING RECOMMENDATION - ORDINANCE NO. 1824: FINAL PLAT ADMINISTRATIVE APPROVALS
- 2:45PM**      **LEGAL DEPARTMENT**
- a.      DRAFT ORDINANCE NO. 1802: SOLID WASTE, RECYCLING, AND YARD WASTE COLLECTION AND DISPOSAL
  - b.      DRAFT ORDINANCE NO. 1823: REPEALING SANITARY LANDFILL CODE
- 3:15PM**      **ENGINEERING**

- a. CLEAN WATER FACILITY UPDATE
- b. WINDJAMMER PARK PHASE 1 STATUS

**4:30PM**

**CITY COUNCIL**

City of Oak Harbor  
City Council  
Workshop Agenda Bill

Date: January 31, 2018  
Subject: Introduction of New Employees

**FROM: Emma House, Director, Human Resources**

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**SUMMARY STATEMENT**

Human Resources introduces the following new employees to the City of Oak Harbor:

**Ben Dugin** - Street Specialist I, Public Works, DOH - 11/27/2017

**Carly Waymire** - Program Coordinator, Senior Center, DOH - 1/8/2018

**ATTACHMENTS**

None.

City of Oak Harbor  
City Council  
Workshop Agenda Bill

Date: January 31, 2018  
Subject: Draft Ordinance: Garry Oak  
Tree Protection

**FROM: Steve Powers, AICP, Director, Development Services**

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**SUMMARY STATEMENT**

In June 2017, City Council passed Ordinance No. 1803 amending OHMC Chapter 19.66 “Variances” to provide flexibility in zoning regulations for setbacks to a structure when a Garry oak tree is located on the property. While working on this Ordinance, the City Council expressed interest in considering regulations that would be more specific with tree protection standards. Staff will begin a discussion on this topic and provide some broad options to consider.

**ATTACHMENTS**

None.

City of Oak Harbor  
City Council  
Workshop Agenda Bill

Date: January 31, 2018  
Subject: Affordable Housing  
Recommendation - Ordinance  
No. 1824: Final Plat  
Administrative Approvals

**FROM: Steve Powers, AICP, Director, Development Services**

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**SUMMARY STATEMENT**

Last year the Washington State Legislature approved Senate Bill 5674 and created flexibility in the approval authority for final plats. That authority is codified in RCW 58.17.100. Previously, that authority only resided with the legislative body of a city, town or county. The revised state law now includes the following flexibility:

'The legislative authorities of cities, towns, and counties may by ordinance delegate final plat approval to an established planning commission or agency, or to such other administrative personnel in accordance with state law or local charter.'

The Island County/City of Oak Harbor Affordable Housing Task Force recommended as part of their work that both the County and the City revise their codes to take advantage of this new flexibility.

The review of final plats is largely a process of ensuring that all of the conditions from the preliminary plat were met and that all of the necessary public improvements, dedications, posting of bonds, etc. have taken place. In other words, the process is more administrative than legislative in nature. With this in mind, staff recommends the Council delegate final plat approval authority to the Development Services Department Director.

City staff has prepared draft Ordinance No. 1824 that accomplishes the above recommendation.

**ATTACHMENTS**

1. [Draft Ordinance No. 1824 amending OHMC Section 21.40.040 "Prescribed Form" and 21.40.050 "Review and Approval Process"](#)

ORDINANCE NO. 1824

AN ORDINANCE OF THE CITY OF OAK HARBOR AMENDING OAK HARBOR MUNICIPAL CODE SECTION 21.40.040 ENTITLED "PRESCRIBED FORM" AND SECTION 21.40.050 ENTITLED "REVIEW AND APPROVAL PROCESS" TO DELEGATE FINAL PLAT APPROVAL PROCESS TO THE DEVELOPMENT SERVICES DIRECTOR

WHEREAS, Senate Bill 5674, adopted July 23, 2017, amends RCW 58.17.100 to allow the legislative body of a city to delegate final plat approval to administrative personnel; and

WHEREAS, the City Council finds that it is in the best interest of the public to delegate approval of final plats administratively to the Development Services Director in order to process the final plat procedures more efficiently;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

**Section One.** Oak Harbor Municipal Code Section 21.40.040 entitled "Prescribed form", last amended by Ord. 1784 (2016), is hereby amended to read as follows:

**21.40.040 Prescribed Form.** The final plat shall be submitted to the director in the form and manner prescribed in this section. The prescribed form described in this section also applies to short subdivision maps.

(1) Form.

- (a) The final plat, containing all the information specified in this chapter, shall be prepared in a neat and legible manner in permanent drawing ink or equivalent on mylar film or better. Applicant shall also submit an electronic copy to the city of the approved final plat. All documents, maps, survey calculations and notes shall contain the name of the subdivision, the name(s) of the subdivider(s), and the name of the registered land surveyor responsible to the subdivider(s); and
- (b) The plat map shall be 18 inches by 24 inches with a one-half-inch border on the top, bottom, and right-hand margins and a two-and-one-half-inch border on the left-hand or binding margin.

(2) Specific Requirements. The final plat shall clearly show the following information:

- (a) The lines and names of all streets and other public ways, pedestrian/bike connections, parks, playgrounds and easements intended to be dedicated for public use and/or common areas granted for use of inhabitants of the subdivision;
- (b) The lines and names of all existing or platted streets or other public ways,

pedestrian/bike connections, parks, playgrounds and easements adjacent to the subdivision, including municipal boundaries, township lines, and section lines;

- (c) The lengths and bearings of all straight lines, curve radii, curve delta, arcs and semitangents (where appropriate) of all curves;
  - (d) All bearings and dimensions along the lines of each lot together with any other data necessary for the location of any lot lines in the field. All bearings shall be referenced to the Washington Coordinate Systems, North Zone;
  - (e) All easements and associated restrictions and maintenance provisions;
  - (f) Building setbacks;
  - (g) Tracts or areas set aside for environmental protection, tree and native vegetation retention and protection, community open space, common stormwater infiltration areas, common access or any other restricted use with associated restrictions and maintenance provisions clearly defined;
  - (h) The area of all lots and tracts expressed in square feet;
  - (i) Suitable primary control points, approved by the city engineer, on descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data given on the plat shall be referred;
  - (j) The location of all permanent monuments;
  - (k) The names of all subdivisions immediately adjacent thereto;
  - (l) The date, north arrow, scale, datum plane, and date of survey;
  - (m) The boundary of the tract with the courses and distances marked thereon as determined by a field survey made by a registered land surveyor of the state;
  - (n) A vicinity sketch map of approximately 800 feet to the inch;
  - (o) Street names; and
  - (p) The stamp and signature of a surveyor licensed in the state of Washington.
- (3) All linear dimensions shall be given in feet and decimals of a foot to the nearest hundredth.
- (4) The scale of the final plat will be 100 feet to the inch, or as approved by the director.

- (5) If the plat constitutes a replat, the lots, blocks, streets, etc., of the original plat shall be shown by dotted lines in their proper positions relative to the new arrangement of the plat, the new plat being clearly shown in solid lines so as to avoid ambiguity.
- (6) Document Forms. All final plats shall contain the elements listed in RCW 58.17.160. In addition, the final plat shall contain the legal description of the subdivision and easement provision, a dedication, acknowledgments, and other statements, in substantially the form as follows:

- (a) Easements (Sample Utility Easement).

