

**ORDINANCE NO. 505**

AN ORDINANCE OF THE TOWN COUNCEL OF THE TOWN OF GARFIELD, WASHINGTON, adopting Garfield Municipal Code Chapter 19, "GARBAGE CONTROL," thereby providing garbage collection requirements for the Town of Garfield.

BE IT HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GARFIELD AS FOLLOWS:

**Section 1:** Garfield Municipal Code Chapter 19, "GARBAGE CONTROL," is hereby adopted as follows:

**Chapter 19**

**GARBAGE CONTROL**

Sections:

**19.02 – Garbage Collection Compulsory**

**19.04 – Definitions**

**19.06 – Accumulation of Refuse**

**19.08 – Dumping, Burning Prohibited**

**19.10 – Garbage Collection – Time**

**19.12 – Disposal of Swill**

**19.14 – Disposal of Garbage and Other Refuse**

**19.18 – Collection Fee Authorized**

**19.20 – Garbage Franchise Authorized**

**19.22 – Franchise Billing**

**19.24 – Process for Billing by Town**

**19.26 – Lien Authorized**

**19.02 – Garbage Collection Compulsory.** The maintenance of health and sanitation require and it is the intention hereof, to make the collection, removal and disposal of garbage and refuse within the Town of Garfield compulsory and universal. Regular garbage collection and disposal service shall be provided by the Town or by a private garbage disposal franchise. Nothing in this Chapter shall prohibit persons from disposing of garbage and rubbish directly to the Whitman County Landfill or transfer station, or any other municipal landfill or transfer station accepting such garbage and refuse from residents of the Town of Garfield, provided, such disposal shall not be considered a substitute for compulsory garbage collection and disposal service required under the terms of this Chapter.

**19.03 – Definitions.** For the purpose of this Chapter, the following terms shall have the following meanings:

- (1) **Refuse.** The term “refuse” shall include garbage, rubbish, ashes, swill and all other putrescible and non-putrescible wastes except sewage, from all public and private establishments and residences.
- (2) **Garbage.** The term “garbage” shall include all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but not including recognized industrial by-products, definition of recognized industrial by-products to be determined by the City Health Committee and the “Collector of Refuse,” and shall include all such substances from all public and private establishments and from all residences.
- (3) **Rubbish.** The term “rubbish shall include all non-putrescible wastes, except ashes, from all public and private establishments and from all residences.
- (4) **Ashes.** The term “ashes” shall include all the solid waste products of coal, wood, and other fuels used for heating and cooking from all public and private establishments and from residences.
- (5) **Person.** The term “person” shall mean every person, firm, co-partnership, association or corporation.

Words herein used in the present tense shall include the future tense; and in the singular shall include the plural and, in the plural, shall include the singular; and in the masculine shall include the feminine gender.

- (6) **Swill.** The term “swill” shall mean and include every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, except coffee grounds.
- (7) **Health Officer.** The term “health officer” shall mean the County Health Officer, or his authorized representatives.
- (8) **Collector of Refuse.** The term “collector of refuse” shall mean the company contracting to collect, haul and dispose of refuse.

**19.06 – Accumulation of Refuse.** It shall be the duty of every person in possession, charge, or in control of any dwelling, flat, rooming house, apartment house, hospital, school, hotel, club, restaurant, boarding house or eating place, or in possession, charge, or control of any shop, place of business or manufacturing establishment where garbage, refuse or swill is created or accumulated, at all times to keep or cause to be kept portable appurtenances, metal or other approved cans for the deposit of garbage and refuse, and to deposit or cause to be deposited the same therein.

It shall be the duty of the owner of any dwelling, flat, apartment house or trailer camp to furnish to or see that his tenants are supplied with such cans.

Such cans shall be constructed in such a manner as to be strong, watertight, not easily corrodible, rodent-proof, insect-proof, of not less than 15 and not more than 30 gallons capacity, shall have two handles at the sides thereof and tight-fitting lids. Such lids shall not be removed except when necessary to place garbage and refuse in such cans or take the same therefrom. Such cans shall be kept in a sanitary condition with the outside thereof clean and free from accumulative grease and decomposing material. Each garbage can shall be kept in a place and manner designated by the Collector of Garbage.

