

AN ORDINANCE OF THE CITY OF BELLINGHAM REGARDING SOLID WASTE, AMENDING BELLINGHAM MUNICIPAL CODE SECTION 9.12.020 TO CLARIFY THE CITY'S AUTHORITY TO CONTRACT FOR COLLECTION OF ALL SOLID WASTE WITHIN THE CITY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bellingham currently contracts and has for many years contracted for collection and disposal of residential and commercial solid waste within the City; and,

WHEREAS, such contracts establish a reasonable, orderly, sanitary, and reliable system for handling municipal solid waste and, among other things, provide that all waste collected in the City shall be disposed of at the site with which the City has contracted out for disposal services; and,

WHEREAS, approval of rates for collection of solid waste from commercial businesses within the City has traditionally been within the jurisdiction of the Washington State Utilities and Transportation Commission (the "Commission"), which regulates the City's contract collection company, Sanitary Services Company, Inc. ("SSC") through a grant of a certificate of public convenience and necessity for exclusive collection of commercial waste in Bellingham; and,

WHEREAS, rates for collection of solid waste from residences within the City have been effected by the City (1) through mandatory use by citizens of the waste collection company with which the City contracts, (2) through a prohibition against collection of residential waste other than by a company having a contract therefor with the City, and (3) through negotiation of the City's collection and disposal contracts and the formulas for rate adjustment contained therein; and,

WHEREAS, in a proceeding presently before the Commission, among other things the City's ability to obligate SSC to dispose of commercial waste in accordance with City contracts, namely, at the contract disposal site has been placed at issue; and,

WHEREAS, a possible outcome of the Commission proceeding (in fact, pursuant to Commission staff recommendation) is a determination by the Commission that it will no longer exercise its authority to approve SSC's commercial waste rates or, in fact, will even continue to grant SSC exclusive authority to collect commercial waste in Bellingham; and,

WHEREAS, a result of such a Commission decision would be that a person who is not a party to a contract with the City could begin providing collection services from commercial locations within the City, and in fact one such person has already filed with the Commission an application for a certificate of public convenience and necessity to this effect; and,

WHEREAS, the presence of a person conducting these activities without a contract for collection or disposal of solid waste with the City, would interfere with the City's obligation to its citizens to maintain a reasonable, orderly, sanitary, and reliable system for handling solid waste and further would jeopardize the City's ability to meet its contractual obligations (specifically as to the obligation that all City solid waste be transported to the City's contract disposal site), which, if not remedied to the best of the City's ability, would place the City in default of its disposal contract; and,

WHEREAS, it is in the best interest of the City to continue its practice of contracting for collection and disposal of all solid waste collected within the City; and,

WHEREAS, the possibility of a Commission decision placing this system in jeopardy and the likelihood of a competing collection company acting in Bellingham without a contract

with the City before the City had time to adopt an ordinance in this regard or to obtain a court order protecting its contractual and legislative rights constitute an emergency, justifying passage of this ordinance on an emergency basis,

NOW, THEREFORE, it is ordained as follows:

Section 1: Bellingham Municipal Code section 9.12.010 is amended by adding the following definitions:

G. "Commercial locations" includes all locations within the city other than single-family dwelling units, as defined herein.

H. "WUTC" means the Washington Utilities and Transportation Commission.

Section 2: Bellingham Municipal Code section 9.12.020(A) is amended to read as follows:

A. It is unlawful for any person, other than a contractor having a contract for solid waste collection and disposal with the city, to collect, haul or dispose of garbage or refuse ~~from single-family dwelling units~~ within the city. This paragraph shall not apply to the collection of garbage and refuse from commercial locations within the city by a person who does not have a contract to which the city is a party specifying the terms and conditions under which garbage and refuse may be collected from such locations so long as such person holds a valid, permanent certificate of public convenience and necessity under which the WUTC has authorized the collection of garbage and refuse from such locations. If the WUTC for any reason should cease to regulate the collection of garbage and refuse from commercial locations within the city at any time, the person holding such a certificate of public convenience and necessity at the time such regulation ceases shall have the right to continue to collect garbage and refuse from such locations, provided such person continues to charge for such collection no more than the rate(s) last authorized by the WUTC.

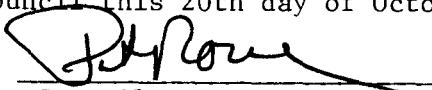
Section 3: Bellingham Municipal Code section 9.12.040(B) is amended to read as follows:

B. The universal and compulsory use of garbage collection and disposal for each and every single-family dwelling unit and commercial location is mandatory.

Section 4: This ordinance involves the immediate preservation of the public health and shall be effective immediately.

Section 5: The amendments to the respective Bellingham Municipal Code sections herein shall expire on a date one hundred and eighty days from date of passage of this ordinance and the original language of such sections shall be restored, unless such sections are amended otherwise in the meantime.

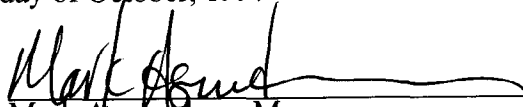
Passed by the Council this 20th day of October, 1997.



Council President

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903


APPROVED by me this 2 day of October, 1997


Mark Asmundson, Mayor

ATTEST:


Finance Director

Approved as to form:


Office of the City Attorney

Published 10-29-97

TRANSMISSION VERIFICATION REPORT

TIME: 10/27/1997 12:30
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FAX : 206-738-7351
TEL : 206-676-6978

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FAX NO./NAME	97152225
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MODE	STANDARD

City of Bellingham

FINANCE DEPARTMENT

210 Lottie Street
Bellingham, WA 98225
(360) 676-6900
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FAX TRANSMISSION COVER SHEET

Date: October 27, 1997
To: The Bellingham Herald
Fax: (360) 715-2225
Re: Legal Notices
Sender: Tina M. Louveau

YOU SHOULD RECEIVE ONE PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (360) 676-6900.

Please publish the following on: **WEDNESDAY, OCTOBER 29, 1997**

Ordinance No. 10892

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For full context of the ordinance, call the Finance Department @ (360) 676-6900.

TRANSMISSION VERIFICATION REPORT

TIME: 10/27/1997 12:58
NAME: CITY OF BELLINGHAM
FAX : 206-738-7351
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DATE, TIME	10/27 12:56
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City of Bellingham

FINANCE DEPARTMENT

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FAX TRANSMISSION COVER SHEET

Date: *October 27, 1997*

To: *Municipal Research & Services Center*

Fax: *(206) 625-1220*

Re: *Law Change*

Sender: *Tina M. Louveau*

YOU SHOULD RECEIVE FOUR PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (360) 676-6900.

CITY OF BELLINGHAM, WASHINGTON

ORDINANCE NUMBER:

10892

COUNCIL BILL NUMBER:

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10/20/97

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CC Regal, JAS, Bill Engander,
MRSC

SCANNED