



ORDINANCE NO. 28262

1 AN ORDINANCE relating to solid waste management; amending Chapter 12.09
2 of the Tacoma Municipal Code by adjusting rates and charges for
3 services provided by the Solid Waste Utility for years 2015 and 2016,
4 authorizing the Environmental Services Department Director to grant
5 certain customer requests for changes in solid waste services, and
6 authorizing Call-2-Haul services for commercial customers.

7 WHEREAS the Environmental Services Department, Solid Waste
8 Management Division, working with the Environmental Services Commission
9 (“Commission”), has updated its multi-year rate plan and developed proposed
10 rates for the 2015 2016 biennium for Solid Waste Management (“SWM”) customers, and

11 WHEREAS, consistent with the recommendation from the Commission, a
12 5 percent per year increase is proposed for 2015 and 2016, and

13 WHEREAS the low-income senior/low-income disabled discount has been
14 maintained at 30 percent, and

15 WHEREAS a new code section, 12.09.092, will authorize the Environmental
16 Services Department Director to designate certain contiguous properties to receive
17 either residential or commercial solid waste service to align the services with the
18 environmental goals of the City or to increase efficiency or safety in the provision of
19 the services, and

20 WHEREAS permitting commercial customers to request Call-2-Haul services
21 is consistent with the City’s solid waste goals; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 12.09 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor _____

Attest:

City Clerk

Approved as to form

Deputy City Attorney



EXHIBIT "A"

Chapter 12.09 SOLID WASTE, RECYCLING, AND HAZARDOUS WASTE

Sections:

- 12.09.010 Purpose.
- 12.09.020 Authority.
- 12.09.030 Definitions.
- 12.09.040 General requirements.
- 12.09.050 Transportation.
- 12.09.060 Requirements for containers.
- 12.09.070 Special permits.
- 12.09.080 Assistance to elderly and/or disabled individuals.
- 12.09.090 Rate reduction for low-income senior and low-income disabled individuals.
- [12.09.092 Authority to allow residential or commercial service.](#)
- 12.09.095 Disposal rate reduction for qualifying nonprofit materials salvage/recycling corporation(s).
- 12.09.100 Collection.
- 12.09.105 Pilot Projects.
- 12.09.110 Residential automated and semi-automated services.
- 12.09.120 Commercial services.
- 12.09.130 Use of [Recovery and Transfer Center Facility \(disposal site\)](#) – General.
- 12.09.140 Disposal rates.
- 12.09.150 *Repealed.*
- 12.09.160 Billing periods, payments and collections.
- 12.09.170 Disposal area automated scale system cards.
- 12.09.180 State tax.
- 12.09.190 Prohibited material.
- 12.09.200 Disposal of asbestos-containing material.
- 12.09.210 Recycling – General.
- 12.09.220 Enforcement.
- 12.09.230 Violations – Penalties.
- 12.09.240 Notice of violations – Civil penalties.
- [12.09.250 Appeals of special permits.](#)

12.09.010 Purpose.

The purpose of this chapter is to set ~~forth functional standards within~~ the [requirements City of Tacoma](#) for the [collection, management, and](#) proper handling of all solid waste, including recyclable materials, originating from residential, commercial, agricultural, and industrial operations and other sources [within the City of Tacoma](#); in order to prevent land, air, and water pollution, fly and rodent infestation, fire hazards, [and](#) damage to recreational values and to the environment; to conserve resources; and to maintain aesthetic values.



12.09.020 Authority.

1 The collection, ~~management~~, and disposal of solid waste within the City of Tacoma is
2 compulsory and universal. The City of Tacoma asserts exclusive and universal control over
3 the business of all solid waste collection, management, and disposal within the Tacoma city
4 limits. It shall be a violation of this chapter for any person other than the City of Tacoma,
5 acting through its Solid Waste Management Division, to engage in the business of
6 collection~~ng~~, remov~~ing~~, and dispos~~ing~~ of solid waste within the City of Tacoma city
7 limits, or for any person other than Solid Waste Management, its agents or employees, to
8 engage in the activities required by this chapter to be accomplished by Solid Waste
9 Management, except as provided in TMC 12.09.070, “Special permits.” There are hereby
10 levied and imposed within the City of Tacoma mandatory service charges, at the rates and
11 charges set forth in this chapter hereinafter specified, for the collection, management, and
12 disposal of all such solid waste or for the availability of such services.

13 * * *

12.09.040 General requirements.

14 A. It shall be the customer’s responsibility to ensure that solid waste containers are placed in
15 the appropriate location designated by Solid Waste Management prior to the arrival of the
16 collection vehicle. Collectors shall not be required to negotiate steep ramps, stairs, or
17 hazards, or to remove containers from wells or storage bins in the performance of their
18 duties.

19 B. Solid Waste Management shall not be responsible for solid waste collection if there is a
20 violation of any part of this section or circumstances are beyond the control of the Solid
21 Waste Management. Circumstances or violations include, but are not limited to, container
22 overload, improperly loaded container, blocked access, container inaccessibility, or
23 dangerous situations.

24 C. Automated collection containers shall be placed in a Solid Waste Management-
25 designated location on the scheduled collection day. Such location shall be easily accessible
26 to the solid waste collection vehicle. All containers must face in the proper direction with
the lids completely closed, and unobstructed to the collection vehicle. In areas where the
Solid Waste Management-designated location for an automated collection container is at
street-side or along an alley, it shall be the responsibility of each customer to remove the
container from streetside or alley on the same day as collection.

D. Any waste exceeding the rated capacity of the container shall be subject to an extra
charge at applicable rates established herein. Overloading containers in a manner which is
likely to: (i) cause damage to the collection vehicle or container; (ii) create a litter condition;
or (iii) impede collection is prohibited.

E. Solid Waste Management may collect extra solid waste on or around automated
containers. If additional solid waste is generated on the premises that cannot be
accommodated by regularly scheduled service in the automated containers provided, the
customer shall request and use additional automated containers or be subject to additional
charges as set forth in this chapter. “Extra refuse” is any material placed for collection in
addition to the regular collection service, which is within acceptable weight limits, is able to



be reasonably handled by one person, and is placed within a five-foot radius of the container.

1 F. Automated collection within the City is mandatory in those areas designated by Solid
2 Waste Management.

3 G. Any manure, offal, or other noxious material that, in the discretion of Solid Waste
4 Management, has not been securely wrapped shall not be collected.

5 H. It shall be a violation hereof to place or deposit any solid waste whatsoever in or around a
6 solid waste container owned or provided for the use of another customer without that
customer's approval.

7 I. Solid Waste Management shall reserve the right to inspect any or all solid waste prior to
and/or during disposal for compliance with local, state, or federal laws or regulations.

8 J. No person shall construct or allow the construction of a public or private well, as defined
9 in WAC 173-160, between Center Street, Tyler Street, and South 56th Street and Leach
Creek, except as allowed by WAC 173-160 and RCW 18.104.

10 K. Solid waste placed or deposited in the manner other than described in Section C or E
11 above shall be considered improper disposal of solid waste. In such instances of improper
12 disposal of solid waste, Solid Waste Management shall notify the property owner and/or
13 current utility customer and request them to correct the condition within 48 hours by legally
14 disposing of such waste. If the condition is not corrected after 48 hours, Solid Waste
Management shall dispose of the solid waste and charge the property owner and/or current
utility customer at the rate of \$100.00 per hour for such disposal, with a minimum ~~charge~~
fee of \$100.00.

15 L. It shall be the property owner's responsibility to assure that rights-of-way are
16 unobstructed by overgrown vegetation that hinders the operation of the collection vehicle.
17 Solid Waste Management shall notify the property owner, in writing, to remove the
18 obstruction within 14 days. If notification or arrangements have not been made, Solid Waste
Management shall remove any obstruction and charge the property owner for the actual cost
of the removal. This cost will be billed to the property owner.

19 M. Solid Waste Management, or the City's contractor, may enter property to collect,
20 remove, and dispose of solid waste and assess costs for such collection, removal, and
21 disposal in accordance with the nuisance abatement process set forth in TMC 8.30.110.B.
22 Any unpaid collection, removal, and disposal costs incurred by Solid Waste Management,
under this subsection, may be collected in any lawful manner authorized for the collection of
utility bills.

23 * * *

24 **12.09.060 Requirements for containers.**

25 A. Residential customers that receive solid waste collection services may request up to two
26 90-gallon yard waste containers from Solid Waste Management at no charge. Residential
customers may request additional 90-gallon yard waste containers at an additional monthly
rate as set forth in the Residential Barrels Rate Tables.



1 B. The ~~20-,~~30-, 45-, 60-, 90-, and 300-gallon automated and semi-automated collection
2 containers are the property of the City of Tacoma and provided exclusively by Solid Waste
3 Management. These containers shall be used only for the collection and disposal of solid
4 wastes by Solid Waste Management. The ~~20-,~~30-, 45-, 60-, and 90-gallon automated and
5 semi-automated collection containers, including contents, shall not exceed its rated capacity
6 at the time of collection.

7 C. Bulk solid waste collection containers, i.e., front-load container, drop-off box, and
8 compactor, may be used only upon prior approval of Solid Waste Management. Solid Waste
9 Management reserves the right to refuse solid waste collection service if, in the opinion of
10 Solid Waste Management, the access to or the dumping of these containers presents a
11 hazard.

12 D. Customers may request one container or service change, per premise, per year.
13 Additional requests for changes will be billed in addition to the monthly rate, as set forth in
14 Section 12.09.110.

15 **12.09.070 Special permits.**

16 A. A special permit from the Environmental Services Department shall be required for the
17 collection, removal, processing, and disposal of solid and infectious waste, including
18 recyclable materials from within the City limits, by anyone other than City personnel or by
19 anything other than City equipment. Such collection, removal, processing, or disposal
20 without a special permit is a violation of this chapter. The Director is authorized to approve
21 or disapprove applications for special permits. The Director may prepare and require the use
22 of such forms as deemed essential for administering the requirements of this section.
23 Permittees shall comply with applicable state laws and City ordinances, and obtain all
24 applicable City permits including, but not limited to, barricade permits.