Each user of the garbage can shall be responsible for keeping the can clean inside and out, so that no odor nuisance shall exist. The garbage collector shall place tags on garbage cans found to be in violation of this Section, and notify the Whitman County Health department. The tag shall have a perforated stub, with identification number and place for location and description.

This Section is subject to the provision that in the case of isolated dwellings or places of business located in sparsely settled portions of the City, or where reasonable access cannot be had by truck, garbage and refuse therefrom may, upon special permit of the Collector of Refuse, be collected, removed, and disposed of in such a manner that said collector shall approved and direct garbage and swill shall not be disposed of upon private premises by incineration.

Large suitable containers for both collection of garbage and refuse may with the approval of the Collector of Refuse be used by hotels, restaurants, boarding houses, eating places, apartment houses, schools and hospitals, and in the business district.

It shall be the duty of every person to cause such garbage and refuse to be removed and disposed of only by the Collector of Refuse.

It shall be the duty of every person in possession, charge or control or any dead animal or upon whose premises the same may be located, to forth with cause the same to be removed and disposed by said Collector of Refuse on the first collection day the carcass is placed out for collection.

#### **19.08 – Dumping, Burning Prohibited.**

- (1) It shall be unlawful for any person to bury, burn, dump, collect, remove, or in any other manner dispose of garbage or swill upon any street, alley, public place or private property within the Town of Garfield, otherwise than as herein provided.
- (2) It shall be unlawful for any person to bury or dump wastepaper, boxes, rubbish and debris, brush, grass, leaves, weeds and cuttings from trees, lawns, shrubs and gardens upon any street, alley or public place in the Town of Garfield

- (3) It shall be unlawful for any person to burn garbage or swill.
- (4) It shall be unlawful for any person to burn wastepaper, boxes, rubbish and debris, brush, grass, leaves, weeds and cuttings from trees, lawns, shrubs and gardens or any other type of refuse except as provided in the Garfield Municipal Code.

**19.10 – Garbage Collection – Time.**

- (1) The Collector of Refuse shall collect, remove and dispose of all garbage and refuse in the residential sections of the Town at least once each week, and from hotels, restaurants, boarding houses, eating places, apartment houses, schools and hospitals, and in the business sections of the city.
- (2) All refuse and garbage containers, regardless of capacity or size, shall be completely emptied and dumped no less than once every calendar month to mitigate rodent infestations and odors.

**19.12 – Separation of Garbage.** The Town reserves the right to and may have the option to require the separation of paper or swill or other component parts of garbage, and may require the deposit thereof in separate cans or receptacles and may prescribe the methods of disposal thereof.

**19.14 – Disposal of Swill.** It shall be unlawful for any person, firm or corporation conducting any hotel, restaurant, or any other public eating place to deposit, throw or place swill or other refuse food matter in a lane, alley, street, or other public place, or to deposit, throw or place any swill upon any private property, regardless of ownership, unless said swill shall be enclosed in vessels or tanks of approved type by the Whitman County Health Department and which shall be perfectly watertight and shall have tightly fitting covers, which covers shall not be removed except when absolutely necessary for the depositing or removal of swill. Such vessels or tanks shall be kept in the rear of the premises or in the basement, or other place authorized by the Whitman County Health Department so as to be readily accessible for collection, and shall not be kept upon the street, alley, sidewalk, or other public places. All such tanks or vessels shall be promptly delivered to the Collector when called for and shall be returned by him without necessary delay, and no person, except for purpose of collection under license, shall in any manner interfere with said vessels or tanks or with the contents thereof.

The Town of Garfield shall be and hereby is authorized and directed to enter into a contract with a responsible persons, firm or corporation for the purpose of furnishing all necessary and proper equipment and vehicles for the collection, removal and deposition of swill subject to rules and regulations of, and in the manner directed by the Whitman County Health Department.

**19.16 – Disposal of Garbage and Other Refuse.** All disposal of garbage and other refuse shall be by method or methods specifically approved by the Health Officer **provided** that said method or said methods shall include the maximum practicable rodent, insect, and nuisance control at the place or places of disposal, and **provided** further, that animal offal and carcasses of dead animals shall be buried or cremated as directed by the Health Office, or shall be rendered at 40 pounds per square inch steam pressure or higher, or heated by equivalent cooking.

