

ORDINANCE NO. 3830

AN ORDINANCE OF THE CITY OF MOUNT VERNON AMENDING CHAPTER 8.12 OF THE MOUNT VERNON MUNICIPAL CODE, REGULATING SOLID WASTE COLLECTION WITHIN THE CITY OF MOUNT VERNON.

WHEREAS, the City of Mount Vernon entered into an agreement with Waste Management, for residential collection, processing, and marketing of curbside recyclables. Terms (including rates) within the agreement for services have changed and practices have changed over time requiring the City to amend and update its solid waste regulations.

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. That Chapter 8.12 of the Mount Vernon Municipal Code is hereby amended in its entirety to read as follows:

Chapter 8.12 SOLID WASTE COLLECTION

Sections:

- 8.12.010 Intention of provisions.
- 8.12.020 Definitions.
- 8.12.030 Carts and dumpsters – Required when.
- 8.12.040 Carts and dumpsters – Provision.
- 8.12.050 Carts and dumpsters – Maintenance.
- 8.12.055 Carts – Weight limitation.
- 8.12.060 Bulk collection containers permitted when.
- 8.12.061 Construction standards for dumpster enclosures, pads, and fencing.
- 8.12.070 Dead animals – Disposal required.
- 8.12.085 Certain materials prohibited.
- 8.12.090 Burning, dumping or collection prohibited when.
- 8.12.100 Department – Administrative authority.
- 8.12.110 Collection times designated.
- 8.12.120 Fees – Designated – Increases authorized when – Special charges – Recordkeeping.
- 8.12.123 Billing procedures.
- 8.12.125 Access and use of city-owned dumpsters restricted.
- 8.12.130 Separation of garbage – Option preserved by city.
- 8.12.140 Swill – Sale and removal permitted when.
- 8.12.143 Yard waste – Collection stations and rates established.
- 8.12.146 Yard waste – Restrictions on disposal – Use of subscription service.
- 8.12.150 Delinquent charges – Enforcement of collection.
- 8.12.160 Collection by others than department prohibited when.
- 8.12.170 Warrants for financing authorized when – Procedure.
- 8.12.180 Accounts – Payable where – Billing of charges.
- 8.12.190 Accounts – Collection by court proceedings authorized when.
- 8.12.200 Service beyond corporate limits permitted when.
- 8.12.205 Requests for review and appeals.
- 8.12.210 Violation – Penalty.

8.12.010 Intention of provisions.

The maintenance of health and sanitation requires, and it is the intention hereof, to encourage recycling and make the collection, removal and disposal of recyclable materials, garbage and refuse and dead animals within the city compulsory and universal. To that end, every person in possession, charge, or control of any building or property shall be required to use the City's solid waste collection and disposal system and to dispose of solid waste as provided in this chapter. Further, all residential and commercial customers are encouraged to separate recyclables and yard waste from garbage. Unless exempted, all customers shall be charged for garbage collection services and residential customers shall be charged for residential recyclables collection services whether or not the customer chooses to use the collection services.

8.12.020 Definitions.

A. "Commercial customer" means the person owning or associated with a business, including but not limited to, hospitals; clinics; restaurants and other eating places; hotels; motels; schools; garages; service stations; stores; manufacturing establishments; and boardinghouses, apartment houses, condominiums or similar dwellings with six or more residential units located on one lot or that are used primarily for transient accommodations.

B. "Customer" means the person, usually the owner or owner's designee, associated with a property, residence or business within the city who is responsible for disposal of solid waste generated at the property, residence, or business for arranging for collection services and for paying the fees set forth under this ordinance.

C. "Director" means the Public Works Director or his or her designee.

D. "Disposal fee" means the fee charged by the Skagit County transfer station or other approved solid waste processing facility for dumping solid waste.

E. "Garbage" means solid waste which includes unsegregated garbage, refuse and similar solid waste material generated by residential, commercial, institutional and industrial sources and community activities, including residue after recyclables have been separated.

F. "Organic materials" means materials acceptable for residential curbside pick-up and includes animal, fruit or vegetable matter resulting from food preparation or consumption and vegetative matter resulting from usual yard and landscaping maintenance that is not more than three (3') feet in its longest dimension or four (4") inches in diameter and fits in an Organic Materials Cart utilized by Residential Customers, including, but not limited to, plant debris such as, grass clippings, leaves, prunings, weeds, branches, brush, bare holiday trees, and other materials identified in the current contract for curbside collection of recyclable materials, the contractor's website, and educational materials provided by the City or the contractor.