An easement is reserved for and granted to (the names of all the utilities, public and private, serving the area) and their respective successors and assigns under and upon the exterior ten (10) feet of front boundary lines of all lots and tracts, in which to install, lay, construct, renew, operate, maintain and remove utility and stormwater systems, lines, fixtures and appurtenances attached thereto, for the purpose of providing utility services to the subdivision and other property, together with the right to enter upon the lots and tracts at all times for the purposes stated, with the understanding that any grantee shall be responsible for all unnecessary damage it causes to any real property owner in the subdivision by exercise of rights and privileges herein granted.

- (b) Dedication (by Individuals).

Know All Men by these Presents that we, the undersigned owners in the fee simple or contract purchaser and mortgage holder of the land hereby platted, hereby declare this plat and dedicate to the use of the public forever all streets and avenues shown thereon and use thereof for all public purposes not inconsistent with the use thereof for public highway purposes; also the right to make all necessary slopes for cuts and fills upon the lots and blocks shown on this plat in the original reasonable grading of the streets and avenues shown hereon. This subdivision has been made with our free consent and in accordance with our desires.

IN WITNESS WHEREOF we have hereunto set our hands and seals this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

- (c) Dedication (by Corporation).



Know All Men by these Presents that the \_\_\_\_\_, Inc., a state corporation, owner in the fee simple or contract purchaser and mortgage holder of the land hereby platted, declares this plat and dedicates to the use of the public forever, the streets and avenues shown hereon and the use thereof for all public purposes consistent with the use thereof for public highway purposes together with the right to make all necessary slopes for cuts and fills upon the lots and blocks shown hereon in the original reasonable grading of all such streets and avenues shown hereon. This subdivision has been made with our free consent and in accordance with our desires.

IN WITNESS WHEREOF, the said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be hereunto affixed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_, Inc.

By \_\_\_\_\_

By \_\_\_\_\_

(d) Acknowledgment (by Individuals).

State of \_\_\_\_\_ )  
\_\_\_\_\_) ss  
County of \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal the day and year first above written.

\_\_\_\_\_  
Print:  
Notary Public in and for the State  
of \_\_\_\_\_  
residing at \_\_\_\_\_.  
My Appointment Expires \_\_\_\_\_

(e) Acknowledgment (by Corporations).

State of \_\_\_\_\_ )

\_\_\_\_\_) ss  
County of \_\_\_\_\_):

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument, on oath stating that (he/she) was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ (type of authority, e.g., officer, trustee, etc.) of \_\_\_\_\_ (name of party on behalf of whom instrument was executed) to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

IN WITNESS WHEREOF I have set my hand and affixed by official seal the day and year above written.

\_\_\_\_\_  
Print:  
Notary Public in and for the State  
of \_\_\_\_\_  
residing at \_\_\_\_\_  
My Appointment Expires \_\_\_\_\_

(f) Surveyor's Certificate.

I hereby certify that the plat of \_\_\_\_\_ is based upon a complete and actual survey and subdivision of Section \_\_\_\_, Township \_\_\_\_, Range \_\_\_\_ East W.M.; that the courses and distances are shown correctly thereon; that the monuments have been set and the lot and block corners staked correctly on the ground; and that I have fully complied with the provisions of the statutes and platting regulations.

\_\_\_\_\_  
Certificate No. \_\_\_\_\_  
Expiration \_\_\_\_\_  
Date \_\_\_\_\_

(g) City Engineer Approval.

I hereby certify that this final plat is consistent with all applicable city improvement standards and requirements in force on the date of preliminary plat approval, examined and approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City engineer

(h) City Council Approval.

~~Approved by the Council of the City of Oak Harbor, Washington this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.~~

~~Attest:~~

~~\_\_\_\_\_  
Clerk \_\_\_\_\_ Mayor~~

Development Services Director Approval.

I hereby certify that this final plat is consistent with all applicable conditions of the preliminary plat approval and that all standards for a final plat have been met, examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Development Services Director

(i) City Finance Director Approval.

I hereby certify that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.

This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
City Finance Director

(j) County Treasurer Approval.

This is to certify that all taxes heretofore levied and which have become a lien upon the lands herein described, have been fully paid and discharged, according to the records of my office, up to and including the year of \_\_\_\_\_.

(k) County Auditor.

Filed for at the request of \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and recorded in Volume \_\_\_\_ of Plats, page(s) \_\_\_\_\_, Records of Island County, Washington.

\_\_\_\_\_  
County Auditor

(l) The final plat shall be accompanied by a computer check of the boundaries, street centerlines, lots, blocks and lot areas.

(m) All documents submitted under this section shall contain the name of the subdivision and the name and address of the subdivider.

- (7) Waivers of claims of damages for damages to adjacent land pursuant to RCW 58.17.165 may be required where the city accepts a street or avenue as part of final plat approval.

**Section Two.** Oak Harbor Municipal Code Section 21.40.050 entitled "Review and Approval Process", last amended by Ord. 1568 (2010), is hereby amended to read as follows:

**21.40.050 Review and approval process.**

- (1) The director shall approve forward the final plat application ~~to the city council~~ if:
  - (a) The application is in order; and
  - (b) Improvements are constructed in a satisfactory manner and approved by the city engineer or a bond or other security acceptable to the city engineer has been satisfactorily posted for deferred improvements.
- ~~(2) The recommendations of the director regarding the final plat shall be forwarded to the mayor for placement upon city council agenda.~~
- ~~(3) After receipt of the recommendation on any final plat, the city council shall consider the final plat at a public meeting.~~

**Section Three. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder or the Ordinance or the application of the provision to other persons or circumstances is not affected.

**Section Four. Effective Date.** This Ordinance shall be in full force and effect five (5) days after publication.

PASSED by the City Council this 6<sup>th</sup> day of February, 2018.

Veto ( )  
 Approve ( )

THE CITY OF OAK HARBOR

By \_\_\_\_\_  
 Robert Severns, Mayor  
 Dated: \_\_\_\_\_

Attest:

\_\_\_\_\_  
 Carla Brown, City Clerk

Approved as to Form:

\_\_\_\_\_  
 Nikki Esparza, City Attorney

Published: \_\_\_\_\_

City of Oak Harbor  
City Council  
Workshop Agenda Bill

Date: January 31, 2018

Subject: Draft Ordinance No. 1802: Solid  
Waste, Recycling, and Yard  
Waste Collection and Disposal

**FROM: Anna Thompson, Assistant City Attorney, Legal Department**

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**SUMMARY STATEMENT**

The Municipal Solid Waste Collection, Chapter 15.04 of the OHMC, is difficult to manage and implement both for customers and city staff. Staff is proposing to repeal and replace that portion of the municipal code. This Ordinance seeks to provide clearer regulations for solid waste, recycling and yard waste.