25 B. A person denied a special permit or aggrieved by the issuance or revocation of a special
26 permit may appeal the decision to the City's Hearing Examiner in accordance with TMC
12.09.250, within 14 days of the date of issuance of the Director's written decision. The
Director's decision shall be entitled to great deference upon review, and shall be overturned
only upon a finding of "clear, cogent and convincing" evidence that the permit should be
issued.

27 C. A special permit may be ~~anceled, if necessary~~revoked by the Director, without prior
28 notice, if the permittee fails to comply with this chapter or the terms and conditions of the
29 special permit, including, but not limited to, annual reporting and inspection requirements. A
30 special permit ~~may be revoked upon 30 days' written notice. Special permits~~ may be issued
31 for a maximum duration of one year, and ~~are is~~ renewable if at the Director's discretion,
32 subject to permittees complying with continues to qualify for the terms of their special
33 permit and this chapter. The Director may issue special permits for the following reasons:

34 1. For collecting and transporting source-separated recyclable materials from a recycling
35 drop-off box, or from a commercial or industrial generator of recyclable materials to a
36 processor of recyclable materials or end user of recyclable materials, or for the receipt and
processing of recyclable materials. ~~Recyclable materials must be as close to 100 percent~~
~~recyclable as possible and not contain non-recyclable material. Recyclable materials loads~~



1 shall not contain more than 10 percent non-recyclable materials by volume. Loads that
2 exceed more than 10 percent of non-recyclable materials by volume shall be delivered to the
3 City of Tacoma Landfill for management and disposal, unless Solid Waste Management
4 authorizes disposal outside of Tacoma. The Director shall have the sole authority and
5 discretion to determine when this requirement is met. However, exceptions to this
6 requirement may be made if the applicant can demonstrate that the proposed activity is in
7 the best interests of the City for meeting the recycling goals set forth in the Tacoma-Pierce
8 County Solid Waste Management Plan. The granting of a permit for this activity shall in no
9 way be construed to mean that the permit allows the permittee to haul solid wastes within
10 the City in violation of TMC 12.09.020.

11 Any special permit issued for the collection and hauling of recyclable materials shall require
12 the holder to submit an annual report to the Solid Waste Management Division Manager.
13 This report may be a copy of the Annual Recycling Survey submitted to Pierce County Solid
14 Waste or the Department of Ecology required by RCW 70.95. Failure to provide this report
15 annually shall result in automatic cancellation of the permit.

16 2. For the separation, use or sale of swill; provided said material is transported outside the
17 City limits.

18 3. To provide temporary drop-off box container service to specific Solid Waste Management
19 customers in the event Solid Waste Management temporarily cannot provide the service.

20 4. For the collection, removal, and disposal of infectious waste as more specifically
21 described in TMC 5.04. The permit shall not be effective and shall be deemed revoked if the
22 permittee does not obtain permits required under TMC 5.04, and/or permits or approvals
23 required by any other applicable federal, state, or local law or regulation. The collection,
24 removal, or disposal of infectious waste or infectious waste which has been rendered
25 noninfectious (hereinafter called "treated waste") in violation of any applicable law or
26 regulation of the federal, state, county, or City government, or any other governmental entity
having jurisdiction, shall be grounds for immediate revocation of any permit issued
hereunder, even if such violation occurs outside the corporate limits of the City's condition
of the special permit.

Any permittee, as a condition of the special permit, will be required to provide all
information requested by the City pertaining to the manner in which all aspects of the
collection, removal, and disposal of infectious waste or treated waste are being carried out
by the permittee.

5. For the collection, removal, and disposal of any solid waste that is unacceptable for
disposal in the City's public disposal area.

6. For the collection, removal, and disposal of any solid waste when the City determines that
it is in the City's best interest for a non-City entity or person to collect, remove, or dispose
of such waste. A permit of this nature may be issued to authorize one-time services such as
hauling solid waste and shall require the permittee to report the origin of the material, the
method of transportation, and the disposal location prior to disposal of the solid waste.



1 7. For a person or organization to haul solid waste generated as a result of activity at its premises under circumstances that render mandatory service infeasible or impracticable; provided, that the following conditions are met:

2 a. The person or organization is not in the solid waste hauling business, and owns or leases the vehicle hauling the solid waste;

3 b. The operator of the vehicle is an employee of the organization generating the waste. Contracting out, and/or hiring others for disposal services is a violation of TMC 12.09.020 and shall not be allowed; and

4 c. The waste, if acceptable, shall be disposed of at the City's public disposal area.

5 8. Exemptions may be granted for small quantity generators at the discretion of the Director.

6 9. Failure to comply with the terms of a special permit issued under this section shall be considered a violation of this chapter, and subject permittee to civil penalties under TMC 12.09.240, and revocation of their special permit.

7 * * *

8 **12.09.092 Authority to allow residential or commercial service.**

9 Where a single person or entity owns or controls a combination of multi-family dwelling units and dwelling units that are duplexes or single-family residences, all of which are located on contiguous properties and for which the person or entity pays for solid waste services, the person or entity may request the Director to have all dwelling units located on the contiguous properties treated as commercial or residential for the purposes of this chapter. A person or entity requesting the Director to designate properties as commercial or residential under this section must make a written request for an evaluation of their existing solid waste services to determine if they are eligible for reclassification to the commercial rate schedule or the residential rate schedule. This request shall be submitted to the Director and must include current account information (account number(s), requested service levels for garbage, recycling, and yard waste, and the proposed pick-up location for the service(s)).

10 A. The Director may designate the requested properties as either commercial or residential provided:

11 1. Only one account will be used for the service, and one person or entity will be responsible for the account and payment ("responsible customer").

12 2. The dwelling units are located on contiguous properties owned by or under the control of the responsible customer.

13 3. The Director determines that designating all requested properties as either residential or commercial will result in more efficient or safer collection or align the services with the environmental goals of the City.

14 B. If the Director approves of the request to provide residential services to all contiguous properties, the Director will determine how residential solid waste services will be delivered. The Director may designate any combination of shared or individual containers for garbage, recycling, and yard waste collection.



1. If a shared service (300 gallon barrel or Front Load Box) is provided for garbage, the responsible customer shall be billed for individual container costs specified in TMC 12.09.110.A.1 commensurate with the size of the Container (300 gallon barrel or Front Load Box) and number of units.

2. If individual garbage containers are provided, the responsible customer will be billed using the applicable Residential Barrel rates specified in TMC 12.09.110.A.1.

3. All service charges and requirements of this chapter pertaining to residential services shall apply.

4. The residents in each unit approved for residential services shall be designated as City of Tacoma residential Solid Waste Customers and shall be eligible for residential services as described in Sections 12.09.110, 12.09.130, and 12.09.140.

C. The decision to approve or deny a request under this section and the determination of how to deliver solid waste services is solely within the Director's discretion, and the Director's decision is final.

* * *

12.09.100 Collection.

Except as set forth in TMC 12.09.105, Solid Waste Management shall provide for the collection and disposal of all solid waste from all occupied residential premises within the City once every two weeks, and from all other occupied premises as often as required by Solid Waste Management. Solid Waste Management reserves the right to establish the appropriate level of service. ~~Provided however, Solid Waste Management may provide solid waste collection and disposal services weekly at certain occupied residential premises until December 31, 2014 to help facilitate the transition to every other week garbage collection.~~

* * *

12.09.110 Residential automated and semi-automated services.

A. Minimum Monthly Service.

	Effective Years	
	2015 3	2016 4
Once each week pickup 20-gallon (supplied by City)	\$25.25	N/A
Once every other week pick-up 30-gallon (supplied City)	\$18.28 19.30	\$18.28 20.38

1. Collection personnel shall not be required to negotiate steep ramps or stairs or remove ~~20-~~30-, 45-, 60-, and 90-gallon containers from storage bins in the performance of their duties. Where ~~20-~~30-, 45-, 60-, and 90-gallon residential containers are accessible on ground level in the location designated by Solid Waste Management on the street or alley, within five feet of the curb, street, or alley where a Solid Waste Management collection vehicle can stop legally for collection and loading, the rate shall be:



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2013 RATES WEEKLY PICKUP RESIDENTIAL BARRELS				
Residential Category	Monthly Rate	Additional Charge for Overload	Each Reload	Each additional yard waste container (after initial two)
Regular Service				
20 gallon	\$25.25	\$10.00	\$15.00	\$3.00
30 gallon	\$36.55	\$10.00	\$15.00	\$3.00
60 gallon	\$70.80	\$10.00	\$15.00	\$3.00
90 gallon	\$105.15	\$10.00	\$15.00	\$3.00

20153 RATES EVERY OTHER WEEK PICKUP RESIDENTIAL BARRELS				
Residential Category	Monthly Rate	Additional Charge for Overload	Each Reload	Each additional yard waste container (after initial two)
Regular Service				
30 gallon	\$18.28 <u>\$19.30</u>	\$10.00	\$15.00	\$3.00
45 gallon	\$27.42 <u>\$28.95</u>	\$10.00	\$15.00	\$3.00
60 gallon	\$36.55 <u>\$38.59</u>	\$10.00	\$15.00	\$3.00
90 gallon	\$54.83 <u>\$57.90</u>	\$10.00	\$15.00	\$3.00
60 x 2 gallon	\$70.80 <u>\$77.18</u>	\$10.00	\$15.00	\$3.00
60 + 90 gallon	\$91.38 <u>\$96.49</u>	\$10.00	\$15.00	\$3.00
90 x 2 gallon	\$105.15 <u>\$115.80</u>	\$10.00	\$15.00	\$3.00