G. "Person" means every natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

H. "Residential recyclables" means recyclable materials generated by a residential customer or the tenant of a residential customer, which are eligible for curbside pick-up under the city's recycling program. Specific items shall be identified to the residential customer in educational materials provided by the contractor authorized to perform curbside collection.

I. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, septage, abandoned vehicles or parts thereof, including waste tires, contaminated soils and contaminated dredged material, yard waste, and recyclable materials.

J. "Yard waste" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

8.12.030 Carts and dumpsters – Required when.

A. Garbage. Every residential and commercial customer shall obtain a cart or dumpster designated for garbage collection and use the cart or dumpster at all times to deposit or cause to be deposited garbage generated or accumulated at the property in the cart or dumpster.

B. Recyclable Materials. Every residential customer shall obtain a cart designated for recyclable materials to use for the collection and disposal of recyclable materials generated or accumulated by the residential customer.

C. Organic Materials. Residential customer may obtain a cart for curbside collection services of Organic Materials by subscribing to that service with the contractor providing curbside collection of organic materials.

8.12.040 Carts and dumpsters – Provision.

A. Carts and dumpsters for the collection of garbage shall be provided by the City. Residential customers at single-family dwelling units may chose a level of service based on cart size. The Director shall determine, on an individual basis, whether wheeled carts or dumpsters are appropriate for multifamily dwelling units and commercial customers.

B. Carts for residential curbside collection of recyclable and organic materials shall be provided by the contractor providing such collection services.

8.12.050 Carts and dumpsters – Maintenance.

Customers shall keep the carts and dumpsters provided under MVMC [8.12.030](#) and .040 in a sanitary condition with the outside thereof clean and free from grease and decomposing materials. Each such cart and dumpster shall be kept in or placed in a location accessible to the collector on scheduled collection days.

8.12.055 Carts – Weight limitation.

A. Maximum allowable weights for the various sized carts when used for garbage collection are as follows:

Cart Size	Maximum Weight
20 gallon	30 pounds

Cart Size	Maximum Weight
35 gallon	53 pounds
64 gallon	96 pounds
96 gallon	144 pounds

B. Maximum weights for various sized carts shall be set forth in the current contract for collection of recyclable and organic materials.

C. Collectors may refuse to collect any carts which exceed these weight limits.

8.12.060 Bulk collection containers permitted when.

After considering need, siting and safety and upon execution of an Equipment Rental Contract and Dumpster Use Instruction Sheet, the Director may approve the provision of dumpsters, including 10-, 20-, and 30-yard roll-off dumpsters for the permanent or temporary collection of garbage, construction and demolition debris, and yard waste for commercial customers, residential dwellings on a temporary basis, and locations in the business districts.

8.12.061 Construction standards for dumpster enclosures, pads, and fencing.

Every customer using dumpsters shall provide an area, pad, and enclosure for such containers that meets the standards set forth in chapter 17.85 MVMC.

8.12.070 Dead animals – Disposal required.

It shall be the duty of every person in possession, charge or control of any dead animal or upon whose premises the same may be located to forthwith cause the same to be removed and disposed of by the city animal control officer.

8.12.085 Certain materials prohibited.

A. It is unlawful to set out for collection any material likely to produce dust, fumes or vapors or any material likely to be carried by the wind unless such material is securely bagged and tied and contained within the garbage cart or dumpster in such a manner as to prevent it from being so carried by the wind or giving off such dust, fumes or vapors during the process of garbage collection.

B. Recyclable materials shall be rinsed and cleaned before placed in a cart for curbside collection. Placement of contaminated recyclable materials, hazardous materials, or materials not designated as recyclable or organic or in a cart allows the collector to reject collection or to impose a service charge.

8.12.090 Burning, dumping or collection prohibited when.

It is unlawful for any person to burn solid waste, excepting waste paper, boxes, rubbish and debris, brush, grass, weeds and cuttings from trees, lawns or gardens that is burned in a furnace or upon permit from the fire chief; or to dump or deposit any solid waste, yard waste or recyclable material

upon any street or alley or private property in the city; or to collect, remove or dispose of the same except as in this chapter provided.

8.12.100 Department – Administrative authority.

The administration of the solid waste utility as set out in this chapter shall be the responsibility of the mayor of the city, who shall have full power and authority to administer the same as he or she deems expedient and advisable unless otherwise directed by the city council. The mayor of the city may delegate routine administrative duties, including, but not limited to, administering contracts for the provision of dumpsters and addressing complaints, to the Director or the manager of the Public Works Solid Waste Division.