**ATTACHMENTS**

1. [Ordinance No. 1802 \(Draft\)](#)

ORDINANCE NO. 1802

AN ORDINANCE OF THE CITY OF OAK HARBOR REPEALING OAK HARBOR MUNICIPAL CODE CHAPTER 15.04 ENTITLED "MUNICIPAL SOLID WASTE COLLECTION" AND CREATING A NEW CHAPTER 15.04 ENTITLED "SOLID WASTE, RECYCLING AND YARD WASTE COLLECTION AND DISPOSAL"

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

**Section One.** Oak Harbor Municipal Code Chapter 15.04 entitled "Municipal Solid Waste Collection" is hereby repealed.

**Section Two.** There is hereby added a new Chapter 15.04 entitled "Solid Waste, Recycling and Yard Waste Collection and Disposal" to Title 5 of the Oak Harbor Municipal Code to read as follows:

**Chapter 15.04**

**SOLID WASTE, RECYCLING AND YARD WASTE COLLECTION AND DISPOSAL**

**Sections:**

- 15.04.010 Purpose.
- 15.04.020 Definitions.
- 15.04.030 Mandatory Accounts.
- 15.04.040 Administration.
- 15.04.050 Billing Procedures.
- 15.04.060 Joint Use Agreements for Commercial Customers.
- 15.04.070 Temporary Service Suspension.
- 15.04.080 Abatement of Public Nuisance.
- 15.04.090 Collection Requirements.
- 15.04.100 Container Responsibilities.
- 15.04.110 Enclosure Requirements for Dumpsters.
- 15.04.120 Special Trips.
- 15.04.130 Temporary Dumpster Rental Service.
- 15.04.140 Solid Waste Management.
- 15.04.150 Solid Waste Collection Rates.
- 15.04.160 Service Provider for Compactors and Roll-offs and Rates.
- 15.04.170 Recycling Program.
- 15.04.180 Voluntary Yard Waste Program.
- 15.04.190 Enforcement.
- 15.04.200 Violations.
- 15.04.210 Appeals.

Ordinance No. 1802 repealing OHMC Ch. 15.04 entitled "Municipal Solid Waste Collection" and creating a new Ch. 15.04 entitled "Solid Waste, Recycling and Yard Waste Collection and Disposal"

**15.04.010 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 Island 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.

Through this chapter, the City provides for administration of health and sanitation within the City's jurisdiction by regulating the collection, removal and disposal of solid waste, recycling and yard waste for residential and commercial customers, and establishing charges for solid waste, recycling, and yard waste collection and disposal.

**15.04.020 Definitions.** For the purpose of this chapter, the following definitions are applicable:

- (1) "Alley" means any public or private passageway giving access to the rear of lots or buildings.
- (2) "Automated collection" means the method of collecting waste through the use of mechanical collection equipment and special containers to accommodate the collection. These special containers include roll carts and dumpsters.
- (3) "City" means the city of Oak Harbor.
- (4) "Collection vehicle" means a vehicle used for the collection and/or transportation of commercial or residential solid waste.
- (5) "Commercial customer" means all non-residential customers.
- (6) "Compactor" means a commercial dumpster that is 10-40 yards in capacity and which reduces the volume of its contents.
- (7) "Construction and demolition waste" means solid waste that is largely inert waste, resulting from the demolition or razing of buildings, roads, and other manmade structures. Demolition waste consists of, but is not limited to, concrete, brick, gypsum board, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals such as copper. Regulated asbestos-containing material is not considered to be demolition waste for the purposes of this chapter.
- (8) "Container" means a city approved solid waste, recycling or yard waste container e.g., can, recycling container, dumpster, pre-paid bag, roll cart, and compactor container to be used for the deposit of solid waste, recycling, or yard waste therein.

- (9) “Contaminated” means approved recyclable materials placed at the curb in approved recycling containers for solid waste utility pick-up that contains non-recyclable materials such as food, solid waste, or yard waste.
- (10) “Customer” means the property owner or responsible party designated by the owner, of residential or commercial property, generating solid waste and receiving services from the solid waste utility. This term applies to residential and commercial customers.
- (11) “Dangerous/hazardous waste” means solid waste defined in Chapter 173-303 WAC or as hereafter amended.
- (12) “Director” means the director of public works or his/her authorized designee.
- (13) “Dumpster” means a city- or customer-owned container or front-loader from one yard to eight yards in capacity, designed to be emptied by an automated front-loading truck.
- (14) “Dwelling” means any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.
- (15) “Dwelling unit” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (16) “Extra solid waste” means any solid waste placed on, in, around or in the vicinity of the collection container in excess of the capacity of the container.
- (17) “Garbage” means unwanted animal and vegetable wastes, swill, and animal and vegetable wastes resulting from the handling, preparing, cooking, and consumption of food, and of such a character and proportion as to be capable of attracting or providing food for vectors, except sewage and sewage sludge.
- (18) “Grease rendering tank” means a barrel or tank utilized to store bulk used cooking grease for recycling purposes.
- (19) “Household hazardous waste” means a waste product derived from households which has the characteristic of dangerous waste presently defined under WAC 173-303-090 or as hereafter amended. This waste includes, but is not limited to, household cleaners, automotive products, pesticides, and herbicides.
- (20) “Infectious waste” means waste from medical, dental, and intermediate care facilities, research centers, veterinary clinics, and other similar facilities, that has the potential to



cause an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage, through a portal of entry in a susceptible host.

- (21) “Multifamily dwelling” means a building designed to house two or more families living independently of each other and having one yard in common.
- (22) “Nuisance” means an unreasonable or unlawful act, or omission from performing a duty, which act or omission either injures or endangers the comfort, health, or safety of others, obstructs or tends to obstruct any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street, or highway, or in any way renders other persons insecure in life or in the use of property and produces such material annoyance, inconvenience, or discomfort that the law will presume resulting damage.
- (23) “Overloaded” means that the roll cart container is so full of materials, based on the type of roll cart used, that its lid is not completely closed, thereby exceeding the roll cart container’s rated capacity. This definition only applies to roll carts. Overloaded dumpsters are permitted.
- (24) “Person” means an individual, corporation, firm, lessor, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
- (25) “Prepaid garbage bag” means a 34-gallon plastic bag purchased through the City for the purpose of disposing of extra solid waste.
- (26) “Premises” means a continuous tract of land, building, portion thereof, or group of adjacent buildings under a single control and responsibility. Multiple use or responsibility shall constitute a division of property into separate premises. Premises shall include, but are not limited to, dwelling unit, dwelling, multifamily dwelling, apartment house, mobile home park, club, restaurant, eating place, hotel, hospital, school, church, manufacturing establishment, and other places of business, either public or private.
- (27) “Putrescible waste” means solid waste that contains material capable of being decomposed by microorganisms.
- (28) “Recyclable material” means any material that can be removed and/or diverted from the waste stream for the purpose of recovering and reusing the resources contained therein.
- (29) “Recycling” means transforming or remanufacturing waste materials into usable or marketable material for use other than landfill disposal.

- (30) "Refuse" includes garbage and all putrescible and nonputrescible wastes, except sewage, from all public and private establishments and residences, excluding yard debris. Refuse includes pet waste.
- (31) "Residential customer" means an individual who physically occupies the subject dwelling unit and is directly responsible for payment of all public utilities serving the unit to which solid waste service is provided.
- (32) "Roll-off container" means a commercial dumpster that is 10-40 yards in capacity.
- (33) "Sanitary Sewer" means a system of underground pipes that carries sewage from bathrooms, sinks, kitchens, and other plumbing components to a wastewater treatment plant where it is filtered, treated and discharged.
- (34) "Sludge" means a semi-solid substance consisting of settled sewage solids and/or other solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or other source.
- (35) "Solid waste" means all putrescible and nonputrescible solid or semi-solid waste, including, but not limited to, garbage, refuse, ash, industrial waste, swill, demolition and construction waste, or parts thereof, bulk waste, and recyclable material.
- (36) "Solid waste utility" means the solid waste utility division of the public works department of the City.
- (37) "Swill" means all accumulation of animal, fruit, or vegetable matter, liquid or otherwise, intended to be used as feed for livestock including, but not limited to, garbage waste from food service establishments or waste from wholesale/retail food processing facilities.
- (38) "Utilities manager" means the Utilities manager of the Oak Harbor Utilities Division of the Finance Department.
- (39) "Utilities office" means the Oak Harbor Utilities Division of the Finance Department.
- (40) "Yard waste" means an organic material generated as a result of normal maintenance of residential yards. These wastes include grass clippings, garden wastes, pruning wastes, small limbs, and other organic wastes. Not included in yard waste is sod or vegetation with trapped rocks/dirt, stumps, rocks, food wastes, and animal wastes.
- (41) "Yard waste paper bags" means approved yard waste paper bags purchased through the City for the purpose of disposing of yard waste material as described in OHMC 15.04.020(40).

