

ORDINANCE NO. 363

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING TITLE 12 OF THE WOODINVILLE MUNICIPAL CODE BY ADDING A NEW CHAPTER 12.40 STREET DEBRIS REMOVAL THERETO; PROHIBITING THE DEPOSIT OF DEBRIS WITHIN THE PUBLIC RIGHT-OF-WAY; ESTABLISHING PROCEDURES FOR THE CITY TO REMOVE SUCH DEBRIS; IMPOSING PENALTIES AND INSTITUTING A REIMBURSEMENT METHOD FOR DEBRIS REMOVAL SERVICES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the presence of debris can create a hazardous condition for users of the public right-of-way, and

WHEREAS, debris within a public right-of-way can cause silts and other contaminants to enter the surface water system, and

WHEREAS, water quality is essential for aquatic habitat and the prompt removal of debris from a public street will help to protect water quality, and

WHEREAS, the City seeks to protect water quality and users of the public right-of-way by establishing time limits within which debris deposited within the public right-of-way must be removed, and

WHEREAS, the City intends to remove the debris if the responsible party fails to do so within said time limits, and

WHEREAS, the City will seek reimbursement for any costs incurred by the City for said debris removal, **NOW, THEREFORE**,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Title 12 of the Woodinville Municipal Code is hereby amended by the addition of a new Chapter 12.40 Street Debris Removal to provide in its entirety as follows:

Chapter 12.40 – Street Debris Removal

- 12.40.010 Intent**
- 12.40.020 Definitions**
- 12.40.030 Violation - Process**
- 12.40.040 Reimbursement and Penalty**
- 12.40.050 Continuation of Development**
- 12.40.060 Debris Removal Fees**
- 12.40.070 Exceptions**

12.40.010 Intent. The City desires to remove debris deposited within the public right-of-way as expeditiously as possible in order to protect the public, to prevent contamination of the surface water system, and to contain the debris in as small an area as possible. If the responsible party fails to remove the debris within the time frame defined by the City, the City may remove the debris and seek reimbursement of all expenses incurred therefore.

12.40.020 Definitions.

- A. Debris: Any material left or otherwise deposited within a public right-of-way by means of spilling, tracking, or leaving spoils behind. Debris includes, but is not limited to, fluids, glass, and other material left in the right-of-way as a result of a vehicle accident and fluids or other materials spilling from vehicles using the right-of-way.
- B. Spilling: To flow, run, or fall out, over, or off and become wasted, scattered, or lost, especially accidentally or unintentionally from a vehicle.
- C. Tracking: To leave material, including but not limited to earth or soil material, behind or from the wheels, tracks, or "feet" of a vehicle or equipment.
- D. Spoils: Material, particularly earth or rock, deposited or otherwise left within a public right-of-way in conjunction with adjacent or nearby site work.
- E. Public right-of-way: Any publicly-owned right-of-way and structures or facilities located therein such as roads, trails, and sidewalks, regardless of whether the public's ownership interest constitutes a fee or easement.
- F. Storm drainage system: Storm inlets, catch basins, storm pipes, open ditches, and other storm-related conveyance and storage systems.
- G. Responsible party: A person who leaves or otherwise deposits debris upon the public right-of-way.
- H. Vehicle Accident. A collision involving one or more motor vehicles in the public right-of-way.
- I. Repeat offender: A responsible party who has been ordered by the City to remove debris from a public right-of-way more than (1) twice within a four week period or (2) three times in a three month period.

- J. Temporary placement of debris: Debris placed within a public right-of-way pursuant to a valid right-of-way permit.
- K. Normal work hours: 8:00 to 5:00 Monday through Friday, excluding holidays recognized by the City.
- L. Person: Any individual, corporation, partnership, association or other organization or entity.