8.12.110 Collection times designated.

A. The solid waste utility shall collect, remove and dispose of all garbage in the residential sections of the city at least once each week, and from hotels, restaurants, boardinghouses, eating places, apartment houses, schools and hospitals and in the business section of the city not less than once a week or, in the discretion of the city solid waste utility supervisor, more often as may be required.

B. The city shall perform or provide for curbside collection of properly separated and placed recyclable materials from residential customers at least once every other week.

8.12.120 Fees – Designated – Increases authorized when – Special charges – Recordkeeping.

A. Fees and service charges for garbage collection.

1. Customers subject to garbage collection charges shall enroll for the desired level of service by applying to the office of the finance director in the form and manner provided by the office. Where no service level has been designated by a residential customer, the service level will set be at the base rate of one regular 35-gallon cart. Fees are payable regardless of whether or not garbage is actually set out for collection.

2. The monthly base fee for garbage collection, including the Washington State refuse tax, shall be as follows:

Service Level	Fee effective September 1, 2019
20 gallon cart	\$9.69
35 gallon cart	\$19.28
65 gallon cart	\$34.73
95 gallon cart	\$46.75
1-yard dumpster	\$80.64

1-1/2 yard dumpster	\$99.66
2-yard dumpster	\$129.89
4-yard dumpster	\$226.13
6-yard dumpster	\$360.49
8-yard dumpster	\$452.26

3. An additional fee, per pick-up, for garbage collected in excess of the service level for carts shall be:

\$2.25 per extra 20 gallons

\$5.50 per extra 35 gallons

\$11.00 per extra 65 gallons

\$16.50 per extra 95 gallons

4. An additional fee for collection for 1- to 8-yard dumpsters for hauls in excess of one time per week shall be charged at a rate equal to 25% of the monthly service fee for the service level per additional collection.

5. Any customer using more than four carts or who fails to adequately contain accumulated garbage may, at the discretion of the Director, be required to utilize a dumpster or larger dumpster and shall be charged at the rate set for the higher service level.

6. Fees for roll-off and compacted dumpsters. Customers using a compacted dumpster or a city-owned roll-off dumpster shall pay the fees set forth below. Commercial customers using trash compactors or in some manner providing compacted wastes shall be required to rent a city-owned roll-off dumpster. The base monthly haul fee entitles the customer to one haul per month and includes the Washington State refuse tax. Additional hauls per month will be charged at the full rate of the base haul. Disposal fees incurred by the city for disposal of such waste will be charged to the customer.

Service Level for roll-off dumpsters	Rental Fee per month	Haul Fee	Disposal Fee
10-and 20-yard	\$69.62	\$174.37	Set by Skagit County
30-yard	\$86.81	\$174.37	Set by Skagit County
Service Level for compacted dumpsters	Rental Fee per month	Haul Fee	Disposal Fee
10-through 30-yard	N/A	\$174.37	Set by Skagit County

7. Temporary Dumpsters. Subject to availability, the city may provide dumpsters to customers on a temporary basis such as for individual cleanup projects. Customers requesting use of a temporary dumpster shall pay the following fees:

Service Level	Rental fee per day	Delivery fee	Haul fee	Disposal fee per haul
1- to 8-yard	\$3.00	\$15.00	N/A	25% of monthly fee for service level
10- to 30 yard	\$4.00	\$25.00	\$174.37	Set by Skagit County

8. Charges for additional services:

Service	Fee
Blocked / Return Fee:	\$20.00
Cleaning Small Dumpsters:	\$50.00
Cleaning Compactors:	\$100.00
20 gallon insert removed:	\$20.00
20 gallon insert not recovered	\$40.00
20 gallon cart replacement	\$50.00
35 gallon cart replacement	\$50.00
65 gallon cart replacement	\$60.00
95 gallon cart replacement	\$70.00
Dumpster Lock	\$12.00
Dumpster Key	\$3.00
Residential cart cleaning	\$20.00

B. Fees for Collection of Residential Recyclables and Organic Materials.

1. Residential customers shall be assessed a fee for curbside collection of recyclable materials equal to the amounts detailed below per dwelling unit for structures containing five or fewer living units. Unless exempted, the fee is payable regardless of whether or not recyclable materials are properly set out for collection.

a. Effective June 1, 2021, the recycling cart fee shall be \$10.62 per month.

b. Increases in the fees for collection of recycling and organic materials shall be based upon factors set out in the then-current contract for residential curbside recycling services.

