



LAKWOOD CITY COUNCIL STUDY SESSION AGENDA

Monday, February 22, 2016

7:00 P.M.

City of Lakewood

City Council Chambers

6000 Main Street SW

Lakewood, WA 98499

Page No.

CALL TO ORDER

ITEMS FOR DISCUSSION:

- (3) 1. Greater Tacoma Regional Convention Center Public Facilities District update.
– *Ms. Kim Beider, Director of Public Assembly Facilities*
- (20) 2. Review of amending Section 9A.03.050 of the Lakewood Municipal Code relative to disclosing intimate images. – (Memorandum)
- (23) 3. Review of the 2015 Annual Housing Report. – (Memorandum)
- (34) 4. Waughop Lake Water Quality Management Plan update. – (Memorandum)
- (36) 5. Website Phase 2 mobile application and Phase 3 update. – (Memorandum)
- (38) 6. Review of solid waste code amendments. – (Memorandum)

REPORTS BY THE CITY MANAGER

ITEMS TENTATIVELY SCHEDULED FOR THE MARCH 7, 2016 REGULAR CITY COUNCIL MEETING:

1. Proclamation declaring February 7 through April 29, 2016 as Pierce County READS. - *Ms. Jeanine Adams, Tillicum Branch Manager, Pierce County Library System*

The City Council Chambers is accessible to persons with disabilities. Equipment is available for the hearing impaired. Persons requesting special accommodations or language interpreters should contact the City Clerk's Office, 589-2489, as soon as possible in advance of the Council meeting so that an attempt to provide the special accommodations can be made.

<http://www.cityoflakewood.us>

The Council Chambers will be closed 15 minutes after adjournment of the meeting.

2. Proclamation recognizing Diane Formoso. – *Ms. Diane Formoso, Caring for Kids*
3. Awarding a bid for improvements on Bridgeport Way between JBLM to I-5. – (Motion – Consent Agenda)
4. Amending Section 9A.03.050 of the Lakewood Municipal Code relative to disclosing intimate images. – (Ordinance – Consent Agenda)
5. Amending the Lakewood Municipal Code relative to solid waste. – (Ordinance – Regular Agenda)

COUNCIL COMMENTS

ADJOURNMENT

The City Council Chambers is accessible to persons with disabilities. Equipment is available for the hearing impaired. Persons requesting special accommodations or language interpreters should contact the City Clerk's Office, 589-2489, as soon as possible in advance of the Council meeting so that an attempt to provide the special accommodations can be made.

<http://www.cityoflakewood.us>

The Council Chambers will be closed 15 minutes after adjournment of the meeting.

GREATER TACOMA REGIONAL CONVENTION CENTER PUBLIC FACILITIES DISTRICT (PFD)

UPDATE

KIM BEDIER, CITY OF TACOMA

PUBLIC FACILITIES DISTRICT

- **Formed in 1999**
- **Lakewood**
Fife
University Place
Tacoma
- **2003 Pierce County**