20164 RATES EVERY OTHER WEEK PICKUP RESIDENTIAL BARRELS				
Residential Category	Monthly Rate	Additional Charge for Overload	Each Reload	Each additional yard waste container (after initial two)
Regular Service				
30 gallon	\$18.28 <u>\$20.38</u>	\$10.00	\$15.00	\$3.00
45 gallon	\$27.42 <u>\$30.57</u>	\$10.00	\$15.00	\$3.00
60 gallon	\$36.55 <u>\$40.75</u>	\$10.00	\$15.00	\$3.00
90 gallon	\$54.83 <u>\$61.14</u>	\$10.00	\$15.00	\$3.00
60 x 2 gallon	\$73.10 <u>\$81.50</u>	\$10.00	\$15.00	\$3.00
60 + 90 gallon	\$91.38 <u>\$101.89</u>	\$10.00	\$15.00	\$3.00
90 x 2 gallon	\$109.65 <u>\$122.28</u>	\$10.00	\$15.00	\$3.00

2. Where residential containers and extra containers are accessible on ground level, but farther than five feet from the curb, street, or alley where a Solid Waste Management collection vehicle can stop legally for collection and loading, the following additional rates for carrying distance, measured along the route taken for collection, shall apply to each container:



	Garbage	Recycle & Yard Waste
Over 5 feet to 25 feet	\$ 8.90 <u>4.45</u> per month	\$4.45 per month
Each additional 25 feet or portion thereof	\$ 11.10 <u>5.55</u> per month	\$5.55 per month

Carry distances shall be measured along the route necessarily taken for collection.

The above rates apply to each and every can or container collected and loaded from a specific premises

3. An additional charge of \$~~11.10~~5.55 per garbage, ~~container per month and \$5.55 per~~ recycle, and yard waste container per month shall be added when containers are not reasonably accessible, regardless of carrying distance.

4. Residential 300-gallon containers shall initially be placed in position by Solid Waste Management to facilitate the collection operation. Once so placed into service, the containers shall not be removed or relocated by the customer. Each customer sharing a 300-gallon container shall pay a rate commensurate with the services received as determined by Solid Waste Management.

5. There will be no charge for initial delivery or change of containers supplied by Solid Waste Management for new customers. In addition, there will be no charge for delivery or change of containers for existing customers once per premise, per year. Additional deliveries of containers in any calendar year to a premise will be billed at \$30.00 per delivery. The Director may waive such delivery charge to help facilitate the transition to every other week garbage collection.

B. If a residential automated collection container is not in place by 7:00 a.m. or is otherwise inaccessible the day of the regularly scheduled pickup and the customer requests that the collection vehicle return to the premises to collect the contents of the container, a return trip charge of \$10.00 may be assessed to the customer. Such charge shall be applied on a per-trip basis without consideration of the size or number of containers collected from the customer. For each additional nonscheduled pickup requested by the customer, a return fee of \$10.00 plus additional container fee may be assessed.

C. Any residential customer in possession of any City-owned container shall pay the cost of repair or replacement of any damaged container, if it is the determination of Solid Waste Management that such damage is the result of the negligence or abuse by the customer. The charge shall be the actual cost of repair or replacement as determined by the City and shall be added to the customer's utility bill.

D. No dwelling unit of a multi-family dwelling (triplex or larger) may receive individual residential solid waste service unless the subject unit is directly billed by the City for payment of all other public utilities servicing that unit, including electricity, water, surface water, and wastewater.

E. Upon approval by Solid Waste Management, residential collection service may be stopped during temporary vacancy of the premises no more than twice per calendar year.



1 Service shall not be discontinued for a period of less than two weeks. A charge of \$15.00
 2 shall be added to the utility bill for each approved temporary stop-service order. Service
 shall resume no later than the date specified by the customer in the stop order. An alternative
 mailing address must be provided if requested by Solid Waste Management.

3 F. Use of an enclosure built for a container is subject to prior approval by Solid Waste
 Management and may be revoked upon inspection if not built as per originally approved.

4 G. Recycling or yard waste containers contaminated with garbage may be dumped as solid
 5 waste. When they are, the customer will be charged the “Each Additional Reload” fee
 6 identified in the rate table for that class and frequency of service. Recycling containers that
 are repeatedly contaminated with garbage may be removed at the discretion of Solid Waste
 Management. A \$30.00 service charge will be assessed for redelivery of each container.

7 H. Overload charges ~~shall~~ may be charged when the condition of the container meets the
 8 definition of “Overloaded” in TMC 12.09.030. Extra bags of garbage will be charged the
 “Applicable Charge for Overload.” If the overload condition, or number of extra bags
 9 requires the driver to reload and re-dump the container, the customer will be charged the
 10 “Each Reload” fee identified in the rate table for that class and frequency of service.

11 I. City of Tacoma solid waste ratepayers living in a single-family home or duplex may
 12 request two “Call-2 Haul” service appointments per year. No more than three large items,
 consisting of appliances, furniture, or items of a similar size and weight, and 15 bags or
 13 boxes of unusable household items will be picked up by Solid Waste Management at each
 Call-2 Haul service appointment. No additional charge to the ratepayer will be made for this
 14 service. A charge of \$10.00 will be assessed for late cancellations or if items are not set out
 by 7:00 a.m. on the scheduled date.

15 **12.09.120 Commercial services.**

16 Solid Waste Management reserves the right to establish the appropriate level of service. No
 17 single unit of a multibusiness complex or building may receive individual container service
 of less than one cubic yard in capacity unless the subject unit is directly billed by the City
 18 for payment of all other public utilities servicing that unit, including electricity, water,
 surface water, and wastewater. Minimum monthly service for City-owned containers shall
 19 be one pickup per week, per month, per container, with the exception of drop-off boxes and
 compactors. Commercial rates for collection of solid waste shall be as follows:

20 A. Commercial Barrels.

	Effective Years	
	2015 3	2016 4
21 Minimum Monthly Service (20-Gallon):	22 \$26.85 27.17	23 \$26.85 27.49



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2015 3 RATES				
COMMERCIAL BARRELS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
20 gallon	na	\$26.85 <u>\$27.17</u>	\$1 <u>50</u> .00	\$5 <u>\$10</u> .00
30 gallon	na	\$35.95 <u>\$36.21</u>	\$1 <u>50</u> .00	\$5 <u>\$10</u> .00
60 gallon	na	\$50.20 <u>\$52.28</u>	\$1 <u>50</u> .00	\$5 <u>\$10</u> .00
90 gallon	na	\$66.55 <u>\$70.13</u>	\$1 <u>50</u> .00	\$5 <u>\$10</u> .00
300 gallon	\$3. <u>45</u> 5	\$166.05	\$38.35	\$25.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
20 gallon	na	\$10.00	na	\$5.00
30 gallon	na	\$10.00	na	\$5.00
60 gallon	na	\$10.00	na	\$5.00
90 gallon	na	\$10.00	na	\$5.00
300 gallon	\$1.10	\$38.35	\$15.00	\$25.00

*Excluding Washington State Sales Tax



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20164 RATES COMMERCIAL BARRELS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
20 gallon	na	\$ 26.85 <u>27.49</u>	\$ 150.00 <u>150.00</u>	\$ 510.00 <u>510.00</u>
30 gallon	na	\$ 35.95 <u>36.47</u>	\$ 150.00 <u>150.00</u>	\$ 510.00 <u>510.00</u>
60 gallon	na	\$ 50.20 <u>54.45</u>	\$ 150.00 <u>150.00</u>	\$ 510.00 <u>510.00</u>
90 gallon	na	\$ 66.55 <u>73.90</u>	\$ 150.00 <u>150.00</u>	\$ 510.00 <u>510.00</u>
300 gallon	\$3.55	\$166.05	\$38.35	\$25.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
20 gallon	na	\$10.00	na	\$5.00
30 gallon	na	\$10.00	na	\$5.00
60 gallon	na	\$10.00	na	\$5.00
90 gallon	na	\$10.00	na	\$5.00
300 gallon	\$1.10	\$38.35	\$15.00	\$25.00

*Excluding Washington State Sales Tax

B. If a commercial 20-, 30-, 60-, 90-, or 300-gallon container is not in place or is otherwise inaccessible at the time the collection vehicle arrives for regularly scheduled pickup and it is necessary for the collection vehicle to return to the premises at a later time to collect and load the contents of the container, a return trip charge of \$10.00 may be assessed to the customer. Regularly scheduled pickups will begin at 6:00 a.m. Such charge shall be applied on a per-trip basis, without consideration for the size or number of containers collected from the customer. For each additional nonscheduled pickup requested by the customer, a return fee of \$10.00 plus additional container fee may be assessed.

C. Commercial container rates for noncompacted solid waste shall consist of a minimum monthly charge, which includes all scheduled weekly pickups within any given month. Additional pickups shall be at the request of the customer and shall be subject to the applicable service charge.

D. Collection personnel shall not be required to negotiate steep ramps or stairs or remove 20-, 30-, 60-, and 90-gallon containers from storage bins in the performance of their duties. Where 20-, 30-, 60-, and 90-gallon containers are accessible on ground level not in the location designated by Solid Waste Management, the following additional rates shall apply to each container:

Over 5 feet to 25 feet	\$8.90 per month
Each additional 25 feet or portion thereof	\$11.10 per month



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E. Commercial Bulk Noncompacted Container Rates.

1. City-owned, drop-off box – minimum charge of \$200.00 per month in addition to rent, if not hauled, provided, this charge will not be assessed to boxes used for the purposes of recycling.

2. City-owned, front-load container used on a temporary basis will be charged \$50.00 per month in addition to rent, if not hauled.

3. City-owned 20-, 30-, 60-, 90-, or 300-gallon container used on a temporary basis will be charged the 20-gallon commercial barrel monthly rate if not hauled.