2. Residential customers who subscribe for curbside collection of organic materials shall be assessed a fee in the amount of \$13.36 per month.

3. Upon providing proof satisfactory to the city finance director that the owner of a residential dwelling qualifies for an exemption from excess property taxes pursuant to the terms of RCW

84.36.318 and age requirements when applicable, the person shall be entitled to a rate reduction for garbage and/or collection services. Proof of eligibility may consist of documents or copies of documents from the county assessor's office showing that the applicant meets the necessary qualifications set forth in RCW 84.36.381. The fee reduction shall be granted for 12 months from the date the person shows proof that they are entitled to such reduction and may be renewed on an annual basis by again showing proof that the person is still entitled pursuant to the terms of this subsection.

a. Garbage: 50 percent reduction of the 20-gallon cart rate, if applicable, or a 25 percent reduction of the 35-gallon cart rate, if applicable, for the garbage collection fees associated with the resident to which the property tax exemption applies.

b. Recyclable materials: 25 percent reduction in the rate charged for the curbside collection of recyclable materials provided the person is 61 years or older for the recyclable materials collection fees associated with the resident to which the property tax exemption applies.

4. Services charges for residential collection of recyclable and organic materials shall be as set forth in the contract for residential collection of recyclable and organic materials.

C. Recognizing the constant increase in costs of maintenance and operation of the garbage service facilities of the city, the mayor shall be and is specifically granted the power and authority to increase the charges for garbage collection services to commercial customers an additional 50 percent through administrative order. This authority shall be considered to be a part of the currently established fees and may be exercised by the mayor without the necessity of additional public hearings or legislative action. No charges in excess thereof shall be made except by specific consent and approval of the city council.

D. Exemptions from collection charges.

1. Exemptions for vacation absences may be granted for garbage and recyclable collection services provided the property will be vacant for a minimum of two months provided the customer first submits a request to the city finance director for garbage collection services and to the contractor for recyclable materials collection services. Residential customers of recyclable materials collection services may request temporary suspensions for no more than two consecutive continuous periods of not less than two months each and not more than six months in the aggregate during any calendar year. When collection services resume, cart delivery and resume service fees may apply. No credit will be granted for after-the-fact notification on the basis that such residence, business or building is, has been, or may be vacant. Providing false information to obtain an exemption or failing to provide notice of non-vacancy before the end of the then-current billing cycle may result in rescission of the exemption and reinstatement of any exempted fee.
2. Exemptions for properties that will be vacant due to demolition, remodeling, or similar activities may be granted upon request and submission of proof of vacancy, cause, and expected duration of vacancy to the city finance director.

E. Should there be needed or desired additional services than as provided by the normal routine pick-up schedules of the solid waste utility or should there be any request for the cleaning up and removal of brush, weeds, rubbish or debris, or for bulk collection of garbage and refuse, or should there be a need for unclassified and miscellaneous service or collection needs, all fees for such special service shall be fixed and determined in advance through the city solid waste utility supervisor and request therefor shall be made at such office prior to the furnishing of any collection

service as outlined above. The city solid waste utility supervisor is authorized to establish reasonable fees for such services which shall be sufficient to recover the cost of providing the service, including labor, equipment and administrative costs. Fees for collection of extra garbage shall as nearly as possible follow the rates established for routine collection, and shall be \$5.50 per extra can, and \$2.25 per extra one-half cans.

F. "Extra bags/cans" shall refer to any bag or can placed out for collection in excess of that for which the customer is currently enrolled.

8.12.122 Billing procedures.

A. Charges for garbage collection, together with sewer service charges under Chapter 13.32 MVMC, are the responsibility of the owner in fee of any property chargeable for such service and shall be billed on the same statement to the owner in fee of the subject property last made known to the city, and to the last known address.

B. Charges for curbside collection of recyclable materials and organics shall be billed separately by the contractor providing such services.

C. It shall be the duty of every property owner within the city to notify the office of the finance director of the fact of ownership and the address to which billing should be made. It shall be the duty of every property owner within the city to provide to the office of the finance director a current contact phone number of either the property owner or property manager. Property owners are required to notify the office of the finance director of any changes made to their contact phone number within five days of any change. Any purchaser of property within the city shall notify the office of the finance director of the date of purchase and the proper billing address immediately upon acquisition of such interest; provided, however, that any owner in fee may designate another party to receive billing statements (such as a tenant) if such owner shall do so in writing together with a waiver of notice of such bills or any liens for delinquent accounts.