GREATER TACOMA CONVENTION & TRADE CENTER

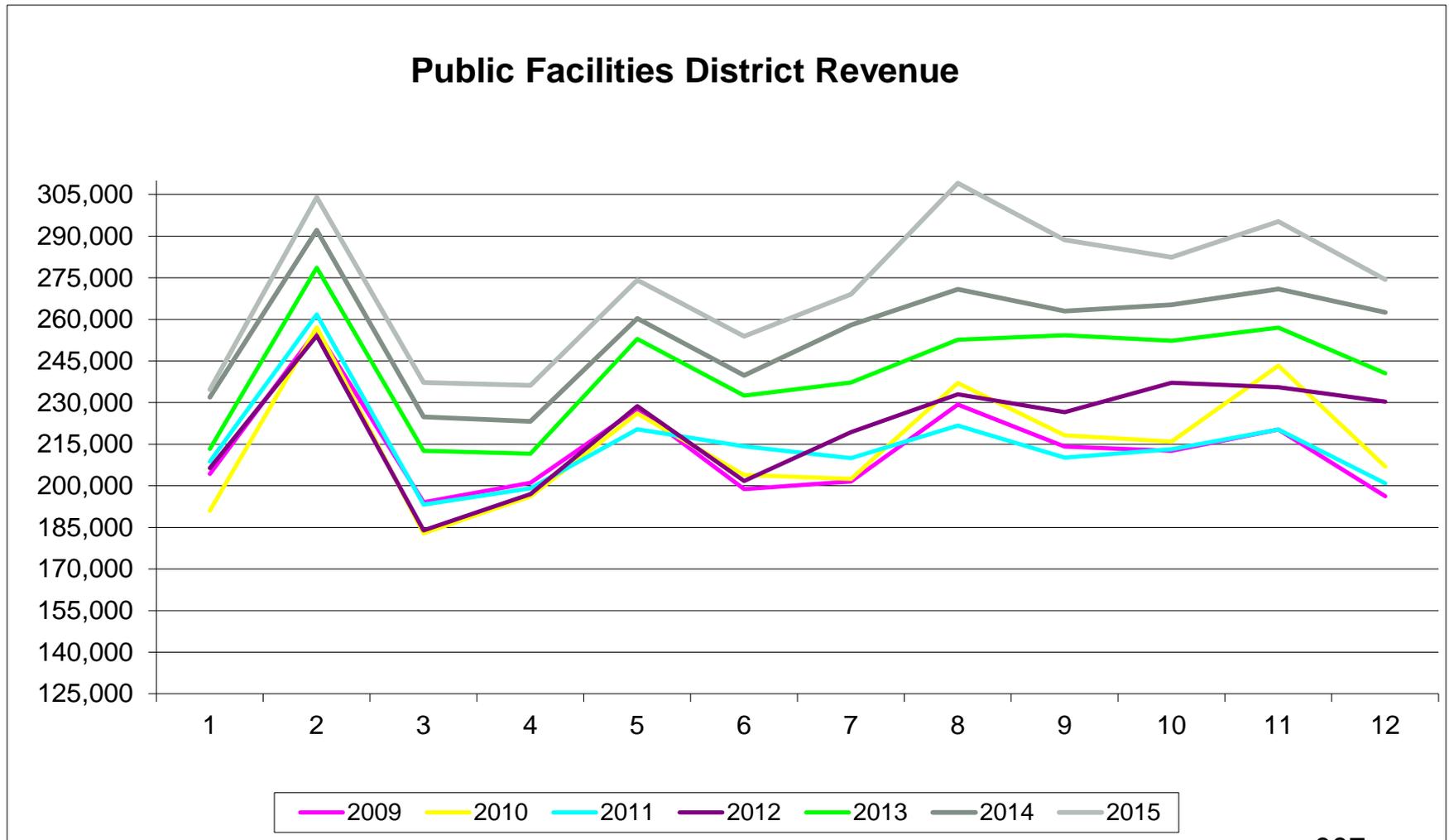


PUBLIC FACILITIES DISTRICT

FUNDING:

- **.033% Sales & Use Tax Credit**
- **No cost to member jurisdictions**
- **Applied to debt service**
- **25% total project funding**

REVENUE – SALES TAX REBATE



PUBLIC FACILITIES DISTRICT

FUNDING:

- **Washington State Association of PFDs**
- **HB 2296 – extension of tax credit**

SALES & MARKETING

TRAVEL

TACOMA +

PIERCE COUNTY, WA

DESTINATION AWARENESS



MEETINGS THAT INSPIRE
TRANSFORMATION

[Greater Tacoma Convention & Trade Center]

Start your transformation today.
TravelTacoma.com/meetings GTCTC.org

TRAVEL
TACOMA+
PIERCE COUNTY, WA

Home of Chambers Bay Golf Course, site of the 2015 U.S. Open Championship



MEETINGS THAT INSPIRE
TRANSFORMATION

- Function space for 1-4,500
- 1,900 group rooms
- 18 Miles South of Seattle-Tacoma Airport
- Memorable northwest experience