4. Customer-owned container – minimum charge, if not hauled, will be the 20-gallon commercial barrel monthly rate.

5. An additional \$200.00 charge per haul for drop-off box for same day service.

6. An additional rental charge of \$6.00 per month will be made for any container requiring a cover or extra-strength construction.

7. An additional \$25.00 charge per haul for front-load container for same day service.

8. An additional \$50.00 charge for each container relocation without a haul (dump).

9. An additional \$50.00 return charge will be billed to customers who have a scheduled haul for their compactor or DOB and the container was not made accessible for hauling when Solid Waste staff arrived.

10. An additional \$25.00 return charge will be billed to customers who have a scheduled haul for their front-load container and the container was not made accessible for hauling when Solid Waste staff arrived.

11. An additional \$10.00 may be charged for containers or compactors that require double-picking.



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2015 3 RATES				
FRONT LOAD CONTAINERS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
1 Cubic yard	\$4.85	\$163.95 <u>165.79</u>	\$37.10 <u>38.26</u>	\$25.00
2 Cubic yard	\$7.80	\$218.90	\$48.65 <u>50.52</u>	\$25.00
3 Cubic yard	\$8.90	\$281.55	\$61.50 <u>64.97</u>	\$30.00
4 Cubic yard	\$10.60	\$344.25	\$75.20 <u>79.44</u>	\$35.00
6 Cubic yard	\$13.85	\$469.60	\$102.60 <u>108.37</u>	\$40.00
8 Cubic yard	\$15.30	\$594.95	\$130.00 <u>137.30</u>	\$45.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
1 Cubic yard	\$1.10	\$37.10 <u>38.26</u>	\$15.00	\$25.00
2 Cubic yard	\$1.10	\$49.25 <u>50.52</u>	\$15.00	\$25.00
3 Cubic yard	\$1.10	\$63.35 <u>64.97</u>	\$15.00	\$30.00
4 Cubic yard	\$1.10	\$77.45 <u>79.44</u>	\$15.00	\$35.00
6 Cubic yard	\$1.10	\$105.70 <u>108.37</u>	\$15.00	\$40.00
8 Cubic yard	\$1.10	\$133.90 <u>137.30</u>	\$15.00	\$45.00

*Excluding Washington State Sales Tax



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2016 RATES				
FRONT LOAD CONTAINERS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
1 Cubic yard	\$4.85	\$163.95 <u>167.65</u>	\$37.10 <u>38.69</u>	\$25.00
2 Cubic yard	\$7.80	\$218.90	\$49.25 <u>50.52</u>	\$25.00
3 Cubic yard	\$8.90	\$281.55	\$63.35 <u>64.97</u>	\$30.00
4 Cubic yard	\$10.60	\$344.25	\$77.45 <u>79.44</u>	\$35.00
6 Cubic yard	\$13.85	\$469.60	\$105.70 <u>108.37</u>	\$40.00
8 Cubic yard	\$15.30	\$594.95	\$133.90 <u>137.30</u>	\$45.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
1 Cubic yard	\$1.10	\$37.10 <u>38.69</u>	\$15.00	\$25.00
2 Cubic yard	\$1.10	\$49.25 <u>50.52</u>	\$15.00	\$25.00
3 Cubic yard	\$1.10	\$63.35 <u>64.97</u>	\$15.00	\$30.00
4 Cubic yard	\$1.10	\$77.45 <u>79.44</u>	\$15.00	\$35.00
6 Cubic yard	\$1.10	\$105.70 <u>108.37</u>	\$15.00	\$40.00
8 Cubic yard	\$1.10	\$133.90 <u>137.30</u>	\$15.00	\$45.00

*Excluding Washington State Sales Tax



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2015³ RATES DROP OFF BOX			
Commercial Category	Monthly Container Rent*	Each Haul per Container	
Regular Service			
15 Cubic Yard	\$36.80	\$504.95	
20 Cubic Yard	\$39.45	\$594.60	
25 Cubic Yard	\$39.55	\$683.95	
30 Cubic Yard	\$43.50	\$773.05	
40 Cubic Yard	\$44.00	\$951.10	
Temporary Service			
	Daily Container Rent*	Each Haul per Container	Placement Fee
15 Cubic Yard	\$1.10	\$504.95	\$50.00
20 Cubic Yard	\$1.10	\$594.60	\$50.00
25 Cubic Yard	\$1.10	\$683.95	\$50.00
30 Cubic Yard	\$1.10	\$773.05	\$50.00
40 Cubic Yard	\$1.10	\$951.10	\$50.00

*Excluding Washington State Sales Tax

2016⁴ RATES DROP OFF BOX			
Commercial Category	Monthly Container Rent*	Each Haul per Container	
Regular Service			
15 Cubic Yard	\$36.80	\$504.95	
20 Cubic Yard	\$39.45	\$594.60	
25 Cubic Yard	\$39.55	\$683.95	
30 Cubic Yard	\$43.50	\$773.05	
40 Cubic Yard	\$44.00	\$951.10	
Temporary Service			
	Daily Container Rent*	Each Haul per Container	Placement Fee
15 Cubic Yard	\$1.10	\$504.95	\$50.00
20 Cubic Yard	\$1.10	\$594.60	\$50.00
25 Cubic Yard	\$1.10	\$683.95	\$50.00
30 Cubic Yard	\$1.10	\$773.05	\$50.00
40 Cubic Yard	\$1.10	\$951.10	\$50.00

*Excluding Washington State Sales Tax



12. When the weight of the contents of a noncompacted drop-off box exceeds the applicable maximum weight for a truck to safely handle the load, the customer will be charged the commercial disposal tip fee rate for each ton and/or portion of a ton by which the contents exceed the maximum weight of 10 tons.

13. Uncontained loads that are determined to be “Dusty Loads” by Solid Waste Management are subject to rejection or assessment of additional processing fees.

14. Solid Waste Management reserves the right to collect advance payment for container placement and up to four months of charges for rental and service charges associated with the provision of temporary service. The City Treasurer may accept satisfactory securities or surety bond in lieu of cash payment. Such payment or security may be applied toward the payment of service charges whenever the same shall become due. Solid Waste Management reserves the right to require additional advance payment for subsequent service that may be requested by the customer.

F. Commercial Compactor Container Rates. Commercial rates for collection and disposal of solid waste from customer-owned compactor containers shall be as follows:

1. Customer-owned containers will be charged the 20-gallon commercial barrel rate if no other solid waste service is provided by Solid Waste Management at the location during the month.

20153 RATES FRONT LOAD COMPACTOR CONTAINER	
Commercial Category	Each Container Each Pickup
Regular Service	
2 Cubic Yard	\$99.40
3 Cubic Yard	\$138.30 <u>149.64</u>
4 Cubic Yard	\$177.20 <u>192.16</u>
5 Cubic Yard	\$216.15 <u>234.63</u>

20164 RATES FRONT LOAD COMPACTOR CONTAINER	
Commercial Category	Each Container Each Pickup
Regular Service	
2 Cubic Yard	\$99.40
3 Cubic Yard	\$138.30 <u>161.91</u>
4 Cubic Yard	\$177.20 <u>208.39</u>
5 Cubic Yard	\$216.15 <u>254.69</u>



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20153 RATES	
DROP OFF BOX COMPACTOR	
Commercial Category	Each Container Each Pickup
Regular Service	
10 Cubic Yard	\$719.75
12 Cubic Yard	\$815.35 <u>823.17</u>
15 Cubic Yard	\$959.60 <u>1,019.41</u>
16 Cubic Yard	\$1,007.70 <u>1,069.27</u>
17 Cubic Yard	\$1,055.75 <u>1,108.54</u>
18 Cubic Yard	\$1,103.55 <u>1,158.73</u>
20 Cubic Yard	\$1,199.25 <u>1,274.88</u>
24 Cubic Yard	\$1,390.00 <u>1,479.05</u>
25 Cubic Yard	\$1,438.60 <u>1,530.51</u>
26 Cubic Yard	\$1,486.50 <u>1,581.71</u>
27 Cubic Yard	\$1,534.30 <u>1,632.13</u>
30 Cubic Yard	\$1,677.85 <u>1,786.89</u>
33 Cubic Yard	\$1,821.25 <u>1,942.33</u>
34 Cubic Yard	\$1,869.10 <u>1,991.32</u>
40 Cubic Yard	\$2,156.35 <u>2,299.04</u>

20164 RATES	
DROP OFF BOX COMPACTOR	
Commercial Category	Each Container Each Pickup
Regular Service	
10 Cubic Yard	\$719.75
12 Cubic Yard	\$815.35 <u>831.06</u>
15 Cubic Yard	\$959.60 <u>1,082.94</u>
16 Cubic Yard	\$1,007.70 <u>1,134.60</u>
17 Cubic Yard	\$1,055.75 <u>1,163.97</u>
18 Cubic Yard	\$1,103.55 <u>1,216.67</u>
20 Cubic Yard	\$1,199.25 <u>1,355.28</u>
24 Cubic Yard	\$1,390.00 <u>1,573.81</u>
25 Cubic Yard	\$1,438.60 <u>1,628.29</u>
26 Cubic Yard	\$1,486.50 <u>1,683.02</u>
27 Cubic Yard	\$1,534.30 <u>1,736.20</u>
30 Cubic Yard	\$1,677.85 <u>1,903.01</u>
33 Cubic Yard	\$1,821.25 <u>2,071.46</u>
34 Cubic Yard	\$1,869.10 <u>2,121.53</u>
40 Cubic Yard	\$2,156.35 <u>2,451.18</u>



1 2. The service charge for other compactor container sizes that may become available shall be determined by Solid Waste Management.

2 3. When the weight of the contents of a compacted container exceeds the applicable
3 maximum weight for a truck to safely handle the load, the customer will be charged the
4 commercial disposal tip fee rate for each ton and/or portion of a ton by which the contents
5 exceed the maximum weight of 10 tons.