#### **15.04.030 Mandatory Accounts.**

- (1) Mandatory accounts for all property owners. All property owners or other party designated by the owner within the city, except those properties within areas franchised to a licensed solid waste disposal company, shall have accounts with the City for collection of solid waste and recycling. The property owners or designated responsible party shall arrange for and pay for solid waste and recycling collection and disposal services established by the City.
- (2) Mandatory account within franchise area. Every property owner or other party designated by the owner, within the city which are on properties within areas franchised to a licensed solid waste disposal company as required by law, shall have accounts for collection of solid waste and shall arrange and pay for solid waste collection and disposal service from the designated franchisee.

#### **15.04.040 Administration.**

- (1) The solid waste utility shall be under the administrative control of the director of public works who shall have all necessary administrative powers to carry out the work of the utility including, but not limited to, those powers provided to a department head in the personnel policies of the City. In addition, the director may:
  - (a) make interpretation of ordinances, resolutions and contracts involving the solid waste utilities;
  - (b) promulgate rules and regulations for the operation of the utility, solid waste collection practices and other matters related to this chapter;
  - (c) issue orders authorized under this chapter including directing the abatement of property not being served by solid waste utility;
  - (d) develop plans, policies and reports budget proposals to carry out the work of the utility;
  - (e) control expenditures to remain within budget; and
  - (f) designate others to carry out duties of the director.
- (2) Customer accounts shall be administered by the utilities office of the finance department.

#### **15.04.050 Billing Procedures.**

- (1) Processing of payment and liens. The utilities manager of the finance department or his/her designee shall have authority to collect and process all payments for solid waste utility services as provided in this chapter and OHMC Title 3. The utilities manager shall also issue lien notifications per RCW 35.21.140.
- (2) Account Ownership. Charges for solid waste utility are the responsibility of the customer or designated responsible party. Charges for solid waste utility shall be billed to the customer or designated responsible party of the subject property last made known to the City, and to the last known address. It shall be the duty of all property owners within the city to notify the utilities office of the following:
  - (a) the fact of ownership of property;
  - (b) the address to which billing should be sent; and
  - (c) the current contact phone number of the property owner or property manager, any changes made to the owner's or property manager's contact phone number within five days of any change, the date of purchase of a property within the city limits, and the proper billing address immediately upon acquisition of the property.
- (3) Notice of billing statements. Any owner may designate another party to receive billing statements (such as a tenant). The notice shall be in writing together with a waiver of notice of utility bills for delinquent accounts. The owner may not waive notice of liens.

**15.04.060 Joint Use Agreements for Commercial Customers.** With approval of the solid waste utility, adjacent commercial customers in commercial areas may enter into agreements to share solid waste collection containers. Each commercial customer shall pay a separate bill for collection services at the rate for a separate container sized for that occupancy. The agreement shall be in writing and signed by both parties. The agreement shall provide that one of the customers will be responsible to pay the excess garbage charges associated with collection from the joint use site. Each customer is jointly and severally liable for solid waste billings. Commercial customers may set up their own procedures for rebilling by the paying customer to collect from other customer responsible for the excess garbage charges.

- (1) Conditions for approval. The joint use agreements will be authorized when one or more of the following apply:
  - (a) Joint use improves efficiency of collection for the City;
  - (b) Joint use improves the aesthetic consideration for the property;

- (c) Joint use provides convenient access to the solid waste collection containers for property users; and
  - (d) Public safety, health and welfare are not compromised.
- (2) Conditions for continued use. Joint uses of solid waste containers shall continue as long as all of the following are met:
- (a) The joint conditions in subsection (1) for service are met,
  - (b) The joint use facility is properly maintained and operated;
  - (c) Billings for all parties to an agreement are promptly paid; and
  - (d) Prohibited materials are not found in the solid waste collection container.
- (3) Termination. Either customer may terminate the agreement at any time. Upon notice of termination by the City or customer, each customer shall arrange for a separate account. Both customers must obtain approval for solid waste pickup at each location.

**15.04.070 Temporary Service Suspension.**

- (1) Suspension by City. Solid waste utility service may be stopped, suspended, limited, or specially conditioned, with or without notice, to any premises, area, customer or group where the director deems necessary for the following, nonexclusive reasons:
- (a) for administrative convenience;
  - (b) in case of emergency;
  - (c) adverse weather;
  - (d) natural disaster;
  - (e) equipment failure;
  - (f) labor dispute;
  - (g) inaccessibility;
  - (h) as a corrective measure;
  - (i) in conservation of public monies; or

- (j) to protect the public health and safety, or the health and safety of departmental employees.
- (2) Suspension by customer. A customer may request suspension of services during temporary vacancy of the premises. Vacancy must be for at least two months to qualify for temporary suspension of services.
  - (a) Schedule. The customer must notify the utilities manager of the initial date of vacancy in order to initiate temporary service suspension. The customer must notify the utilities manager of the return date in order to resume service.
  - (b) Fee. A reinstatement fee will be charged to the customer's account to resume service. The fee will be included in the master fee schedule adopted by resolution of the city council.

**15.04.080 Abatement of Public Nuisance.**

- (1) Conditions causing nuisance and liability. Any condition on the premises creating or tending to create a risk to the public health or safety specifically including, but not limited to, the accumulation of solid waste, including garbage, refuse, or any malodorous, unhealthful, flammable, or putrescent materials on the premises shall constitute a public nuisance. Conditions tending to promote breeding of vermin and spread of disease also constitute a public nuisance. In the discretion of the fire chief, building official, code enforcement official, or director, the premises constituting a public nuisance shall be susceptible to abatement by the City, with or without prior notice, at the expense and liability of the customer. The customer and/or the person causing or maintaining the condition will be held jointly and severally liable for the abatement expenses.
- (2) Lack of service is a nuisance. A premises constitutes a public nuisance if the customer fails to arrange for minimum solid waste collection services as required pursuant to OHMC 15.04.090.
- (3) Abatement fees. Costs of abatement of any nuisance as defined in section (1) are declared to be part of solid waste utility service, which may be billed as a utility service to the customer whose property constitutes a nuisance. This section shall not limit the City's or customer's rights to seek recovery against other responsible persons. Hourly charges for abatement services shall be per the master fee schedule adopted by resolution of the city council.

**15.04.090 Collection Requirements.**

- (1) Minimum service schedule for pick-up of solid waste.