8.12.125 Access and use of city-owned bins restricted.

Use of city-owned bins shall be restricted to use by the owner or employees of the business-commercial establishment to which the bin has been provided and solely for the purpose of depositing garbage and refuse for collection by the solid waste utility. Any unauthorized use of such bins shall be unlawful.

8.12.130 Separation of garbage – Option preserved by city.

The city reserves the right to and may at its option require the separation of paper or swill or other component parts of garbage and refuse or any of them, may require the deposit thereof in separate cans or receptacles and may prescribe the method of disposal thereof.

8.12.140 Swill – Sale and removal permitted when.

Until otherwise provided swill may, with the approval of the solid waste utility and subject to its rules and regulations be used or sold by the persons producing same and removed beyond the city limits by the person using or purchasing same.

8.12.143 Yard waste – Collection stations and rates established.

A. The city shall establish and maintain one or more collection stations for yard wastes. Such station or stations shall be available to the citizens of the city for the disposal of yard wastes. Days and hours of operation shall be as established by the mayor. The mayor shall cause notice to be made to the public by such means as the mayor shall deem most appropriate, describing the availability of such station, its purpose, location or locations and days and hours of operation.

B. Yard Waste Punch card. The fee for yard waste disposal service at a city yard waste collection station shall be as follows:

1. For brush (for purposes of this section, any yard waste material which must be chipped prior to disposal, such as branches, etc.):

- a. A minimum charge of \$1.00;
- b. For loads in excess of one cubic yard, up to \$2.00;
- c. For loads in excess of two cubic yards, up to \$3.00;
- d. For loads in excess of five cubic yards, up to \$6.00.

2. For compost materials (for purposes of this section, any yard waste materials which do not need to be chipped prior to disposal, such as grass, leaves, fruits, vegetables, etc.):

- a. A minimum charge of \$1.00 per two 35-gallon cans, or the equivalent if in bags.

C. The fee for yard waste disposal at a city yard waste collection station must be prepaid through the purchase of a punch card. Punch cards shall be available for purchase at either the City Yard Waste Facility, 409 W Fir Street, or at City Hall, 910 Cleveland Avenue, in the finance department, during normal business hours. Each punch card shall entitle the bearer to yard waste disposal service in the amount of \$5.00, \$10.00, or \$20.00.

8.12.146 Yard waste – Restrictions on disposal – Use of subscription service.

A. Except as hereinafter provided, it is unlawful to set out for collection any grass, yard clippings, tree trimmings, weeds or any other yard wastes, and the same shall not be collected by the garbage collectors.

B. Residential customers may arrange for scheduled, curbside collection of organic materials through a business authorized by the city to provide such service.

C. This section is not intended to restrict persons from on-site composting of yard waste generated on the property, contracting for yard maintenance services, or hauling yard wastes to a facility that accepts yard wastes for disposal and composting.

8.12.150 Delinquent charges – Enforcement of collection.

A. Charges made for garbage collection services made pursuant to this chapter shall become delinquent if not paid within 25 days following the billing date. If such charges are not paid by the twenty-fifth day following the billing date, interest shall accrue at the annual rate of eight percent, computed monthly, until the account is paid. In the event any billing or other service charge has not been paid within 60 days of billing, the city shall mail a delinquency notice to the property owner of records or to the corporate agent if the property or business is owned by a corporation and to the occupant if the owner of record does not reside at the premises. The delinquency notice shall provide the following:

1. Notice that payment for service is overdue, an itemization of the total amount due including the period covered by the charges, the address of the premises to be charged, and that a statutory lien for overdue amounts may be imposed and recorded with the county auditor;
2. A date certain by which the account must be settled, which date shall not exceed 10 days from the date of the notice; and
3. The address and telephone number of the finance or billing department, stating that the owner or occupant may contact the department if a dispute exists as to liability for the billing or the validity of any lien.

Additional delinquency notices may be mailed to cover additional accrued debts. The customer shall be charged \$10.00 for each delinquency notice.

B. Charges, including interest on past-due accounts, made for residential curbside collection of recyclable and organic materials shall be collected in compliance with laws applicable to the collection of debts.