6 4. Uncontained loads that are determined to be “Dusty Loads” by Solid Waste Management
7 are subject to rejection or assessment of additional processing fees.

8 G. Recyclable Material Collection Fees. If requested, Solid Waste Management may, at its
9 option, agree to collect recyclable materials from commercial customers at the curb or
10 premises. The fees for this service are typically lower than garbage collection service, but
11 are subject to fluctuations in the value or cost of the recyclable material.

12 The Director is delegated the authority to assign and charge a rate for the collection of
13 recyclable material from commercial customers. The Director shall assign such a rate in
14 accordance with the following criteria and process:

15 1. The rate shall reflect the cost of service, to the extent reasonably possible, given the
16 constantly fluctuating value and/or costs of recyclable material.

17 2. The rate shall include cost items related to the service including, but not limited to, labor
18 and benefits, equipment, maintenance and operations of equipment and containers,
19 processing fees, direct and indirect overhead charges, and other related costs. In addition,
20 revenues received from the sales or marketing of the collected recyclable material and the
21 collection service levels shall be included with the assigned rate.

22 3. The Director may adjust the assigned rate up to four times per year.

23 4. Solid Waste Management shall notify the affected parties a minimum of 45 days prior to
24 implementing rate changes.

25 Application of the assigned rate shall be through the normal billing and invoicing process. In
26 the event a customer cancels service covered under this policy and wishes to initiate similar
service within one year’s time, a \$50.00 service charge ~~will~~may be applied to the restart of
the service.

Due to potential cost savings of collecting all recyclables from an individual customer, the
Director is further delegated the authority to negotiate a bundled rate with individual
commercial customers for collection of all recyclable materials from that customer for an
agreed period of time.



H. Recyclable Materials Bulk Container.

1. Drop-off Box Recycling Service.

Container Placement	\$50.00
Haul Charge	\$50.00 per haul
Mileage Charge	\$2.50 per mile one way
Daily Rental Charge	\$1.10 per day (excluding Washington State sales tax)

Disposal costs shall be the responsibility of the customer. The customer shall arrange for an account at the recycling facility for billing disposal costs directly to the customer. In the event that the customer fails to make proper arrangements for an account at the recycling facility, Solid Waste Management may add the cost of recycling or disposal of the material to the customer's hauling charges.

If the drop-off box is not hauled by the customer within 60 days, Solid Waste Management may remove and haul the drop-off box and charge the customer applicable transportation and disposal costs.

I. Containers shall not be longer than 22 feet, or larger than a 25 yard self-contained compactor, or a 30 cubic yard disconnect-type compactor without the prior written approval of Solid Waste Management.

J. It shall be the responsibility of any customer in possession of any City-owned bulk container to pay the cost of repair to, or replacement of any such container damaged while in his or her possession. The charge shall be the actual cost of repair or replacement as determined by the City and shall be added to the customer's utility bill.

K. The service charge for other container sizes that may become available will be at a rate sufficient to recover the cost of providing the service.

L. In addition to the charges for commercial and residential rates set forth above, when unscheduled services are requested or required, Solid Waste Management shall charge for such services as set forth in this chapter.

M. The siting of a compactor's location shall be coordinated with and specifically approved by Solid Waste Management before installation. If a compactor is placed prior to Solid Waste Management's specific approval and Solid Waste Management deems the placement unacceptable, Solid Waste Management may elect to refuse service. The customer shall relocate and bear all costs incurred for the relocation of the compactor. Such customers shall, among other things, be required to hold the City harmless from any and all liability resulting from the improper placement and/or relocation of the compactor. Siting of the compactor and construction of any compactor enclosure shall be in conformance with all applicable City and state regulations.

N. It is the responsibility of the owner of a customer-owned container to keep the container maintained and serviceable, including all doors, lids, fork pockets, wheels, bail hooks, bottom rails, or any part of the container needed for dumping or hauling of the container.



1 Solid Waste Management shall not be held liable for damage to privately owned containers.
2 Solid Waste Management is not obligated to service improperly maintained containers.
3 Customer-owned containers must also be kept graffiti free.

4 O. An enclosure provided for a solid waste container shall be used only for the solid waste
5 container. If items other than a solid waste container are placed in an enclosure, Solid Waste
6 Management shall be held harmless for any and all loss or damage to such items, whether
7 occasioned by Solid Waste Management's negligence or otherwise. It shall be the
8 responsibility of the customer to keep the enclosure in an acceptable sanitary condition
9 including the area in the vicinity of the enclosure.

10 P. If an enclosure is gated, the gates shall have the ability to be pinned in the open position.
11 If gated, the gates shall have at least a 180-degree swing. When gates are in the open
12 position, they shall not block or infringe on any traffic aisles.

13 1. Drop-off box enclosures shall have a minimum opening width of 12'0" and the depth
14 must extend a minimum of 3'0" beyond the end of the container.

15 2. Front load box enclosures shall have a minimum opening width of 12'0" and a minimum
16 depth of 10'0". If two front load box containers are placed, the enclosure shall allow for a
17 minimum of a three-foot clearance between enclosure and front load box, as well as a two-
18 foot clearance between each front load box.

19 3. Automated 300-gallon container enclosures shall have a minimum opening width of 10'0"
20 and a minimum depth of 7'0". In addition, for two or more containers, a three-foot clearance
21 between enclosure and barrels is required, as well as a two-foot clearance between each
22 barrel.

23 4. All enclosures shall be designed so the solid waste collection vehicle that services the
24 enclosed container can maneuver and safely service the container. A service charge of
25 \$10.00 for 300-gallon containers and \$25.00 for front-load containers and drop-off box
26 containers may be charged when Solid Waste Management is unable to service a
commercial customer's container on the scheduled pickup and Solid Waste Management has
to make a return trip to service the container. This charge may be applied if the container
access is blocked, the gates to the enclosure are not in the open position, or Solid Waste
Management is, for any reason, unable to service the container.

Q. Construction of an enclosure for disposal containers shall not commence prior to plan
approval by Solid Waste Management. Failure to obtain plan approval prior to construction
may require alterations, relocation, or complete reconstruction of the enclosure at the
owner's expense. Solid Waste Management may refuse to provide service to a customer
who has enclosed a disposal container improperly.

R. City-owned recycling containers that are repeatedly contaminated with garbage may be
removed at the discretion of Solid Waste Management. A \$10.00 service charge will be
assessed for redelivery of each container.

S. All compactors which may contain liquids are to be equipped with a drain and a
connection to the sanitary sewer. The connection to the sanitary sewer must meet the



requirements of both Solid Waste Management and the City's Wastewater Management Division.

1 T. The Director is delegated the authority to assign a rate for the disposal of a particular
2 opportunity fuel as long as the rate does not exceed \$90.00 per ton for disposal of
3 "opportunity fuels," as that term is defined in TMC 12.09.030. If Solid Waste Management
4 requires a purchase of a particular opportunity fuel, Solid Waste Management shall purchase
5 said fuel pursuant to those procedures set forth in the Administrative Policies and
6 Procedures Manual.

7 U. City of Tacoma Solid Waste Commercial customers may request "Call-2-Haul" service
8 appointments. No more than three large items, consisting of appliances, furniture, or items
9 of a similar size and weight, and 15 bags or boxes of unusable household items will be
10 picked up by Solid Waste Management at each Call-2-Haul service appointment. A charge
11 of \$75.00 will be charged for each commercial Call-2-Haul. A charge of \$10.00 will be
12 assessed for late cancellations or if items are not set out by 7:00 a.m. on the scheduled date.

13 **12.09.130 Use of Recovery and Transfer Center Facility (disposal site) – General.**

14 Use of disposal site and applicable rates are defined below. Disposal rates are based on the
15 categories described in sSection A below. City utility billing information may be verified by
16 the scale house customer information system-~~computer~~. No person shall use the City's
17 public disposal site except under the following terms and conditions.

18 A. Disposal Categories. All customers using the disposal site will be charged the specified
19 rate in one of the following categories. The rate will be determined at the scale house. Each
20 customer shall provide proper documentation to qualify for the City residential rate.

21 1. City Residential Rate. The following individuals shall be eligible for the City residential
22 rate as specified below.

23 a. The owner-occupant or tenant of a single family home, duplex, townhouse, or
24 condominium located within the City of Tacoma may dispose of solid waste and yard waste
25 from said property at City residential rates with proof of residency as outlined in Section B
26 below.

b. The owner of residential property located within the City of Tacoma may dispose of solid
waste and yard waste from said property at City residential rates in Section B, but only if
they provide proof that they personally pay all City electrical, water, solid waste,
wastewater, and surface water utility services at such property.

c. A tenant in a multi-family dwelling (triplex or larger) located within the City of Tacoma
may dispose of solid waste generated from within their living unit at City residential rates
with proof of City residency as outlined in section B below. Construction and demolition
waste, yard waste, and large appliances will be charged at the City commercial rate.

2. City Commercial Rate. Any City-located business, industry, and mobile home park;
organization, either public or private, profit or non-profit; multi-family dwellings (triplex or
larger); or person hauling for a second party will be charged the City commercial rate for all
solid waste and yard waste.



1 3. Outside City Rates. Any person who cannot provide proof of City residency as set forth
2 below, or the proof required under subsection 1.b., above, shall be charged the outside City
3 rates for all solid waste and yard waste.