- (a) Residential. The solid waste utility shall provide service for collection and disposal of all solid waste from residential customers once per week. Recycling is included in this service.
  - (b) Commercial. The solid waste utility shall provide service for collection and disposal of all solid waste from commercial customers at a minimum of once per week. Recycling is included in this service. Commercial customers may be serviced up to five times per week to maintain safe and sanitary conditions of the premises, if determined to be necessary by the solid waste utility.
- (2) Location for all containers.
- (a) Residential and commercial roll carts – solid waste, recycling and yard waste. Roll carts must comply with the following:
    - (i) must be placed in plain view at the curb line or on the shoulder of a developed public street;
    - (ii) must be facing the direction of the street;
    - (iii) lids must be completely closed; and
    - (iv) must remain unobstructed with a minimum of three feet of clearance around the roll cart for the automated truck to pick it up, with the exception of 15.04.170(10).
  - (b) In cases where property does not abut either a developed public alley or a developed public street, roll carts shall be placed at locations designated by the solid waste utility.
  - (c) Arrangement of residential and commercial roll carts. Customers are required to arrange the containers in proper location. Solid waste utility personnel do not have a duty to personally arrange any container.
  - (d) Dumpster placement. Dumpsters must be fully located within its designated enclosure area with lids completely closed. For extra trash collection, dumpster lids may remain open per OHMC 15.04.140(4)(a)(ii).
- (3) Times for collection. Containers shall be placed as described in section (2) on the scheduled collection day at the following times:
- (a) Commercial and residential roll cart – no later than 7:00 a.m.

- (b) Commercial dumpsters – enclosures unlocked no later than 6:00 a.m.
- (4) Unobstructed right-of-way. The customer is responsible for ensuring that rights-of-way are unobstructed and free from overgrown vegetation that hinders the operation of the collection vehicle. The solid waste utility shall notify the customer in writing to remove the obstruction. If notification or arrangements have not been made within the specified time frame, the solid waste utility shall remove the obstruction and charge the customer for the actual cost of the removal.
- (5) Inspection of solid waste. The solid waste utility may inspect any or all solid waste prior to and/or during disposal for compliance with local, state, or federal laws or regulations.
- (6) Animal interference. Customers shall restrain animals beyond the reach of containers and their interference with collection crews.
- (7) Request for assistance. Elderly and/or disabled customers who cannot properly place their containers and have no other alternative for complying with the requirements of this chapter may request courtesy can assistance from the utilities office. The customer requesting assistance must sign the courtesy can agreement provided by the utilities office. The utilities office will forward a copy of the agreement to the solid waste utility.
- (8) Noncompliance.
- (a) Roll carts. If the solid waste utility reasonably finds that at the time of pickup, there are any violations of collection or containers as described in this chapter, the solid waste utility may secure a tag on the container describing the violation(s) and the scheduled pickup for that week may be suspended. Suspension will not relieve the customer of the regular service fee. After curing the cited violations, the customer may schedule a special pick-up during a nonscheduled time or day and pay for the applicable special trip fees per OHMC 15.04.120.
- (b) Dumpsters. If the solid waste utility reasonably finds that at the time of pickup, there are any violations of collection or containers as described in this chapter, the utilities office shall give notice to the customer that scheduled pick-up for that week will be suspended. Suspension will not relieve the customer of the regular service fee. After curing the cited violations, the customer may schedule a special pick-up of solid waste during a nonscheduled time or day and pay for the applicable special trip fees per OHMC 15.04.120.

**15.04.100 Container Responsibilities.** The terms set forth in this section apply to all solid waste, recycling, and yard waste containers, unless stated otherwise.



(1) Roll cart requirements for commercial and residential customers

- (a) City-owned containers provided. All customers must use containers owned and provided by the City for solid waste, recycling, and yard waste services. The City-provided containers shall remain property of the City.
- (b) Relocation of customer. If a customer relocates within or outside of city limits, the customer must leave all City-owned containers at the vacated premises.
- (c) Responsibility during change of tenancy. Property managers or owners shall be responsible for containers left at residence while vacant or during change of tenant. The size of container will remain the same unless the new tenant requests a different size.
- (d) Removal of all containers. Each customer has a duty to remove the container from the street-side after the containers are serviced on the same day as collection. Containers left out at the curb longer than two business days may be removed by the solid waste utility. A delivery fee will be assessed to the customer to redeliver the container.
- (e) Roll cart lids. The lids on all roll cart containers shall be kept closed at all times to prevent flies, insects, animals and other scavengers from access.

(2) Container requirements for commercial customers.

- (a) Compactors. All compactors which may contain liquids must be equipped with a drain and a connection to the city's sanitary sewer system. The sanitary sewer connection must meet the requirements of both the solid waste utility and the sanitary sewer utility. Self-contained Compactors that do not leak liquids are exempt from drainage and sanitary sewer connection requirements.
- (b) Dumpsters. Any commercial customer who occupies six units or more must use dumpsters, unless dumpsters cannot be properly situated and serviced at the premises. The solid waste utility will determine the appropriate location for dumpsters to ensure adequate service.

(3) Customer responsibility for all container types.

- (a) Customer responsibility. The customer is responsible for the containers during the time the customer is in possession of a city-owned container. The customer is

responsible to keep the container maintained and serviceable for dumping or hauling. The containers must be kept in a sanitary condition, free from accumulated grease and decomposing materials with the outside clean, and kept in a secure location. The solid waste utility is not obligated to service improperly maintained containers.

- (b) Liability for damaged containers. Any customer in possession of any City-owned container shall be liable for all damages sustained to the container, except for normal wear and tear as determined by the solid waste utility. The customer shall pay the cost of actual repair or replacement of any damaged container as determined by the solid waste utility.
  - (c) Immediate area clean. Every person in possession, charge, or control of any premises within the city shall maintain the area adjacent to all containers by keeping it sanitary.
- (4) Prohibitions for all container types.
- (a) Destruction. It is unlawful to willfully damage or destroy a City-owned container.
  - (b) Obstructions. No items are to be placed on top of any container or placed in front of the container at the time of scheduled pick-up. No items are to be placed adjacent to the side of the container in such a way as to interfere with the solid waste utility's ability to empty the container or in a way likely to cause damage to the collection vehicle.
  - (c) Unauthorized use of container. No person shall place solid waste, or other substances, in any solid waste container not provided for his or her use and without the permission of the customer.
- (5) Privately owned dumpsters. The solid waste utility shall not be held liable for damage to privately owned dumpsters that are serviced by the City.

#### **15.04.110 Enclosure Requirements for Dumpsters.**

- (1) Designated enclosure area. An enclosure provided for a dumpster shall be used only for the solid waste dumpster. All other items including, but not limited to, recyclables and grease rendering tanks, shall have their own area. The solid waste utility reserves the right to have anything in the enclosure removed if it is impeding the crew from emptying the dumpster or is causing a dangerous situation.
- (2) Hold harmless. The solid waste utility shall not be responsible for any loss or damage to items that are placed in an enclosure area other than a solid waste container.