> EXPLORE TACOMA

TRAVEL
TACOMA+
PIERCE COUNTY, WA

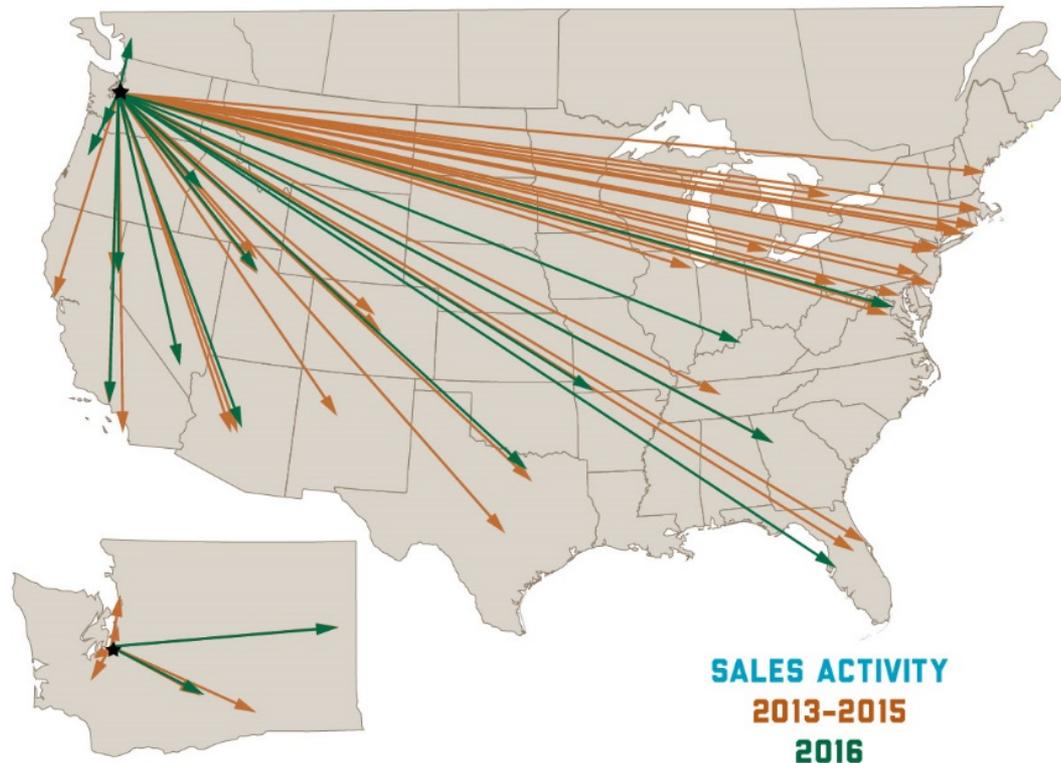


MEETINGS THAT INSPIRE
TRANSFORMATION

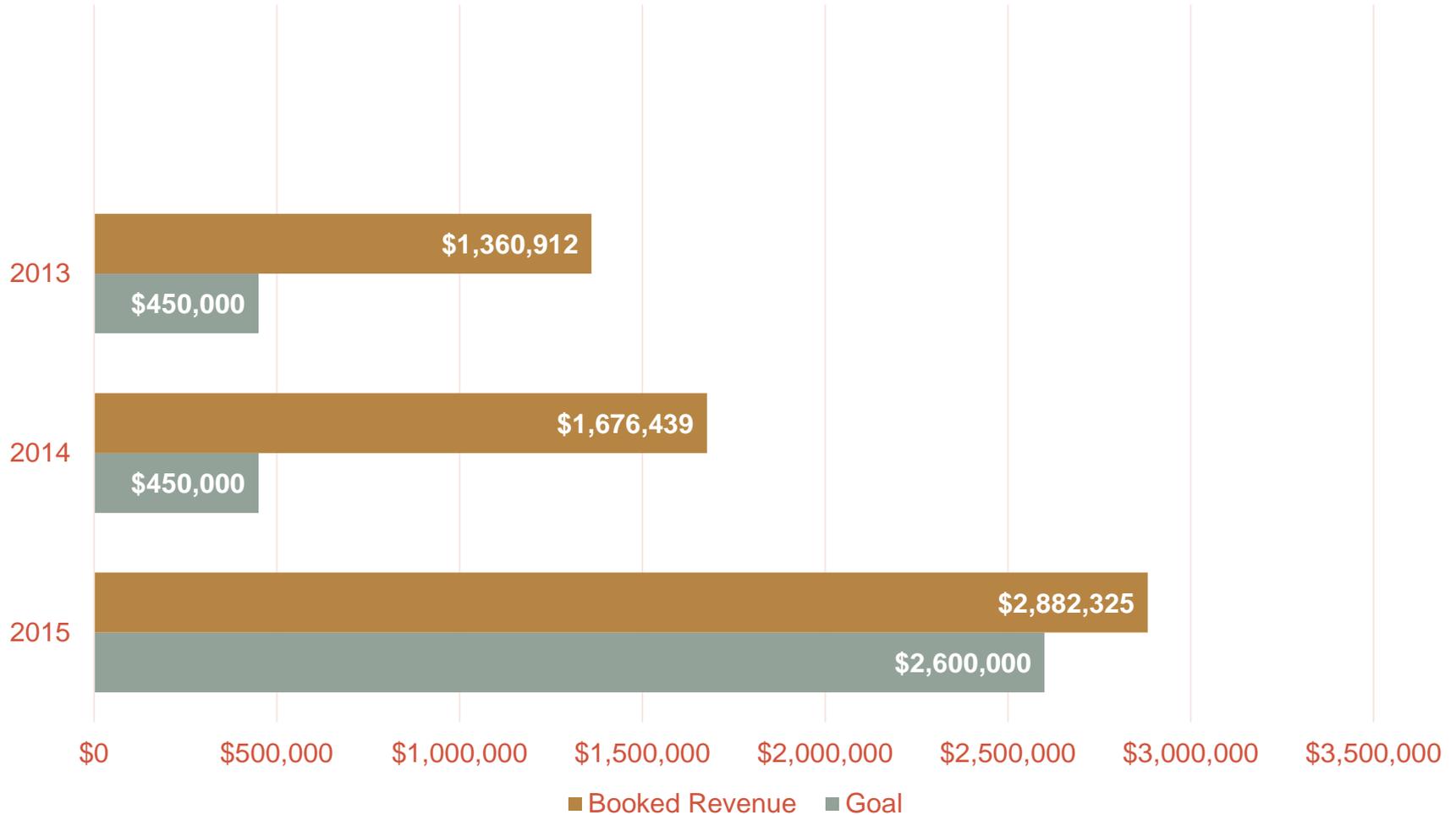
TRAVEL
TACOMA+
PIERCE COUNTY, WA

SALES

- Travel Tacoma – short term, long term, destination
- Washington State partners

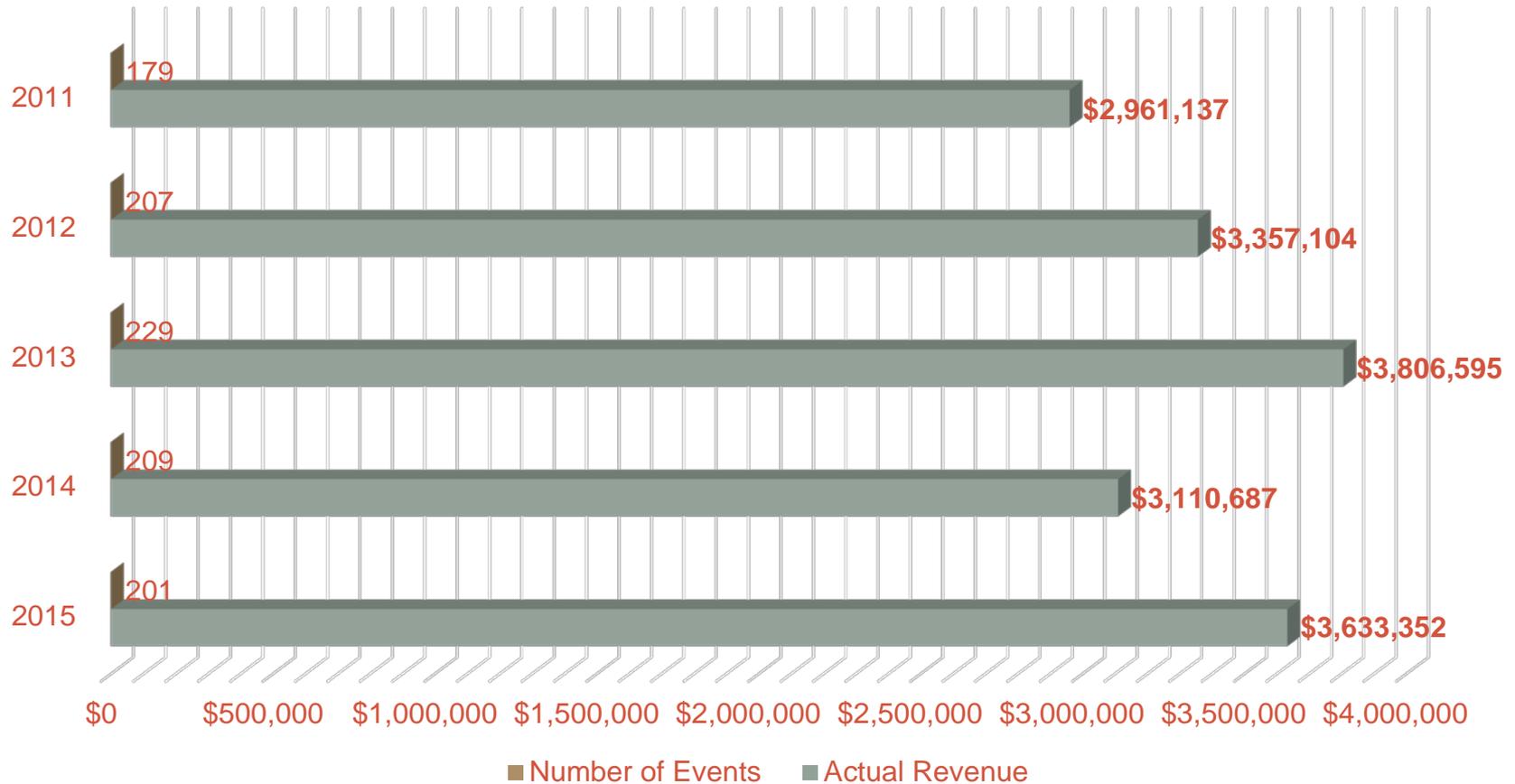


SALES REVENUE



SALES RESULTS

Actualized Convention Center Revenue



SALES RESULTS

Convention Center Future Year Bookings [2+ Years in Advance]

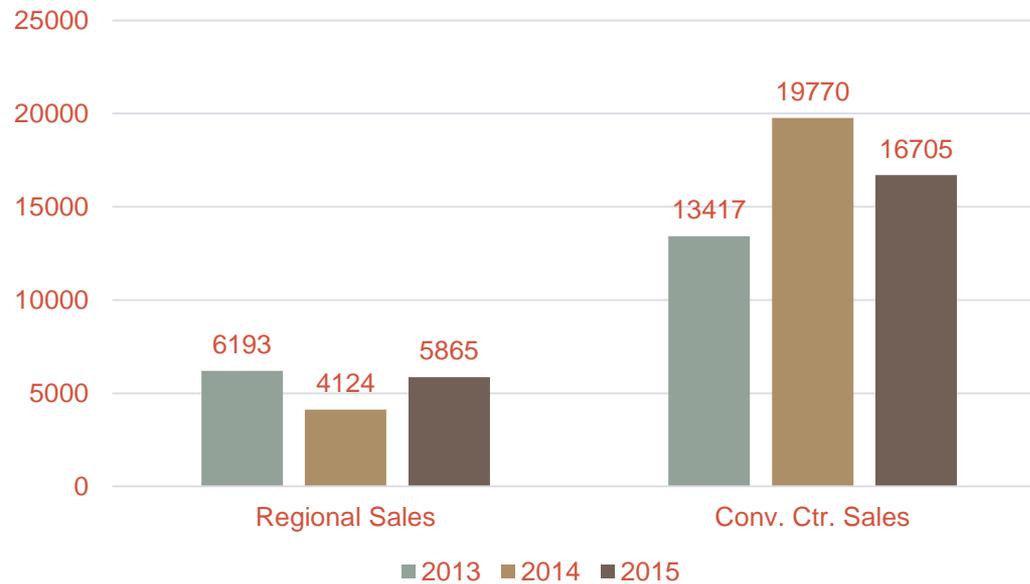