4 B. Proof of City Residency. To be eligible for the City residential rate, the customer must
5 reside in a single-family, duplex, or multi-family housing unit within the City as described
6 in subsections 1.a, or 1.c of Section A above, and provide one of the following forms of
7 proper documentation as proof of City residency:

8 1. Current Washington State driver's license or Washington State identification card
9 showing a City address which receives City residential solid waste service in the bearer's
10 name; or

11 2. Any form of picture identification along with a current City utility bill showing an address
12 that receives residential solid waste service in the bearer's name; or

13 3. Any form of picture identification along with a piece of current mail (such as a credit card
14 or bank statement) not over 30 days old, in the bearer's name and addressed to a residence
15 which receives City residential solid waste service. To provide equitable service to City
16 residential rate customers, Solid Waste Management may exercise discretion in making
17 exceptions to the Proof of City Residency requirements, provided it is reasonable to believe
18 the customer is a City resident.

19 C. Fraudulent Use of the Public Disposal Area. No person may dispose of waste at the
20 City's public disposal area under fraudulent circumstances.

21 D. Scavenging. All materials delivered to and disposed of at the City's public disposal area
22 are the property of the City. No person shall scavenge, separate, collect, or remove such
23 material unless permitted in writing to do so by Solid Waste Management.

24 E. Unlawful Entry. It is unlawful for any person to enter or use the City's public disposal
25 area, except during the hours designated for public use.

26 F. Size of Material. Material brought to the City's public disposal area must conform to
certain size restrictions based on equipment limitations. Any material exceeding these
dimensions may be subject to a special handling fee and/or approval by the Landfill
Supervisor. Specific size restrictions for lumber, construction and demolition debris, tree
branches, and railroad ties and large beams shall be as follows:

1. Lumber: No longer than 8 feet in length. Wood with a cross-section 6 inches by 6 inches
or larger must be cut to 4-foot lengths. Construction and demolition debris such as sections
of walls can be no larger than 4 feet by 8 feet.

2. Tree Branches: No longer than 4 feet in length and 8 inches in diameter.

3. Railroad Ties/Large Beams (6 inches by 6 inches): No longer than 4 feet.

The Division Manager for Solid Waste, or his or her designee, may adjust any material size
requirements based on operational needs and equipment limitations.

G. Safety. Persons shall not act in an unsafe or disruptive manner while at the Landfill.
Children under 12 years of age shall remain in their vehicle at all times. Drivers shall obey



the posted speed limit and signage. Any person who violates the provisions of this subsection may be refused service.

12.09.140 Disposal rates.

All rates are based on 100-pound increments. (~~Any F~~fractions of 100 pounds ~~are will be~~ billed ~~as 100 pounds~~to the next 100-pound increment.)

1. Solid waste generated within a private resident’s home or yard, not including material from:

Pounds per load	Within City of Tacoma		Outside City of Tacoma	
	201 5 <u>3</u>	201 6 <u>4</u>	201 5 <u>3</u>	201 6 <u>4</u>
0 - 400	\$1 5 <u>0</u> .00	\$ 1 <u>2</u> 0.00	\$7.50 per 100 pounds - minimum charge \$1 5 <u>0</u> .00	\$7.50 per 100 pounds - minimum charge \$ 1 <u>2</u> 0.00
Disposals of more than 400 pounds	\$6.50 per each 100 pounds exceeding the initial 400-pound load	\$6.50 per each 100 pounds exceeding the initial 400-pound load	\$7.50 per each 100 pounds exceeding the initial 400-pound load	\$7.50 per each 100 pounds exceeding the initial 400-pound load

To qualify for these disposal rates, City residents must present proper documentation in a form that satisfies the requirements of TMC 12.09.130.

2. There shall be no charge for City residential yard waste that is properly prepared and sorted and hauled to the City’s public disposal area by the homeowner. This shall apply only to loads consisting of 100 percent yard waste (vegetation). To qualify for this service at no charge, the customer must present at the time of disposal documentation that satisfies the requirements of TMC 12.09.130.B.

3. All material, except Item 1 above:

Pounds per load	
201 5 <u>3</u>	201 6 <u>4</u>
\$6.50 per 100 pounds; minimum charge of \$1 5 <u>0</u> .00	\$6.50 per 100 pounds; minimum charge of \$ 1 <u>2</u> 0.00

4. Material from nonprofit corporations qualifying under Section 12.09.140.B:

Pounds per load	
201 5 <u>3</u>	201 6 <u>4</u>
\$3.25 per 100 pounds; minimum charge of \$1 5 <u>0</u> .00	\$3.25 per 100 pounds; minimum charge of \$ 1 <u>2</u> 0.00

5. Special handling:



1 a. A minimum special handling charge fee of \$100.00 will be charged per load, plus tonnage charges, unless otherwise specified.

2 b. Other special handling charges fees shall be applied as follows:

3 Material from:

	Within City of Tacoma	Outside City of Tacoma
4 Asbestos	\$ 10.00 minimum plus \$150.00 per ton	Not accepted
5 (Refer to Section 12.09.200, Disposal of asbestos-containing material)		
6 Appliances with compressors	\$20 each plus tonnage	\$40 each plus tonnage
7 Tires –		
8 Passenger Cars and light trucks	\$3.25 each plus tonnage	\$6.75 each plus tonnage
9 On rims	\$6.75 each plus tonnage	\$13.00 each plus tonnage
10 Larger than 10:00 x 20	\$16.50 each plus tonnage	\$33.00 each plus tonnage
11 No large tires accepted on rims		
12 Car seats	\$3.25 each plus tonnage	\$6.75 each plus tonnage
13 Large furniture	\$11.00 for the first 4 pieces, plus \$11.00 for each additional, plus tonnage	\$40.00 per load for the first 4 pieces plus \$11.00 for each additional, plus tonnage
14 Special handling <u>charges fees</u> shall not be limited to the items specified above.		

15 c. All of the above rates are based on one-half hour unloading time. When unloading time exceeds one-half hour, an additional charge fee of \$12.25 for each additional one-half hour or part thereof will be assessed. Time shall be determined by the automated scale system.

17 d. Any vehicle still being unloaded past closing time may be assessed an additional charge fee.

18 e. Every person with waste material that requires special handling shall pay such additional charges fees as will fairly compensate Solid Waste Management for any added expense of properly disposing of such materials, unless otherwise specified. Loads that are determined to be “Dusty Loads” by Solid Waste Management are subject to rejection or assessment of additional processing fees special handling fees. Appliances that have Freon compressors removed will still be charged the special handling fee.

22 6. Service Charge. A customer who is unable to pay for disposal at the time of disposal at the Tacoma Landfill shall be charged for that disposal along with an additional service charge of \$10.00.

24 A. Disposal Area Open Accounts. Solid Waste Management may establish open accounts for the benefit of regular customers licensed to do business in the State of Washington and utilizing the City’s public disposal area for disposal of solid waste. Eligibility for open accounts will be determined based on frequency of use, amount of material requiring



1 disposal, and evidence of a satisfactory credit history. Such open accounts will be subject to
2 a set-up fee of \$25.00 for each disposal account card issued, said fee to be collected at the
3 time the account is established. Solid Waste Management reserves the right to approve or
4 disapprove the establishment and maintenance of open accounts. Solid Waste Management
5 may restrict use of the public disposal area to any customer with a delinquent City public
6 disposal area account until the delinquent balance is paid in full.

7 Disposal account cards issued to customers shall remain the property of Solid Waste
8 Management. Lost or stolen cards shall be immediately reported in writing to Solid Waste
9 Management. Customers are liable for all charges on lost or stolen cards until written
10 notification is received by Solid Waste Management. There will be a fee of \$25.00 charged
11 to replace each card lost, stolen, or damaged. Cards which fail as a result of normal wear
12 will be replaced at no expense to the customer.

13 B. A qualifying nonprofit materials salvage/recycling corporation, upon application and
14 approval, may be granted a reduced disposal rate for material hauled in accordance with
15 TMC 12.09.070, and under the following conditions:

- 16 1. All waste must have been generated from within the City.
- 17 2. Only those wastes generated from the operation of the corporation within the City will be
18 eligible for the reduced disposal fee. All other wastes shall be subject to the applicable rate
19 set forth herein.
- 20 3. The waste cannot contain any putrescible materials.
- 21 4. The waste must not contain any hazardous materials and must be in accordance with
22 guidelines as to what is normally acceptable by Solid Waste Management.
- 23 5. The waste cannot contain any recyclable materials.

24 C. If the City Council finds that a neighborhood has a blighted condition caused by
25 excessive refuse and/or solid waste and that such a condition is detrimental to the public
26 health and welfare, the City Council may adjust the solid waste rates to fund appropriate
programs to remediate such conditions. An example of an appropriate program is a
qualifying City neighborhood group conducting a cleanup campaign approved by Solid
Waste Management.

A qualifying neighborhood group may be granted disposal privileges at the Tacoma Landfill
at no charge, or disposal privileges in a solid waste container supplied by Solid Waste
Management at no charge, for material complying with the following conditions:

1. All waste must have been generated from within the City and collected pursuant to the
cleanup campaign of the neighborhood group.
2. The waste cannot contain any putrescible materials.
3. The waste must not contain any hazardous materials and must be in accordance with the
guidelines as to what is normally acceptable by Solid Waste Management.
4. The waste cannot contain any recyclable materials.
5. The aforementioned disposal privilege may be revoked at any time.



* * *

1 **12.09.160 Billing periods, payments and collections.**

2 A. All bills for Solid Waste Management services, as set forth herein, shall be rendered
3 monthly or bimonthly as determined by the City Manager. The utility bill shall become due
4 and payable at the office of the City Treasurer, or such other places as approved by the City
Treasurer, within 15 days from the date an invoice is issued per TMC 12.01.030 and shall
become delinquent thereafter.

5 The charge for service furnished for any portion of a billing period shall be prorated on the
6 flat rate set forth herein.