- (3) Gate requirements. The enclosure area shall have the ability to be pinned in the open position at a minimum angle of 140 degrees if an enclosure area is gated. The gates shall have at least a 140 degree swing. When gates are in the open position, they shall not block or infringe on any traffic aisles.
- (4) Opening requirements. Enclosures shall have a minimum opening width of 12 feet and a minimum depth of 10 feet.
- (5) Enclosure fence. All dumpster and recycling container enclosures shall be enclosed by a minimum of a six-foot sight-obscuring fence to screen and retain the dumpster/container on the enclosure site as well as contain and control blowing debris. A 50 foot unobstructed area in front of enclosures is required in order to maneuver garbage trucks. Enclosure fences must comply with design guidelines pursuant to Chapter 19.48 OHMC.
- (6) Alterations. Construction or alterations of an enclosure for solid waste dumpsters shall not commence prior to approval of the plans by the solid waste division. Failure to obtain plan approval prior to construction may require alterations, relocation, or complete reconstruction of the enclosure at the customer's expense. The solid waste division may refuse to provide service to a customer who has enclosed a dumpster improperly.
- (7) Sanitary area. Each customer has a duty to keep the area around its enclosures reasonably clean. If an enclosure is determined to be unsanitary by solid waste division, the solid waste will not be collected during that scheduled service week. The regular service fee will still apply. The customer may schedule a special pick-up once the enclosure area is reasonably clean. Special trip fees as set forth in OHMC 15.04.120 will apply.

#### **15.04.120 Special Trips.**

- (1) Schedule special trip. Any customer may request a special trip to collect acceptable solid waste, recycling, and yard waste items other than during the regular schedule by contacting the utilities office.
- (2) Location requirements. The solid waste utility will communicate container location requirements, if any, at the time the special trip is arranged.
- (3) Special trip fees.
  - (a) Solid Waste Roll carts. Any customer requesting an unscheduled pickup of solid waste will be charged a special trip fee per the master fee schedule adopted by resolution of the city council.

- (b) Dumpsters. A commercial customer requesting an unscheduled pickup of solid waste contained in dumpsters will be charged a special trip fee per the master fee schedule adopted by resolution of the city council. The customer may be charged an additional cubic yard fee based on the cubic yards of overloaded solid waste if the customer requests an unscheduled pick up of solid waste contained in a dumpster and the dumpster is overloaded. Overloaded dumpsters are permitted per OHMC 15.04.140. The total special trip and cubic yard fees will be quoted to the customer at the time of scheduling.
- (c) Recycling. Any customer may request a special trip to collect recycling outside of the regularly scheduled service. A special trip fee will be assessed to the customer's account per the master fee schedule adopted by resolution of the city council. If the recycling materials are contaminated, the customer will be charged contamination fees pursuant to OHMC 15.04.170(4)(b).
- (d) Yard Waste. Any customer may request a special trip to collect extra yard waste. Special trip fees will be assessed to the customer's account per the master fee schedule adopted by resolution of the city council. Extra yard waste must be contained in approved bags per OHMC 15.04.180(9). If the customer participates in the voluntary yard waste program, refer to OHMC 15.04.180(7).

**15.04.130 Temporary Dumpster Rental Service.**

- (1) Any customer or entity may rent temporary dumpsters from the solid waste division for construction, demolition, renovation, remodeling, special cleanup, and special events. The following conditions and restrictions shall apply to such services:
  - (a) Type of container available. Rental services shall be for dumpsters only. Roll carts shall not be available for temporary rental service.
  - (b) No substitute for regular service. Temporary dumpster service shall not constitute a substitute for regular services. Temporary services for a current customer shall be in addition to regular service and service charges.
  - (c) Rental agreement and termination. A customer wishing to rent a dumpster shall arrange rental service with the utilities office and must complete the forms provided. The utilities office will forward a copy of the agreement to the solid waste utility. The customer must contact to utilities office to terminate rental services.
  - (d) Rental duration. Temporary dumpster rental must not exceed three months. At the end of three months, the solid waste utility will pick up the rented dumpster

unless the solid waste utility has picked up the rented dumpster earlier at the customer's request.

- (e) Responsibility for damages. The customer contracting for a temporary dumpster shall be responsible for paying all damages occurring to the dumpster during the rented term.
- (f) Service location. The solid waste utility shall inform the customer where to locate the dumpster to ensure the dumpster can be properly serviced.
- (g) Service Schedule. Temporary dumpsters are not serviced on a regular schedule. The customer must contact the utilities office in order to arrange for dumpster service.

(2) Fees.

- (a) Deposit required for non-customer. An entity, who is not a customer, must pay a rental deposit pursuant to the master fee schedule adopted by resolution of the city council. At the end of the rental period, the deposit will be applied to the entity's account balance. Remaining deposit fees, if any, will be refunded to the entity after all fees for the temporary dumpster rental have been paid. All other sections in this chapter that apply to dumpsters shall apply to temporary dumpster rental by a noncustomer. This section does not apply to customers.
- (b) Set-up fee. Fees for temporary dumpster rental shall be per the master fee schedule adopted by resolution of the city council.
- (c) Service fees. Customers will be charged on a per trip basis for dumpster services provided by the solid waste utility, and the customer will also be charged a special trip fee per requested service. Temporary service accounts shall be 30% of the monthly charge for similar-sized containers (once a week service), plus the special trip fee per pick-up as listed in the master fee schedule adopted by resolution of the city council.
- (d) Rental fee. Weekly rental fees for temporary dumpsters apply in addition to service fees pursuant to OHMC 15.04.130(2)(b). The weekly rental rate for solid waste collection of a temporary dumpster shall be 30% of the monthly charge for such container service as listed in the master fee schedule adopted by resolution of the city council.

**Section 15.04.140 Solid Waste Management.**

- (1) Solid waste materials. The following materials may be collected as solid waste: all putrescible and nonputrescible solid or semi-solid waste including, but not limited to, garbage, refuse, ash, swill, and recyclable material.
- (2) Collection requirements. Unless indicated otherwise, all collection and container requirements established per OHMC 15.04.090 and OHMC 15.04.100 apply to solid waste collection operations.
- (3) Prohibitions.
  - (a) The following materials shall not be set out for solid waste collection:
    - (i) Liquids;
    - (ii) Animal carcasses;
    - (iii) Infectious waste, toxic, hazardous or dangerous materials in containers for solid waste. Such wastes must be disposed of in accordance with state and federal law.
    - (iv) Manure, offal or other noxious material that, in the discretion of the solid waste utility, has not been securely wrapped;
    - (v) Roofing material made out of tar or oily type products;
    - (vi) Scrap or junk including automobiles or parts, automobile hulks, tires, used appliances, scrap metal and concrete;
    - (vii) Soil, sod, dirt, gravel and rocks; or
    - (viii) Yard waste, leaves, lawn clippings, branches and other yard waste.
  - (b) No person shall:
    - (i) burn solid waste;
    - (ii) dump or deposit any solid waste upon any street, alley or private property in the city; or
    - (iii) collect, remove or dispose of solid waste except as provided in this chapter.
- (4) Extra solid waste collection and fees.

