

ORDINANCE NO. 1506

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, amending DMMC 7.08.050 and removing the maximum license period for solid waste collection.

WHEREAS, the City Manager, upon approval of the City Council, may promulgate reasonable regulations for the collection, handling, transportation, and disposal of solid waste within the City, and

WHEREAS, Title 7 of the Des Moines Municipal Code provides guidance regarding solid waste collection licenses, and

WHEREAS, DMMC 7.08.050 currently limits license periods to no greater than five years, and

WHEREAS, removing the maximum limitation will provide additional flexibility for future licenses while retaining City authority to institute conditions and license periods on a case by case basis, and

WHEREAS, WAC 197-11-800(19) categorically exempts the proposal or adoption of ordinances, or of any plan or program relating solely to government procedures containing no substantive standards respecting use or modification of the environment from SEPA procedures, and

WHEREAS, the City Council held a public meeting on March 24, 2011 and determined that it was in the public interest to modify DMMC 7.08.050; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 7.08.050 and section 5 of Ordinance No. 74 as amended by section 6 of Ordinance No. 923 are each amended to read as follows:

Issuance of license. The City Manager shall be authorized from time to time by the order of the City Council to execute in the name of the City an exclusive or nonexclusive license to a particular person to collect, handle, transport, and/or dispose of garbage, yard waste, and recyclable materials not otherwise regulated by RCW 70.95.903 within one or more geographical areas within the City. Such license shall be granted upon such terms and conditions set forth by the order of the City council.

Sec. 2. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 3. Effective Date. This ordinance shall be in full force and effect thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 24th day of March, 2011 and signed in authentication thereof this 24th day of March, 2011.


M A Y O R

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Effective Date: April 23, 2011

Published: March 29, 2011

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1506, Adopted March 24, 2011.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance amends DMMC 7.08.050 and removes the maximum license period for solid waste collection.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC
City Clerk

Published: March 29, 2011