7 B. Any invoice that becomes delinquent shall be subject to a late payment fee as set forth in
8 TMC 12.01.030. Upon delinquency, all charges and penalties immediately become a lien
9 against the premises served. Such lien may be foreclosed upon in accordance with and
10 pursuant to, the provisions of RCW 35.21.130, 35.21.140, and 35.21.150. In addition to such
11 foreclosure, a customer whose combined utility account is delinquent ~~shall may~~ also be
12 subject to having City water service shut off at the premises to which the solid waste
13 services were furnished. ~~Water service shall continue to be shut off until satisfactory
arrangements are made to satisfy the delinquent account.~~ In the event that the City files or
releases a lien with the County Auditor, a processing fee will be added to the delinquent
amounts owed equivalent to the current fees charged by the County Auditor for filing or
releasing a lien. The processing fee will be allocated to Solid Waste Management Funds and
for City tax purposes recorded as revenue.

14 C. It shall be the customer's and the property owner's responsibility to increase, reduce, or
15 terminate Solid Waste Management service when necessary. Solid Waste Management
16 assumes no responsibility for charges accrued due to the failure of a customer to notify Solid
17 Waste Management of a change of service or occupancy.

18 D. A service fee of \$20.00 shall be made to the disposal charges for any returned check,
19 (i.e., nonsufficient funds, stopped payment, or closed accounts).

20 * * *

21 **12.09.190 Prohibited material.**

22 A. Solid Waste Management may inspect business premises for the purpose of evaluating
23 waste generated and disposal practices. These inspections will be during normal working
24 hours and will be carried out in such a manner as to minimize disruption of the businesses'
25 activities. Environmental Services Department employees will inspect business waste
26 generated and disposal practices for the purpose of determining compliance with this
section. Failure of a business to comply with a request for inspection will be deemed a
violation and may, at the discretion of the Director, result in revocation of solid waste
disposal privileges at the City's public disposal area.

B. No toxic, extremely hazardous, dangerous/ hazardous, or liquid waste as defined now or
hereafter amended in WAC 173-303 shall be deposited in any solid waste container, or other
container intended for transportation to the City Landfill, or other disposal site operated by
the City, or operated by a person under contract with the City to provide such service. Toxic,



1 extremely hazardous, dangerous/hazardous, or liquid waste, as defined now or hereafter
2 amended in WAC 173-303, shall not be deposited at the City Landfill unless such waste is
3 accepted for disposal by the City's Household Hazardous Waste Facility. Additionally, no
4 toxic, extremely hazardous, dangerous/hazardous, or liquid waste, as defined now or
5 hereafter amended in WAC 173-303, shall be deposited at any other disposal site operated
6 by the City, or operated by a person under contract with the City to provide such service.
7 Generators, small quantity generators, contractors, or other persons shall not commingle
8 and/or deposit toxic, extremely hazardous, dangerous/hazardous, or non-petroleum liquid
9 waste, as defined now or hereafter amended in WAC 173-303, with used oil and dispose of
10 such waste into a City-owned used oil collection tank. Unlawful disposal of toxic, extremely
11 hazardous, dangerous/hazardous, or liquid waste, as defined now or hereafter amended in
12 WAC 173-303, is prohibited at the City's Household Hazardous Waste Facility.

13 C. No extremely hazardous, dangerous/hazardous, or liquid waste as defined now or
14 hereafter amended in WAC 173-303 and normally found in the home (household hazardous
15 waste) shall be deposited in any solid waste container intended for transport to a public
16 disposal area.

17 1. Empty pesticide containers will be accepted, provided they are prepared for disposal in
18 accordance with the Washington State Department of Agriculture's guidelines. Empty oil-
19 base and latex paint containers will be accepted, provided the residue is thoroughly dried.

20 D. No container used to store a liquid, dangerous/hazardous waste, or toxic material will be
21 accepted for disposal unless emptied and prepared in accordance with Solid Waste
22 Management's guidelines. Only open-top drums or containers will be accepted for disposal.
23 Fuel tanks must be cleaned and perforated before they will be accepted. No compressed gas
24 or air tanks will be accepted for disposal, with the exception of propane tanks which are
25 five gallons or less in capacity. Persons disposing of propane tanks which are five gallons or
26 less in capacity shall notify the City's public disposal area personnel prior to disposing of
such tanks.

E. Unusual Quantities. Solid Waste Management reserves the right to reject large quantities
of material at the public disposal area not normally generated as a waste of a household or
business. Such material includes, but is not limited to, demolition waste, dirt, rocks,
concrete, etc.

F. No infectious waste shall be placed in any container or any public disposal area, unless
said wastes are handled and treated in accordance with Chapter 5.04 of the Tacoma
Municipal Code and an applicable special permit has been obtained from the Director.

G. No rocks, dirt, or tires are to be placed in containers for disposal.

H. Yard waste shall be separated from solid waste and placed in a separate container for
disposal at the City's public disposal area.

I. No hot ashes and/or material capable of causing ignition or spontaneous combustion shall
be placed in any solid waste container, vehicle, or the City's public disposal area.

J. No bulk wastes shall be placed in automated collection containers other than drop-off
boxes and front-load containers.



1 K. No used motor oil or other automotive fluids shall be placed, drained, spilled, and/or
released in any solid waste container. Used motor oil will be accepted at the City's public
disposal area only for the purposes of recycling.

2 L. Solid Waste Management reserves the right to prohibit or to place disposal restrictions
3 upon any waste that may adversely affect landfill, resource recovery, or transfer facility
4 operations. This shall also extend to any item that may pose a risk to the health or safety of
landfill employees or customers.

5 1. Disposal restrictions that may be implemented shall include, but are not limited to, item
6 size restrictions, quantity restrictions, recyclability, special preparation requirements, and
solid waste source documentation requirements.

7 M. In the event that prohibited material is deposited in a Solid Waste Management container
8 or other container at the disposal site, the person or persons responsible for such disposal
9 activity shall, at their own cost, be responsible for properly cleaning up, decontaminating,
10 remediating, and properly disposing of such prohibited waste. For the purpose of this
11 paragraph, the phrase "properly cleaning up, decontaminating, remediating, and properly
12 disposing of such prohibited waste" means conducting such work in accordance with all
13 applicable local, state, and federal laws and regulations governing such work. If the party
responsible for disposing of prohibited waste refuses to comply with this section, and the
Solid Waste Management Division cleans up, decontaminates, or remediates, and properly
disposes of such prohibited waste, then the Solid Waste Management Division shall charge
the responsible party for the direct and indirect costs of such action.

14 **12.09.200 Disposal of asbestos-containing material.**

The City shall accept asbestos-containing material under the following conditions:

15 A. The asbestos-containing material must be generated from within the limits of the City.
16 Documentation of the source of the asbestos-containing material shall be required.

17 B. The asbestos-containing material shall be bagged-prepared in a manner approved by Solid
Waste Management~~high-visibility yellow bags~~;

18 C. Disposal of asbestos-containing material shall be restricted to days and times of the week
19 determined by Solid Waste Management policy. Weather and landfill conditions may also
dictate whether disposal will be permitted.

20 D. The Landfill Supervisor or his/her designated representative shall be notified a minimum
21 of 24 hours in advance of bringing the material to the site, and the notification shall include
the estimated quantity to be landfilled.

22 E. All local, state, and federal regulatory agency requirements relative to asbestos-
23 containing material handling and disposal shall be met.

24 F. Solid Waste Management reserves the right to prohibit the disposal of asbestos-containing
material at any time.

25 **12.09.210 Recycling – General.**

26 A. The City reserves the right to, and may at its discretion, require the separation of
recyclable material, including~~or~~ food and yard waste or other component parts of solid



waste, or may require the deposit thereof in separate cans or receptacles, and may prescribe the method of collection and reuse.

1 B. It is the intent of the City to promote and encourage the recycling of materials and to
2 achieve and maintain a 50 percent recycling goal.

3 C. Recyclable material is considered to be solid waste for the purposes of this chapter. It
4 shall be unlawful for any person other than Solid Waste Management to engage in the
5 business or activity of removing, collecting, salvaging, or destroying any recyclable
6 material, as defined elsewhere in this chapter, that has been set out for collection by Solid
7 Waste Management or has been deposited into a permitted recycling drop-off container or
8 center, either private or public, except by special permit issued under TMC 12.09.070.

9 1. No person may divert to personal or commercial use any recyclable material placed in a
10 container as part of a recycling program without the consent of the generator of such
11 recyclable material or Solid Waste Management.

12 D. Recyclable material becomes the property of the City at the moment the material is set
13 out at the curb for collection by Solid Waste Management or at the moment it is deposited
14 into Solid Waste Management-owned recycling containers.

15 E. Recyclable materials shall mean the materials described in TMC 12.09.030.

16 F. It shall be unlawful for any person to place any material in or around a recycling
17 container other than the recycling material intended for that container.

18 G. The Director is authorized and directed to establish and promulgate reasonable
19 regulations, including, but not limited to, regulations governing the permitting of recycling
20 activities and the establishment of standards and conditions for recycling containers and
21 centers. The manner, day, location, and time for the collection of recyclable material, and
22 including yard and garden-food waste, shall be designated by Solid Waste Management.

23 H. Nothing in this chapter shall abridge the right of any commercial or industrial generation
24 of recyclable materials to give or sell their recyclable material and/or yard and garden-food
25 waste to a lawfully operated recycler, or the right of any person to give or sell their yard and
26 garden-food waste to any lawfully operated composting program.

I. It is unlawful to collect, haul, or convey recyclables, including-or yard and garden-food
waste, from any premises in the City, other than from one's own premises or place of
business, without a special permit, issued under TMC 12.09.070.

J. It shall be the responsibility of the customer to separate and keep separated from other
solid waste any yard and garden-food waste placed at the curb for pickup by Solid Waste
Management. Solid Waste management shall not be held responsible for failure to collect
the yard and garden-food waste if there is a violation of any part of this chapter or if
circumstances are beyond the control of Solid Waste Management. It is also the
responsibility of the customer to keep any yard and garden-food waste separated for disposal
into the designated areas at Solid Waste Management's public disposal area.