12.40.030 Violation – Process. Except as otherwise provided herein, leaving or depositing debris on a public right-of-way through spilling, tracking, spoils and other means for any period of time constitutes a violation of this chapter. Each and every two hour period during which debris remains in the public right-of-way shall constitute a separate violation. The City may enforce each violation by issuing a notice of violation or a notice of infraction pursuant to Chapter 1.06 WMC. In addition, or alternatively, the City may in its sole discretion utilize the following process to ensure that the debris is promptly removed:

- A. Initial notification. The City may attempt to notify the responsible party by telephone or other communicative mechanism, if possible, identifying the location and the type of debris (if known), directing the responsible party to remove the debris, and stating the remedial deadline after which the City will dispatch its own resources to remove the debris at the responsible party's expense.
- B. Stop Work Order. If debris has been generated by adjacent or nearby development activity within the City's permitting jurisdiction, the City may issue a Stop Work Order effective until the debris has been removed from the right-of-way. Alternatively or additionally, the City may seek to revoke any permit or land use decision already issued pursuant to WMC 21.50.040.
- C. City Action. If the responsible party has not removed the debris within the designated response time, the City may, at the sole expense of the responsible party, dispatch a street sweeper or other appropriate equipment together with all personnel reasonably necessary to remove the debris from the public right-of-way .
- D. Invoice. An invoice for the City's debris removal services will either be posted at the responsible party's job site, delivered directly to the responsible party, or mailed to the responsible party.
- E. Reimbursement. The Finance Director will receive a copy of the invoice from the Public Works Director, City Engineer or Public Works Supervisor along with a memo detailing the occurrence, the approximate time and date thereof, the name and address of the responsible party, the approximate duration of remedial activity by the City or its agents, and the identity of the City employee or agent performing the necessary remedial work. In addition to any other

legally available option, the City may in its discretion utilize a collection agency to collect funds that have not been timely paid.

12.40.040 Reimbursement and Penalty. The responsible party shall pay the invoice for City expenses incurred in debris removal within 15 days of the date of said invoice. Timely payment of an invoice shall be credited toward any penalty owed pursuant to a notice of violation or notice of infraction resulting from such debris. Late payments may not be credited toward penalties owed. The penalty for violating any provision of this chapter shall be \$250.00 per violation.

12.40.050 Continuation of Development. If the debris material resulted from development activity within the City's permitting jurisdiction, no additional City permits shall issue with respect to that development until the debris removal invoice has been paid in full. In the event that the responsible party fails to timely pay in full any such invoice, the City may, in addition to any other available remedy, seek to revoke existing permits and land use decisions pursuant to WMC 21.50.040.

12.40.060 Debris Removal Fees. The following categories of sweeping fees shall apply when the City removes debris pursuant to this chapter:

- A. The fees for street sweeping shall apply to each half hour increment of street sweeping service time with a minimum charge of one half hour. The duration of additional street sweeping and related activities shall be rounded up or down to the nearest half hour.
- B. The fees for storm drainage system cleaning shall be for the performance of work to remove any debris that has infiltrated a publicly maintained storm water conveyance or storage system. This work may require the use of, and invoicing for, special vactoring equipment to remove material from catch basins and other parts of the storm water system.
- C. The fees for disposal of materials will be based on actual or estimated costs as determined by the City and shall be reflected by the type and volume of debris material.
- D. The City Council shall set said fees by resolution on the City's fee schedule, and the same shall be provided and updated as deemed appropriate in the Council's discretion

12.40.70 Exceptions. The Public Works Director or designee may, in his or her sole discretion, waive the penalty and reimbursement provisions of this Chapter where a deposit of debris results from either of the following causes:

- A. **Natural Disasters** - No reimbursement or penalties for debris removal may be required where a deposit of debris results solely from a natural disaster beyond the responsible party's control, including but not

limited to earthquake, fire or flood. PROVIDED, that the responsible party shall bear the exclusive burden of proof in establishing the existence of any such natural disaster and its causal relationship to a deposit of debris.

B. **Vehicle Accidents** – No penalties for debris removal may be required where a deposit of debris results solely from a vehicle accident. PROVIDED, that the responsible party shall bear the exclusive burden of proof in establishing the existence of any such vehicle accident and its casual relationship to a deposit of debris.

Section 2. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

ADOPTED by the City Council of the City of Woodinville this 17th day of May 2004.

APPROVED:



Mayor, Don Brocha

ATTEST/AUTHENTICATED:

By: 
Sandra C. Parker/CMC
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

PASSED BY THE CITY COUNCIL: 5-17-2004
PUBLISHED: 5-24-2004
EFFECTIVE DATE: 5-29-2004
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