	2013	2014	2015	2016	2017	2018	2019
2011	8	0	0	0	0	0	0
2012		9	0	0	0	0	0
2013			10	4	2	0	0
2014				11	5	4	1
2015					8	8	1

*Results as of December 11, 2015.

SALES RESULTS

Goal: 19,000 Room Nights

- Contracted Room Nights: 22,570 (119% of goal)



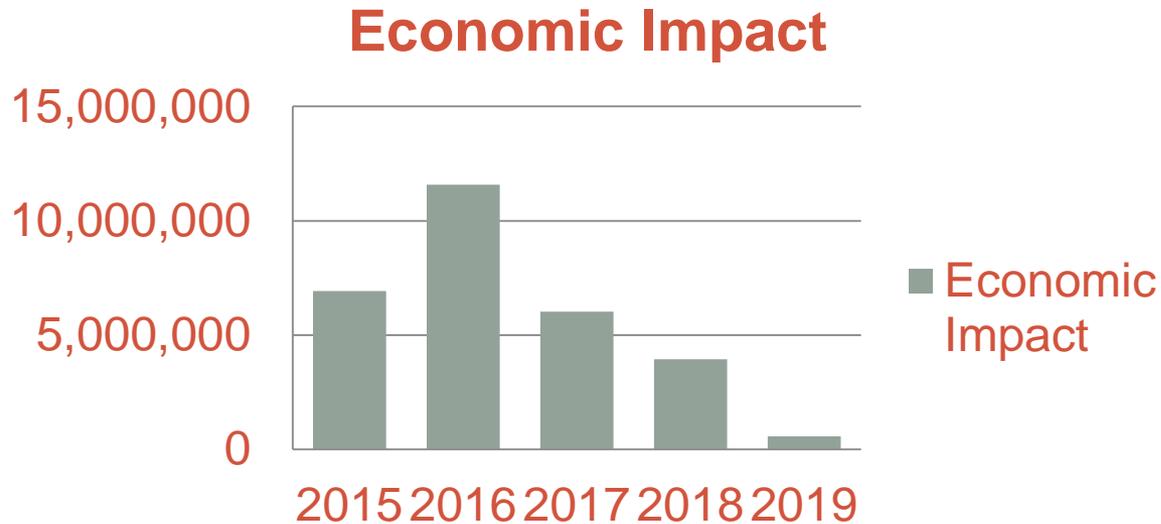
*Results as of December 11, 2015.

SALES RESULTS

Over \$28 Million in Estimated Economic Impact

Regional Sales: \$3.4 Million (2015-2017)

Convention Center Sales: \$25.1 Million (2015-2019)



*Results estimated as of December 11, 2015.