K. All new multi-family residences and new commercial developments shall provide
adequate and conveniently located space to store and dispose of recyclable materials and



solid waste. These spaces must be in compliance with the Building Code as adopted by the City and any applicable zoning codes.

* * *

12.09.230 Violations – Penalties.

Any person, firm, or corporation willfully violating any of the ~~following~~ provisions of this chapter set forth in Subsections A and B below shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not exceeding \$1,000.00, or by imprisonment ~~in the Pierce County Jail~~ for a period not exceeding 90 days, or by both such fine and imprisonment. Each day's violation of the provisions of this chapter may be deemed a separate offense.

A. TMC 12.09.040.J, TMC 12.09.050.A, TMC 12.09.070.A, TMC 12.09.130.C, TMC 12.09.130.E, TMC 12.09.190.B, TMC 12.09.190.C, TMC 12.09.190.K, TMC 12.09.200.A, TMC 12.09.200B, TMC 12.09.210.C, TMC 12.09.210.F, and TMC 12.09.210.I; and

B. Any other violation specified in this chapter as a misdemeanor.

12.09.240 Notice of violation – Civil penalties.

The Director may impose civil penalties to any person that violates the provisions of this chapter. Civil penalties shall be in an amount up to \$1,000.00 for each violation. Each and every violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation. Failure to take corrective action as specified in a corrective action order issued by the Director under TMC 12.09 may subject the recipient to a civil penalty in an amount not to exceed \$1,000 for each day of continued noncompliance.

A. Notice of Violation. Upon the Director's determination that a civil violation has occurred, or is occurring, he or she is authorized to issue and serve upon the person a Notice of Violation(s), which notice shall describe the time, date, place, and circumstances of each violation noted. The Notice of Violation may also include a civil penalty for each violation, and an order requiring corrective action to be taken. The Notice of Violation shall be served upon the person to whom it is directed by mailing a copy to such person at the person's last known address, postage prepaid, by certified mail with return receipt requested, or by first-class mail. Proof of service shall be established by the date and signature of the addressee on the certified mail "return receipt" form, or upon the third day following the date upon which the Notice of Violation was placed in the mail, unless the third day falls on a Saturday, Sunday, or legal holiday, in which event service shall be deemed complete on the end of the next day which is neither Saturday, Sunday, or a legal holiday. If the person to whom the Notice of Violation is directed cannot, after due diligence, be personally served within Pierce County, and if an address for mailed service cannot, after due diligence, be ascertained, then notice shall be served by posting a copy of the notice of civil violation conspicuously on the property or structure where the violation occurred, or is occurring. In this circumstance, proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if service is made by posting, then the facts showing that due diligence was used in attempting to serve the person personally or by mail.



1 B. Payment. Person(s) shall pay the civil penalty and take the corrective action described in
2 the Notice of Violation, or shall make arrangements to pay and take corrective actions,
3 which arrangements and plan of corrective actions shall be approved by the Director.
4 Payment shall be made, or a plan for payment and corrective action satisfactory to the
5 Director shall be made and completed not later than 30 days after service upon the person of
6 the Notice of Violation.

7 C. Appeal. A person may, in the alternative, within 30 days of or receiving a Notice of
8 Violation, file a Notice of Appeal with the City of Tacoma Hearing Examiner and request a
9 hearing. The Notice of Appeal shall stay all further action on the Notice of Violation and
10 accumulation of interest upon civil penalties therein pending final decision by the Hearing
11 Examiner on the appeal; provided, however, that nothing herein shall be taken to limit the
12 authority of the Director to take such action or to make such directives as are reasonable in
13 the circumstances to stop or prevent an ongoing or threatened violation. The date of receipt
14 of a Notice of Violation shall be established according to the proof of service requirements
15 set forth above in TMC 12.09.240.A.

16 D. Revocation of Service. In the event a person shall fail to make arrangements for
17 corrective actions or to pay civil penalties, as required herein, and shall not have appealed as
18 herein provided within the time allowed, then the Director shall order such person's service
19 immediately suspended and take such action as is necessary to ensure that the person
20 complies with the provisions of this section, including but not limited to denying access of
21 the person to the Solid Waste facilities. All such measures shall remain in effect until the
22 violator has complied with the provisions of this section.

23 E. Hearing Examiner's Authority. Upon an appeal brought to the Hearing Examiner by a
24 Notice of Appeal of a person charged with a violation, the Hearing Examiner shall set the
25 matter for hearing and shall determine whether the violation has occurred. The Hearing
26 Examiner shall conduct a hearing in the Notice of Violation pursuant to the requirements of
TMC 1.23, and the City of Tacoma Office of Hearing Examiner Rules of Procedure. The
person to whom the notice of civil violation was directed shall have the right to file a written
answer to the charge. The person to whom the notice of civil violation was directed shall
have the right to appear at the hearing represented by legal counsel, and may participate as a
party. The Director may appear in proceedings under this chapter, and may, but need not, be
represented by the City Attorney. Each party may call and cross-examine witnesses and be
fully heard. The burden of proof in such appeal shall be governed by TMC 1.23.070.

27 F. The determination of the Director as to the need for the required corrective action shall be
28 accorded substantial weight by the Hearing Examiner in determining the reasonableness of
29 the required corrective action. The Hearing Examiner may call witnesses on the Hearing
30 Examiner's own motion, and compel the production of books, records, papers, and such
31 other evidence needed by the parties. To that end, the Hearing Examiner may issue
32 subpoenas and subpoenas duces tecum at the request of any party. All testimony shall be
33 given under oath administered by the Hearing Examiner.

34 1. Decision of the Hearing Examiner. Pursuant to Chapter 1.23 TMC, the Hearing Examiner
35 shall make and fully record in the Hearing Examiner's permanent records, findings of fact,
36 conclusions of law, and an order of disposition. The Hearing Examiner shall determine



1 whether the City has established that a violation has occurred and whether the required
2 corrective action is reasonable. The Hearing Examiner's order shall affirm, vacate, or modify
3 the City's decisions regarding the alleged violation and/or the required corrective action,
4 with or without written conditions. The Hearing Examiner shall issue an order to the person
5 responsible for the notice of civil violation which contains the following information:

- 6 a. The decision regarding the alleged violation including findings of fact and conclusions
7 based thereon in support of the decision;
- 8 b. The required corrective action;
- 9 c. The date and time by which the corrective action must be completed; and
- 10 d. The civil penalties assessed.

11 2. Assessment of Civil Penalties. Civil penalties assessed by the Director shall be in
12 accordance with the provisions of this section. Civil penalties shall be reasonably calculated
13 to achieve compliance with and deter violations of Chapter 12.09 of the Tacoma Municipal
14 Code.

15 In reviewing the civil penalty assessment of the Director, the Hearing Examiner shall
16 consider the following factors:

- 17 a. Whether the person against whom the notice of civil violation was issued responded to
18 staff attempts to contact that person, and whether the person against whom the notice of civil
19 violation was issued cooperated with efforts to correct the violation;
- 20 b. Whether the person against whom the notice of civil violation was issued failed to appear
21 at the hearing;
- 22 c. Whether the violation was a repeat violation;
- 23 d. Whether the person against whom the notice of civil violation was issued showed due
24 diligence and/or substantial progress in correcting the violation;
- 25 e. Whether a genuine code interpretation issue exists; and
- 26 f. Any other relevant factors.

3. Notice of Decision. The Hearing Examiner shall mail a copy of the decision to the
appellant and to the Director.

4. ~~Failure to Appear. Failure on the part of the person to whom the notice of civil violation
was issued constitutes an admission to the violations alleged. If the person to whom the
notice of civil violation was issued fails to appear at the scheduled hearing, the Hearing
Examiner will enter an order finding that the violation occurred and assessing the
appropriate civil penalty. The City will carry out the Hearing Examiner's order and recover
all related expenses.~~

~~a-~~ Failure of a person to comply with the Hearing Examiner's decision, or make
arrangements for compliance satisfactory to the Director, within 15 days of the date of the
Hearing Examiner's decision shall result in termination of violator's permit, and the Director



shall thereupon order ~~physical~~ termination of service forthwith, which service shall not be resumed until the Hearing Examiner's order has been complied with.

1
2 5. Appeal to Municipal Court. If the Hearing Examiner orders any person to pay a civil
3 penalty, that person may appeal, in the form of a trial de novo, to the Tacoma Municipal
4 Court.

5 a. The Tacoma Municipal Court shall hear the case according to the Civil Rules for Courts
6 of Limited Jurisdiction and applicable local rules of the Court.

7 b. Appeal shall be taken by filing in the Tacoma Municipal Court a Notice of Appeal within
8 14 days of the Hearing Examiner's order. The person filing the appeal shall also, within the
9 same 14 days, serve a copy of the notice of appeal on the Hearing Examiner, the Director,
10 the City Attorney, and shall file an acknowledgment or affidavit of service in the Tacoma
11 Municipal Court.

12 6. Nonexclusive Remedy. The provision for civil penalties is not exclusive, and civil
13 penalties may be used together with other remedies that may exist in law or equity, except
14 that no act or omission that is defined as a crime by Washington or federal law shall incur a
15 civil penalty.

16 **12.09.250 Appeals of special permits.**

17 Any person wishing to appeal issuance, denial, or revocation of a special permit shall file a
18 written appeal with the Hearing Examiner and request a hearing within 30 days of receipt of
19 the written denial or revocation of the special permit. The date of receipt shall be established
20 in accordance with the proof of service requirements set forth in TMC 12.09.240.A. The
21 Hearing Examiner shall conduct a hearing in such appeal pursuant to the requirements of
22 TMC 1.23 and the City of Tacoma Office of Hearing Examiner Rules of Procedure for
23 Hearing. The burden of proof in such hearings shall be governed by TMC 1.23.070.C.
24
25
26