- (a) Extra solid waste may be collected at the time of regular collection service. The following conditions apply to the following specified containers:
  - (i) Residential and commercial roll carts – prepaid garbage bags. Extra solid waste must be contained in the City-approved prepaid garbage bag and must be placed within three feet to the immediate left or right side of the solid waste roll cart. Prepaid garbage bags must be securely tied at the top allowing for a four- to six-inch handhold to allow collectors to pick up the bag. Each bag must not exceed 45 pounds. Bags will be available for purchase at City Hall, or designated distribution centers. Customers may contact the utilities office for distribution center locations. Extra garbage set out for collection contained in anything other than the prepaid garbage bags will not be collected.
  - (ii) Dumpsters. Extra solid waste may be overloaded in the dumpster as long as it is placed within its enclosure area. Extra solid waste pursuant to this subsection may be contained in any type of bag or container.
- (b) Fees.
  - (i) Prepaid garbage bags. Prepaid garbage bags are only necessary for purchase if a roll cart customer needs to dispose of extra solid waste at the time of regular collection. Customers will not be charged extra for collection of prepaid garbage bags at the time of their regular service. Fees for the City-approved prepaid garbage bags are listed on the master fee schedule adopted by resolution of the city council.
  - (ii) Dumpsters. Overloaded dumpsters with extra trash that complies with OHMC 15.04.140(4)(a)(ii) will be charged based on the amount of extra solid waste, estimated in one-yard increments, and will be added to the customer's regular monthly billing statement. Fees will be listed in the master fee schedule adopted by resolution of the city council.
- (5) Solid waste roll cart container fees. In addition to regular monthly roll cart charges, additional roll cart fees may apply:
  - (a) Initial container delivery. There is no container delivery charge for the first solid waste roll cart container.
  - (b) Change in roll cart size. A customer may change roll cart sizes for solid waste at any time by contacting the utilities office. A special trip fee may apply:

- (i) After original signup for services, any customer wishing to change the size of his or her container may do so within 30 days of activating service free of charge.
  - (ii) After 30 days, an upsize in containers will accrue a special trip fee per the master fee schedule adopted by resolution of the city council.
  - (iii) A customer may downsize a container at any time without assessment of special trip fees.
- (c) Customers will be billed monthly for roll cart sizes per OHMC 15.04.150.
- (6) Scattering solid waste. No person shall scatter, throw, or deposit in any private or public place other than a City-owned container or private container, any solid waste or other substance that may be unsightly, offensive to smell, or injurious to health.

**15.04.150 Solid Waste Collection Rates.**

- (1) Commercial and residential roll cart service. The monthly charge for each residential roll cart service shall be as set out in the master fee schedule adopted by resolution of the city council.
- (2) Compactor and dumpster service. The monthly charge for dumpster service shall be the sum of the monthly rental charge for dumpsters and the monthly service charge. The monthly charge for compactor service shall be set out in the utility rate ordinance. These rates are set out in the utility rate ordinance.

**Section 15.04.160 Service Provider for Compactors and Roll-offs and Rates.**

- (1) Servicing of certain compactors and roll-offs. The City authorizes the Solid Waste Franchisee to service certain compactors and roll-offs within the Oak Harbor city limits. This section shall not prevent the City from servicing compactors and roll-offs within city limits.
- (2) Billing. The Solid Waste Franchisee shall bill the City utilities office for servicing compactors and roll-offs. The utilities office will bill the customer for reimbursement of the fees paid by the City for servicing certain compactors and roll-offs by the Solid Waste Franchisee, plus an additional 18.5% surcharge. The 18.5% surcharge is used to finance the utility and fund the landfill contingency costs, including a portion of the applicable general and administration costs.
- (3) Terminate. The City may terminate services with the Solid Waste Franchisee according to the terms of the agreement.



### **15.04.170 Recycling Program.**

- (1) Promotion of recycling. Recyclable material is considered solid waste in the city for the purposes of this chapter. The City intends to promote and encourage the recycling of materials, and to achieve and maintain a 50% recycling goal.
- (2) Collection requirements. Unless indicated otherwise, all collection and container requirements established per OHMC 15.04.090 and OHMC 15.04.100 apply to recyclable materials collection operations.
- (3) Recycling prohibitions. It shall be unlawful for any person other than the solid waste utility, or permitted agency, to engage in the business or activity of removing, collecting, salvaging, or destroying any recyclable material, as defined elsewhere in this chapter, that has been set out for collection by the solid waste utility or has been deposited into a permitted recycling drop-off container or center, either private or public. It shall be unlawful to burn recyclable materials.
- (4) Separation of recyclables and contaminated recycling materials. Recycled materials are to be clean and free of all food residues and organic or foreign substances. Customers are responsible to separate solid waste, yard waste, or any other non-recyclable materials from approved recyclable materials that are placed at the curb for solid waste utility pick-up. If the solid waste utility discovers that the recycling materials are contaminated:
  - (a) weekly recycling service may be refused, and the applicable regular recycling rates will still apply. If service is refused, the customer may arrange for a special pick-up for uncontaminated recycling materials and pay special trip fees pursuant to OHMC 15.04.120; or
  - (b) the solid waste utility will service the contaminated recycling materials as solid waste and charge the customer for additional fees. Fees for contaminated recycling are contained in the master fee schedule adopted by resolution of the city council.
- (5) Conversion of recyclables. No person may convert to personal or commercial use any recyclable material placed in a City-owned container without the consent of the customer or the solid waste utility.
- (6) Ownership. Recyclable material becomes the property of the City at the moment the material is set out for collection to be deposited into solid waste recycle vehicles.

(7) Recyclable materials loaded inside the roll cart. The following items are approved recyclable materials and shall be placed inside the recycling roll cart. For a complete listing of approved recyclable materials, see the list here. [\(add link\)](#)

- (a) Aluminum beverage and food cans;
- (b) Tin food and beverage cans;
- (c) No. 1 PETE plastic food and beverage containers;
- (d) No. 2 natural plastic bottles and jugs;
- (e) Cardboard (cardboard boxes must be broken down);
- (f) Newspaper;
- (g) Paper;
- (h) Noncontaminated pizza boxes.

(8) Recyclable materials collected outside of the roll cart.

- (a) The following items may be recycled and must be placed outside the recycle roll cart within the enclosure area, secured, and clearly marked for recycle:
  - (i) Motor oil,
  - (ii) Car batteries, or
  - (iii) Small amounts of scrap metal.
- (b) Customers may recycle bottle and jar glass at City drop-off stations. The utilities office may be contacted for drop-off station locations.

(9) Non-recyclable items. The following items are non-recyclable materials and will not be collected:

- (a) food or other organic waste;
- (b) foam, packing peanuts;

- (c) food-contaminated items, including food-contaminated cardboard, paper or boxes (such as pizza boxes), aluminum foil, paper plates, paper towels, TV dinner trays, or used tissues;
  - (d) soiled or wet newspaper, rubber bands or string;
  - (e) household hazardous waste;
  - (f) plastic bags, wide-mouth plastic tubs (such as margarine, yogurt or cottage cheese), plastic trays, plastic toys, automotive product containers, poison or pesticide bottles, or plastic lids;
  - (g) Filled or partially filled containers containing household hazardous wastes, such as paint, poison, cleaning fluids, insecticides, solvents, acids, gasoline, pool chemicals, highly flammable liquids, radioactive materials, or toxic chemicals. Empty household hazardous waste containers should be discarded in solid waste container.
- (10) Extra recyclable materials during regular service. Extra recycling materials to be collected must be placed within three feet to the immediate left or right side of the recycling roll cart, must be secured in order to prevent scattering, and must be clearly marked for recycling.
- (11) Other recycling operations allowed. Nothing in this chapter shall abridge the right of any person to give or sell their recyclable material to any recycling program lawfully operated.
- (12) Recycling location provided. All new multifamily residences and new commercial developments shall provide adequate and conveniently located space to store and dispose of recyclable materials. These spaces must be in compliance with the building code adopted by the City and any applicable zoning codes.
- (13) Recycling schedule. Recycling collection schedule shall be designated by the solid waste utilities for residential and commercial customers.
- (14) Violation fees. Recycling roll carts or enclosures containing non-recyclable materials may result in a suspension of services, contamination fees, or both. The contamination fee is per OHMC 15.04.170(4)(b). Suspension of services does not discharge the customer of the regular recycling service fee. Cleanup or extra work fee may be assessed for improperly loaded containers as described in OHMC 15.04.090 - 100.
- (15) Recycling container fees.