2015 ACCOMPLISHMENTS

- Rent revenue increase 24%
- Food & beverage sales increase 46%
- 214 events vs 205
- 28 conferences / conventions – 50,000 attendance
- Days occupied up 19%
- Space occupied up 13%

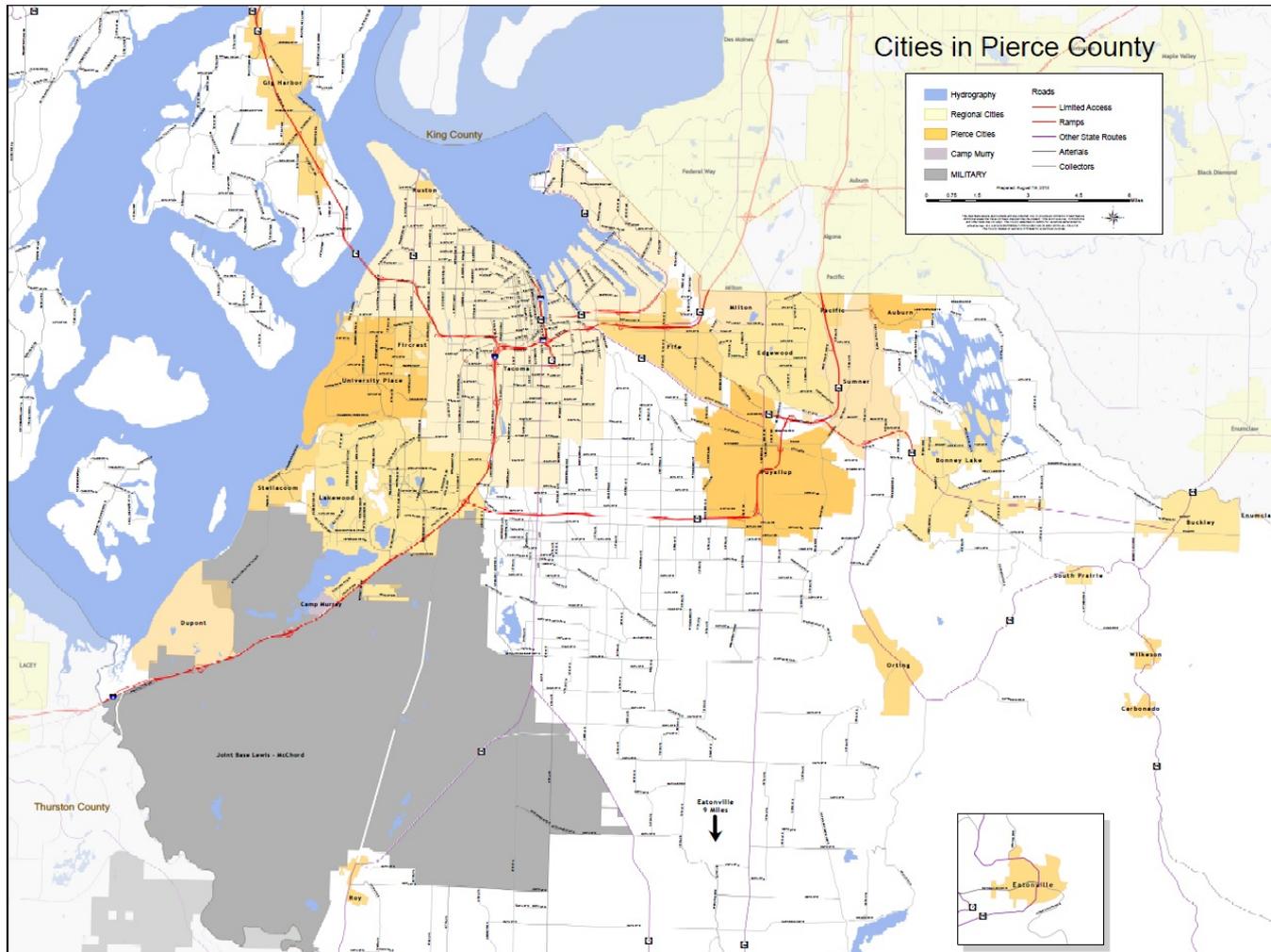
- Completed LED lighting retrofit exhibition hall
- DAS / WiFi enhancement
- New website www.gtctc.org

FUTURE POSSIBILITIES



YARETON INVESTMENT, LLC | ANKROM MOISAN ARCHITECTS

FUTURE POSSIBILITIES





To: Mayor and City Councilmembers

From: Kimberly J. Cox, Assistant City Attorney/City Prosecutor

Through: John J. Caulfield, City Manager 

Date: February 16, 2016

Subject: Amendment of LMC 09A.3.050 to Add RCW 9A.86.010 – Disclosing Intimate Images

Recommendation

It is recommended that the City of Lakewood amend Municipal Code (LMC) 09A.3.050 to include RCW 9A.86.010 – Disclosing intimate images. This amendment, or adoption of the RCW, by the City is required to enforce the law.¹

The statute is new—it took effect September 25, 2015. There is nothing similar to it in the Municipal Code. The statute addresses the situation(s) where a suspect posts or otherwise disseminates—typically via Facebook and other social media—photos or images that were intended to remain private. Please see below for full text.

The statute declares the first conviction to be a gross misdemeanor; any subsequent convictions are Class C felonies. Also, the burden of prove regarding mens rea is higher for juvenile offenders (requires “[i]ntentionally and maliciously” disclosing versus “knowingly” disclose for adults).

RCW 9A.86.010

RCW 9A.86.010

Disclosing intimate images.

¹ See *City of Auburn v. Gauntt*, 174 Wn.2d 321, 274 P.3d 1033 (2012).