C. Collection services may be suspended for nonpayment of past-due accounts. Such suspension shall not relieve the debtor from the duty of complying with the provisions of this chapter or the accrual of mandatory fees for the collection of garbage or recyclable materials. Suspension of garbage collection services may render the premises where such service is suspended subject to condemnation for sanitary reasons.

D. Upon the failure to pay any charges imposed pursuant to this chapter, the amount thereof shall become a lien against the property for which the collection service was provided. Such lien shall encompass all delinquent and unpaid rates and charges for garbage collection, penalties, and interest thereon, all in accordance with RCW 35.21.140.

8.12.160 Collection by others than department prohibited when.

A. It is unlawful for any person other than said solid waste utility to engage in the business of collecting, removing and disposing of garbage and refuse and dead animals in the city, or for any person other than said solid waste utility, its agents or employees, to do or perform any of the things herein required to be done or performed by said solid waste utility.

B. It is unlawful for any person, other than said solid waste utility or a contractor authorized by the city for such purpose, to be engaged in the business of curbside collection of recyclable or organic materials. No more than one contractor may be designated by the city to perform such services.

8.12.170 Warrants for financing authorized when – Procedure.

The city shall, to finance equipment, purchases and administrative costs, issue interest-bearing warrants in denominations of \$500.00 with a minimum interest rate of four percent and a maximum interest rate of six percent. The city's current expense investment fund may purchase said warrants. The city shall from the garbage warrant redemption fund retire a minimum of one warrant each month hereafter until all warrants outstanding are redeemed.

8.12.180 Accounts – Payable where – Billing of charges.

All collections of funds made hereunder for garbage collection services shall be paid through the city finance department. Billing and collection for residential recycling and organics curbside collection shall be processed by the city or by the business contracting with the city to provide residential collection services, if so provided in the contract for such services.

8.12.190 Accounts – Collection by court proceedings authorized when.

Charges for collection services, including removal or disposal and delinquency charges and penalties, which are payable, due or unpaid shall constitute a debt to the city or contractor, as appropriate, and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.

8.12.200 Service beyond corporate limits permitted when.

The solid waste utility may accept applications for garbage service beyond the corporate limits of the city upon such terms and conditions as the Director and the applicant may agree upon, subject, however, to the approval of the city council. All such contracts or agreements shall be reduced to writing and properly executed before they shall become binding upon the parties.

8.12.205 Requests for review and appeals.

A. Any residential customer aggrieved by a decision to terminate, suspend or impose a service charge for collection services for recyclables or organics shall first attempt to resolve the matter by submitting a written request for reconsideration to the contractor's customer service department within fourteen days of notice of the charge, suspension, or termination. If the request for reconsideration is denied or remains unresolved after 30 days from the date the grievance is submitted to the contractor, the customer may submit a written request to the Director asking for a review of the contractor's action or decision. Any such request for review shall be submitted to the Director within 14 days of the date the contractor denies the residential customer's request for reconsideration or the expiration of 30 days from the date the request is submitted to the contractor.

B. Customers aggrieved by a decision to terminate, suspend, or impose a service charge for garbage collection shall first submit a written request for reconsideration to the Director within fourteen days of notice of the charge, suspension, or termination.

C. Requests for reconsideration and review shall identify the action that gives rise to the grievance and shall be supported by evidence a reasonable person would rely upon. If the Director cannot

resolve the dispute within 21 days of receipt of the request, the Director will issue a written decision. Residential customers aggrieved by the Director's decision may appeal the Director's decision to the City's hearing examiner only after the contractor and the Director have denied the written requests for reconsideration and review. Appeals to the hearing examiner shall be submitted to the Director, be accompanied by the current appeal fee, and contain the information required under MVMC 14.05.160(C)(3). A request for review or appeal does not stay any suspension or termination of collection services.

8.12.210 Violation – Penalty.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punishable as set forth in MVMC 1.20.010.

SECTION 2. Invalidity. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

SECTION 3. Savings. Chapter 8.12 of the Mount Vernon Municipal Code as adopted through previous ordinance which is amended by this ordinance, shall remain in force and effect until the effective date of this ordinance.

SECTION 4. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED AND ADOPTED by the City Council of the City of Mount Vernon at a regular meeting thereof this 26th day of May 2021.

SIGNED AND APPROVED this 12th day of July, 2021.



JILL BOUDREAU, Mayor

Attest:


DOUG VOLESKY, Finance Director

Approved as to Form:


KEVIN ROGERSON, City Attorney

Published July 15, 2021