- (a) Commercial: One recycling roll cart will be available for commercial accounts in 65-gallon and 95-gallon sizes supplied by the City at no cost. Additional roll carts may be requested at a monthly rate per container as listed in the master fee schedule adopted by resolution of the city council.
- (b) Residential: One 65-gallon recycling roll cart will be available for residential accounts, supplied by the City at no cost. Additional roll carts may be requested at a monthly rate per container as listed in the master fee schedule adopted by resolution of the city council.

**15.04.180 Voluntary Yard Waste Program.**

- (1) Yard waste program. The City has established a yard waste collection program to collect and dispose of certain yard wastes. Any customer may sign up for this voluntary program.
- (2) Acceptable materials. Acceptable yard waste includes the following: grass, thatch, leaves, pine needles, boughs, vines, weeds, and other plant materials commonly found in urban gardens, and woody material.
- (3) Excluded materials. The following materials shall not be placed in a yard waste roll cart: Sod or soil over two pounds, rocks, gravel, concrete, glass, metal, plastic, household garbage and recyclables, kitchen waste, animal feces, paint residue, Christmas or holiday decorations, paper, flocking, dimensional lumber, stumps or roots.
- (4) Burning prohibited. It is prohibited to burn yard waste.
- (5) Contaminated loads. Loads submitted in violation of this subsection for the yard waste program will not be picked up by the yard waste collection vehicle. The solid waste collection vehicle will collect the load and the load will be charged as solid waste at the rate for 95-gallon roll cart.
- (6) Collection requirements. Material must all fit within the container and conform to requirements in OHMC 15.04.090 and OHMC 15.04.100. The maximum weight for the yard waste roll cart shall not exceed 150 pounds.
- (7) Extra yard waste during regular service. Extra yard waste may be collected in addition to regular yard waste service. All extra yard waste must be placed in approved yard waste paper bags per subsection (9). The extra yard waste must be set out for collection at the of time yard waste collection per subsection (10). To request a special pickup of extra yard waste, refer to OHMC 15.04.120(3)(d).

- (8) Other yard waste operations allowed. Nothing in this chapter shall abridge the right of any person to give or sell their yard waste material to any composting program lawfully operated.
- (9) Yard waste paper bags and fees. Approved yard waste paper bags may be purchased from the City, or an approved vendor, for yard waste. The utilities office may be contacted for approved vendor information. Yard waste paper bag fees shall be per the master fee schedule adopted by resolution of the city council. Any customer may put out for collection yard waste paper bags during the regular seasonal collection service times. There is no limit on collection of yard waste paper bags. Bags must be securely tied at the top allowing for a four- to six-inch handhold to allow collectors to pick up the bag and each bag must not exceed 45 pounds. Yard waste paper bags shall be placed within three feet to the immediate left or right side of the roll cart at the time of regular collection service.
- (10) Seasonal collection service times and fees. Yard waste services are collected and billed monthly along with other solid waste billing statements pursuant to OHMC 15.04.050. The collection times and rates are as follows:
  - (a) From March through November, service shall be weekly and charges shall be per the master fee schedule adopted by resolution of the city council.
  - (b) From December through February, service shall be monthly during the first full week of the month and charges shall be per the master fee schedule adopted by resolution of the city council.
- (11) Fees for restarting service. After cancellation of services, any customer wishing to restart service of the yard waste program must wait until the beginning of the customer's billing cycle date. The solid waste utility will deliver a yard waste roll cart to the customer and shall charge a special trip fee per OHMC 15.04.120.

**15.04.190 Enforcement.** The director of public works or designee, including any employee of the public works department, utilities division, field personnel of the building department or fire department, or police officer of the City, shall have the authority to enforce the provisions of this chapter.

**15.04.200 Violations.** Any person(s) violating any of the provisions of this chapter may be punished by civil infractions or penalties or both, in accordance with the provisions of chapter 1.28 OHMC.

**15.04.210 Appeals.** Disputes with billing procedures may be appealed and will be processed pursuant to OHMC 3.95.090. All other disputes under Chapter 15.04 OHMC will be governed by Chapter 1.24 OHMC.

**Section Three. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder or the Ordinance or the application of the provision to other persons or circumstances is not affected.

**Section Four. Effective Date.** This Ordinance shall be in full force and effect five (5) days after publication.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

THE CITY OF OAK HARBOR

By \_\_\_\_\_  
Robert Severns, Mayor

Dated: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Carla Brown, City Clerk

Approved as to Form:

\_\_\_\_\_  
Nikki Esparza, City Attorney

Published: \_\_\_\_\_

L:\LGLI\PENDING\Solid Waste Ord - OHMC 15.04 - 1.23.18 (AT, KP, NE edits).docx

Ordinance No. 1802 repealing OHMC Ch. 15.04 entitled "Municipal Solid Waste Collection" and creating a new Ch. 15.04 entitled "Solid Waste, Recycling and Yard Waste Collection and Disposal"  
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City of Oak Harbor  
City Council  
Workshop Agenda Bill

Date: January 31, 2018  
Subject: Draft Ordinance No. 1823:  
Repealing Sanitary Landfill  
Code

**FROM: Anna Thompson, Assistant City Attorney, Legal Department**

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**SUMMARY STATEMENT**

This Ordinance repeals the Sanitary Landfill Code. It is no longer necessary to retain this piece of the municipal code, as the Landfill is no longer utilized. All solid waste collected in the Oak Harbor City limits is hauled to the Island County Transfer Station located in Coupeville.

**ATTACHMENTS**

1. [Ordinance No. 1823](#)

ORDINANCE NO. 1823

AN ORDINANCE OF THE CITY OF OAK HARBOR REPEALING OAK HARBOR MUNICIPAL CODE CHAPTER 15.12 ENTITLED "SANITARY LANDFILL"

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

**Section One.** Oak Harbor Municipal Code Chapter 15.12 entitled "Sanitary Landfill" is hereby repealed.

**Section Two. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder or the Ordinance or the application of the provision to other persons or circumstances is not affected.

**Section Three. Effective Date.** This Ordinance shall be in full force and effect five (5) days after publication.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

THE CITY OF OAK HARBOR

By \_\_\_\_\_  
Robert Severns, Mayor

Dated: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Nicole Tesch, Deputy Clerk

Approved as to Form:

\_\_\_\_\_  
Nikki Esparza, City Attorney

Published: \_\_\_\_\_

L:\LGLA\WORK\RES-ORD2017\Sanitary Landfill - Ord repeal OHMC 15.12.docx



City of Oak Harbor  
City Council  
Workshop Agenda Bill

Date: January 31, 2018  
Subject: Clean Water Facility Update

**FROM: Joe Stowell, P.E., City Engineer, Engineering Department**

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**SUMMARY STATEMENT**

Staff will provide an update on the Clean Water Facility. Information regarding current cost projections, funding, and rates will be discussed.

**ATTACHMENTS**

None.

City of Oak Harbor  
City Council  
Workshop Agenda Bill

Date: January 31, 2018

Subject: Windjammer Park Phase 1  
Status

**FROM: Joe Stowell, P.E., City Engineer, Engineering Department**

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**SUMMARY STATEMENT**

Staff will discuss the status of Windjammer Park Phase 1. A review of the 100% design drawings, funding sources, and schedule will be covered in the presentation.

**ATTACHMENTS**

None.