(1) A person commits the crime of disclosing intimate images when the person **knowingly discloses** an intimate image of another person **and** the person disclosing the image:

(a) Obtained it under circumstances in which a reasonable person would know or understand that the image was to remain private;

(b) Knows or should have known that the depicted person has not consented to the disclosure; **and**

(c) Knows or reasonably should know that disclosure would cause harm to the depicted person.

(2) A person who is **under the age of eighteen** is not guilty of the crime of disclosing intimate images unless the person:

(a) **Intentionally and maliciously** disclosed an intimate image of another person;

(b) Obtained it under circumstances in which a reasonable person would know or understand that the image was to remain private; and

(c) Knows or should have known that the depicted person has not consented to the disclosure.

(3) This section does not apply to:

(a) Images involving voluntary exposure in public or commercial settings; or

(b) Disclosures made in the public interest including, but not limited to, the reporting of unlawful conduct, or the lawful and common practices of law enforcement, criminal reporting, legal proceedings, or medical treatment.

(4) This section does not impose liability upon the following entities solely as a result of content provided by another person:

(a) An interactive computer service, as defined in 47 U.S.C. Sec. 230(f)(2);

(b) A provider of public or private mobile service, as defined in section 13-214 of the public utilities act; or

(c) A telecommunications network or broadband provider.

(5) It shall be an affirmative defense to a violation of this section that the defendant is a family member of a minor and did not intend any harm or harassment in disclosing the images of the minor to other family or friends of the defendant. This affirmative defense shall not apply to matters defined under RCW [9.68A.011](#).

(6) For purposes of this section:

(a) "Disclosing" includes transferring, publishing, or disseminating, as well as making a digital depiction available for distribution or downloading through the facilities of a telecommunications network or through any other means of transferring computer programs or data to a computer;

(b) "**Intimate image**" means any photograph, motion picture film, videotape, digital image, or any other recording or transmission of another person who is identifiable from the image itself or from information displayed with or otherwise connected to the image, and that was taken in a private setting, is not a matter of public concern, **and depicts**:

(i) Sexual activity, including sexual intercourse as defined in RCW [9A.44.010](#) and masturbation; or

(ii) A person's intimate body parts, whether nude or visible through less than opaque clothing, including the genitals, pubic area, anus, or post-pubescent female nipple.

(7) The crime of disclosing intimate images:

(a) Is a **gross misdemeanor on the first offense**; or

(b) Is a class C felony if the defendant has one or more prior convictions for disclosing intimate images.

(8) Nothing in this section is construed to:

(a) Alter or negate any rights, obligations, or immunities of an interactive service provider under 47 U.S.C. Sec. 230; or

(b) Limit or preclude a plaintiff from securing or recovering any other available remedy.

[2015 2nd sp.s. c 7 § 1.]



To: Mayor and City Councilmembers

From: David Bugher, Assistant City Manager, Development Services

Through: John J. Caulfield, City Manager *John J. Caulfield*

Date: February 22, 2016 (Study Session)

Subject: 2015 Annual Housing Report

The City Council has adopted a goal/objective to increase the number and quality of the community's housing. The attached report outlines the amount of new single family construction, single family remodels and additions, and demolitions. The level of activity provides an indication of the City's overall health in regards to economic development activity.

Average price per square foot for Lakewood was \$149, an increase of 18.3% compared to the same period last year. The median sales price for homes for Sep 15 to Dec 15 was \$229,719 based on 106 home sales. Compared to the same period one year ago, the median home sales price increased 12.2%, or \$25,000, and the number of home sales decreased 11.7%. There are currently 172 resale and new homes in Lakewood, including two open houses, as well as 59 homes in the pre-foreclosure, auction, or bank-owned stages of the foreclosure process. The average listing price for homes for sale in Lakewood was \$363,662 for the week ending Dec 16, which represents an increase of 8.6%, or \$28,943, compared to the prior week. (This information was obtained from the Trulia website.)

Table 1 is a summary of residential permit activity for the previous year (2015).

TABLE 1 Lakewood Residential Permit Activity				
Description	Units	Permits	Fees Paid	Valuation
Residential Addition	N/A	24	\$42,348.45	\$1,713,072.48
Residential Accessory Unit	7	7	\$11,301.40	\$363,753.58
New single family residences	44	36	\$211,787.65	\$12,771,569.25
Single family residential remodel/repair	N/A	83	\$75,895.71	\$2,484,457.05
Single family residential demolition permits	-24	24	N/A	0.00

TABLE 1 Lakewood Residential Permit Activity				
Description	Units	Permits	Fees Paid	Valuation
New multifamily development	0	0	0.00	0.00
Totals	27	174	\$341,333.21	\$17,332,852.36

There were three short plats approved for five lots, and one final subdivision (Copper Ridge) filed for 41 lots. Table 2 provides details on new lot creation.

TABLE 2 Lakewood Short/Final Plats				
Description	No. of Lots	Permits	Fees Paid	
Short plats issued	5		3	\$4,460.00
Short plat applied	3		1	\$1,620.00
Final plat applied	41		1	\$4,800.00
Totals	49		5	\$10,880.00

There was no new multifamily development in 2015, although there are three tentative projects in the planning stages. There were also no multifamily tax exempt projects approved.

Comparison to Tacoma's Housing: Table 3 provides information on Lakewood's housing in comparison to Tacoma. The two cities are quite similar in housing-related issues, except for homeownership rates and the percentage of multifamily units.