**19.18 – Collection Fee Authorized.** The collector of Refuse shall be entitled to charge and collect a fee from all persons serviced by the garbage collection and disposal service. Said fee shall be reasonable, and shall first be approved by the Garfield Town Council. A schedule of the various service charges and fees, and all additions and amendments thereto, shall be filed by the Collector of Refuse in the Office of the Garfield Clerk-Treasurer.

**19.20 – Garbage Franchise Authorized.** The Mayor and City Council are hereby empowered to enter into a contract with some suitable person or firm to have the exclusive right and franchise to collect and dispose of garbage, as Collector of Refuse, within the Town of Garfield. Said contract may be awarded without calling for bids, but shall not be for a period in excess of five (5) years.

**19.22 – Franchise Billing.** The Town Council may require the Collector of Refuse to bill and collect its own service charges, or, in the discretion of the Council, may enter into a written agreement with the Collector of Refuse whereby the Town assumes responsibility for the billing and collection of such charges.

The party responsible for billing and collecting the service charge (whether the Collector of Refuse or the Town) shall bear the risk of loss for any user's failure or refusal to pay those charges.

**19.24 – Process for Billing by Town.** In the event that the Town enters into an agreement with the Collector of Refuse to provide billing and collection service under the previous section, the following shall apply:

- (1) All charges for garbage services shall be due and payable monthly and in advance on the first day of each month at the office of the Town Clerk-Treasurer.
- (2) A late charge of \$10.00 shall be assessed against each garbage bill that is not paid on or before the twenty first (21<sup>st</sup>) day of the month for which its due.
- (3) The Town shall combine the billing for garbage services with its normal monthly water/sewer billing.
- (4) Any amounts received by the Town in payment of the monthly water/sewer/garbage billing shall be applied as follows:

- (a) First to any garbage charges;
- (b) Second to any sewer charges;
- (c) Third to any water charges.

**19.26 – Lien Authorized.** The Town of Garfield shall have a lien for unpaid garbage collection and disposal charges authorized hereunder against the property for which said garbage collection service is rendered, whether furnished at the instance of the owner of the property, or at the instance of any lawful occupier. Said lien shall be claimed and enforced as follows:

- (1) In Order to claim a lien hereunder, the Collector of Refuse or the Town of Garfield, whichever is in charge of collecting the service fee, shall file for record with the Whitman County Auditor, a Claim of Lien, Said Claim of Lien shall be filed within ninety (90) days from the last date garbage collection service was provided to the property in question, and shall state, as nearly as possible, the following information:
  - (a) The date(s) garbage collection services were provided and for which remain unpaid;
  - (b) The name and address of the person to whom the garbage collection service was rendered;
  - (c) The name and address of the person or firm providing the garbage collection service, and the address of the person or firm collecting the service charges;
  - (d) The legal description of the property to which the garbage collection service was performed;
  - (e) The name and address of the owners and occupiers of the property; and
  - (f) The amount for which the lien is claimed.
- (2) A copy of the Claim of Lien shall also be sent by registered or certified mail, return receipt requested, to the last known address of both the owner of said property and also to the occupier.
- (3) No lien created under this Ordinance shall bind the property subject to the lien for a longer period than eight (8) months after the claim has been filed unless an action be commenced in the Whitman County Superior Court within that time to enforce such lien.
- (4) Pursuant to R.C.W 35.21.140, the lien authorized hereunder shall be foreclosed in the manner and within the time prescribed for liens for labor and material under


**R.C.W. 60.04, Mechanics and Materialmen's Liens**, and the Town of Garfield shall have all rights and remedies provided thereunder.

- (5) Nothing contained in this chapter shall be construed to the impair of affect the right of the Town of Garfield or the Collector of Refuse to maintain a personal action to recover and delinquent and unpaid debt for garbage collection and disposal service.

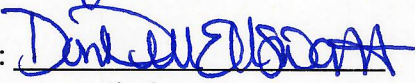
**Section 2:** This Ordinance shall be in full force and effect five days after it or a summary thereof, is published in the official newspaper of the Town of Garfield as required by law.

**ADOPTED** this 10th day of June, 2026. By the Town Council of the Town of Garfield.


APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk

Approved as to form:

  
\_\_\_\_\_  
Stephen Bishop, Temporarily  
substituting for Eric S. Hanson  
of Bishop Law Office, Town Attorney