TABLE 3 Housing Comparisons Lakewood vs Tacoma		
Housing Quick Facts	Lakewood	Tacoma
Housing units, 2010	26,548	85,786
Homeownership rate, 2009-2013	45%	51.5%
Housing units in multi-unit structures, percent, 2009-2013	41.2%	34.2%
Median value of owner-occupied housing units, 2009-2013	\$223,500	\$216,700
Households, 2009-2013	24,414	78,681
Persons per household, 2009-2013	2.34	2.47
Per capita money income in past 12 months (2013 dollars), 2009-2013	\$26,117	\$26,147
Median household income, 2009-2013	\$43,362	\$50,503
Persons below poverty level, percent, 2009-2013	19.7%	18.0%

Impediments to Housing in Lakewood: Lakewood is a built-out community; thus, there are inherent barriers to infill development. Below is a list of barriers that City staff has identified:

Lack of developer interest. Many developers in this area are used to developing only on "greenfield" sites at the urban periphery, and not in passed over, infill properties.

Cost of development. Infill parcels typically cost more than land in greenfield sites. It is also more expensive to develop on lots surrounded by existing development.

Neighborhood resistance to higher density (necessary to recoup higher development costs). This resistance can significantly delay or halt a project, and therefore push up development costs, as the neighbors attempt to fight each successive development approval required for the project. The Commission recently experienced this phenomenon with a proposal to amend the comprehensive plan and zoning regulation at Veterans Drive SW and Gravelly Lake Drive SW.

Regulatory barriers. Zoning, land development regulations, and fire and building codes may present problems for developing on infill sites, although City staff has not received complaints from developers that the City's codes are too restrictive. City staff has received complaints about processing times, although, overall, the department has met its adopted performance measurement standards.

Administrative delays. Examples of infill development activities that have added delays include Pierce County sewer reviews and approvals, and payment of mitigation reimbursements to cover upfront improvement costs.

Inadequate public facilities. Poor water or sewer service and inadequate road or school capacity are examples of factors that could discourage a developer from undertaking infill development in a particular area.

Infill Development Strategy for 2016:

Stimulate Developer Interest. In this coming year, the City proposed a developer's forum to be conducted this spring. City staff will continue to market and publish infill parcel inventory.

Reduce Neighborhood Resistance. City staff, if directed by the Commission and/or City Council, will propose a planned unit development district introducing design standards for single family residential development.

Reduce Infill Costs. Provide tax abatement for multifamily development projects within designated parts of the City.

Review Land Use & Development Regulations. City staff is proposing a major update to Title 18A this year. The update is part organizational, but it is also being performed to review current permitting processes. Additionally, work continues to automate some of the department's day-to-day functions, and improve transparency.

Improve Public Facilities. City will continue to use grant funds to construct major improvements to streets, roads, and public sewer systems. City will maintain and update its six-year capital facilities plan.

Habitat for Humanity in Tillicum. Lakewood continues to provide financial support for the construction of single family homes in the greater Tillicum community; however, with

significantly reduced funding in CDBG and HOME, the level of support after 2016 will be minimal.

Other 2016 Housing Strategies:

Rental Housing Inspection Program. If approved by the City Council, the program could improve the quality of rental housing in Lakewood.

Business Licensing for Mobile Home Parks. In 2015, CED staff began experimenting with conditional business licensing as a means of improving the quality of life within parks, in addition to reducing serious police calls for service. One park was identified as a candidate under this program. There has been some success, but it is labor intensive. It requires a significant amount of coordination amongst numerous state agencies and utility providers. The program will continue into 2016.

Lakewood 2015 Annual Housing Report

- Average price per square foot for Lakewood was \$149, an increase of 18.3% compared to the same period last year.
- The median sales price for homes for Sep 15 to Dec 15 was \$229,719 based on 106 home sales.
 - Compared to the same period one year ago, the median home sales price increased 12.2%, or \$25,000, and the number of home sales decreased 11.7%.
- The average listing price for homes for sale in Lakewood was \$363,662 for the week ending Dec 16.

TABLE 1

Lakewood Residential Permit Activity

Description	Units	Permits	Fees Paid	Valuation
Residential Addition	N/A	24	\$42,348.45	\$1,713,072.48
Residential Accessory Unit	7	7	\$11,301.40	\$363,753.58
New single family residences	44	36	\$211,787.65	\$12,771,569.25
Single family residential remodel/repair	N/A	83	\$75,895.71	\$2,484,457.05
Single family residential demolition permits	-24	24	N/A	0.00
New multifamily development	0	0	0.00	0.00
Totals	27	174	\$341,333.21	\$17,332,852.36

TABLE 2
Lakewood Short/Final Plats

Description	No. of Lots	Permits	Fees Paid
Short plats issued	5	3	\$4,460.00
Short plat applied	3	1	\$1,620.00
Final plat applied	41	1	\$4,800.00
Totals	49	5	\$10,880.00

TABLE 3

Housing Comparisons Lakewood vs Tacoma

Housing Quick Facts	Lakewood	Tacoma
Housing units, 2010	26,548	85,786
Homeownership rate, 2009-2013	45%	51.5%
Housing units in multi-unit structures, percent, 2009-2013	41.2%	34.2%
Median value of owner-occupied housing units, 2009-2013	\$223,500	\$216,700
Households, 2009-2013	24,414	78,681
Persons per household, 2009-2013	2.34	2.47
Per capita money income in past 12 months (2013 dollars), 2009-2013	\$26,117	\$26,147
Median household income, 2009-2013	\$43,362	\$50,503
Persons below poverty level, percent, 2009-2013	19.7%	18.0%

Impediments to Housing in Lakewood

- Lack of developer interest
- Cost of development
- Neighborhood resistance to higher density (necessary to recoup higher development costs)
- Regulatory barriers
- Administrative delays
- Inadequate public facilities

Infill Development Strategy for 2016

- Stimulate Developer Interest
- Reduce Neighborhood Resistance.
- Reduce Infill Costs.
- Review Land Use & Development Regulations.
- Improve Public Facilities.
- Habitat for Humanity in Tillicum

Other 2016 Housing Strategies

- Rental Housing Inspection Program
- Business Licensing for Mobile Home Parks



To: Mayor and City Councilmembers

From: Don Wickstrom, Public Works Director

Through: John J. Caulfield, City Manager 

Date: February 12, 2016

Subject: Waughop Lake Management Plan - Progress Update

Waughop Lake has a long history of toxic blue-green algae growth that severely limits use of the lake. The lake's water quality problems probably began more than 100 years ago when the surrounding area was used to raise livestock and grow crops for the nearby state mental hospital. Manure and other agricultural wastes were discharged into the lake from about 1900 until 1965 and likely contributed to the thick layer of nutrient-rich sediment that now covers the lake bottom.

In 2014, the City received a grant from the Washington State Department of Ecology to develop a management plan for Waughop Lake. The City retained Brown and Caldwell and Dr. Jim Gawel (UW-Tacoma) to help develop the lake management plan.

From October 2014-October 2015, the project team collected the data needed to develop the Waughop Lake Management Plan. This included monitoring lake water, lake bed sediment, aquatic plants, plankton, waterfowl, stormwater, and groundwater in order to identify the likely causes for the blue-green algae blooms and support evaluation of potential management measures. Figure 1 below shows the monitoring locations.

Evaluation of the monitoring results is underway. The preliminary evaluation suggests that elevated phosphorus is the main cause for dense aquatic plant growth and plankton blooms in the lake and that lake bed sediment is the main phosphorus source. Lake water samples typically had higher phosphorus concentrations than groundwater or stormwater.

During the monitoring period, direct precipitation, groundwater, and runoff from the shoreline area were the main sources of water for Waughop Lake. There was little direct stormwater runoff from the Pierce College campus into the lake because the College's stormwater pond infiltrated almost all of the stormwater runoff from its tributary area. The Oct. 2014-Oct. 2015 monitoring period was unusually dry, however.

Water levels in lake bed piezometers and adjacent monitoring wells indicate that groundwater movement through the lake is relatively slow. A sediment core study conducted by University of Puget Sound in 2013 found

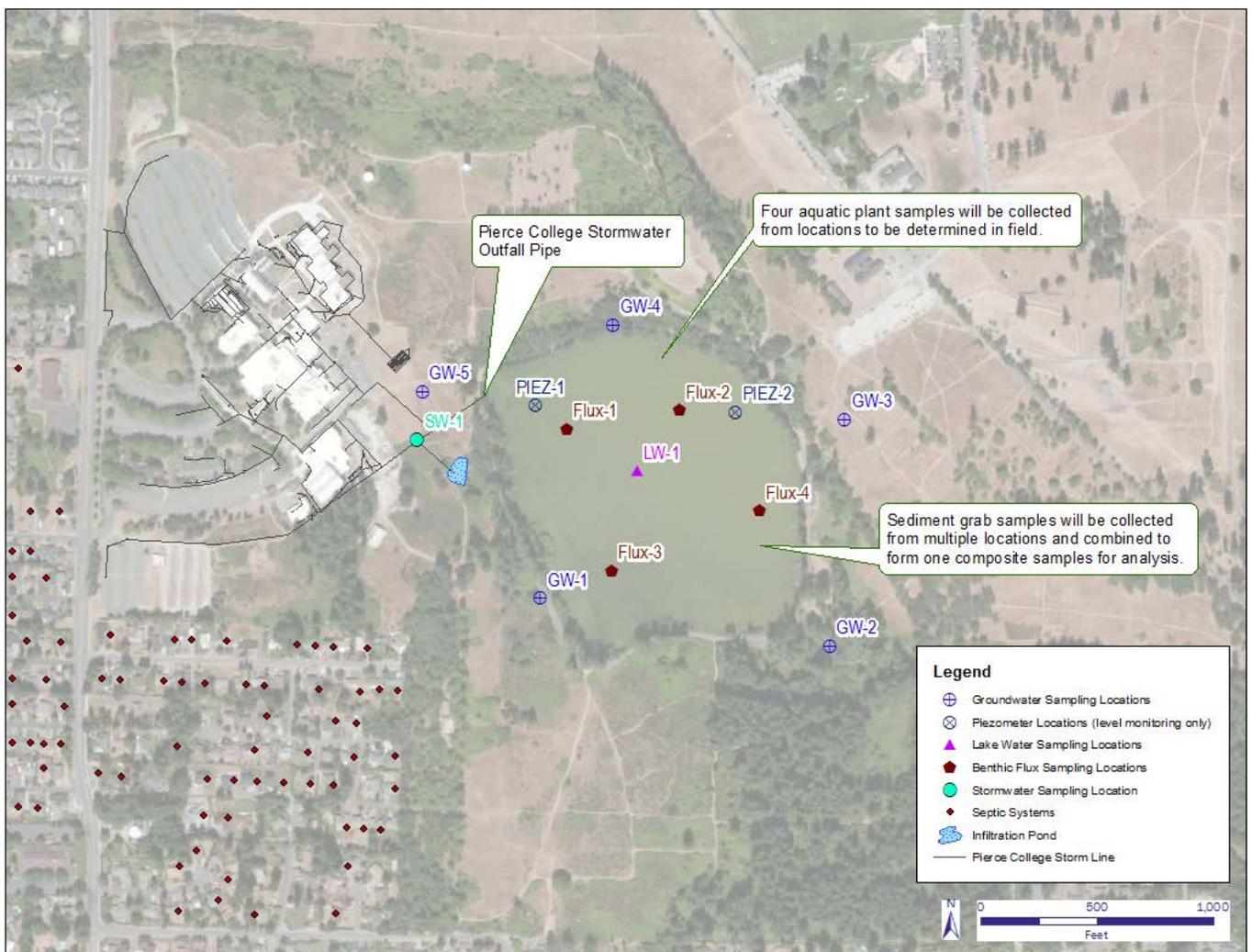
a thick layer of fine-grained sediment on the lake bottom. This layer could restrict the rates of groundwater flow through the lake.

Initial review of the monitoring results suggests that septic systems (which are located about ¼ to ½ mile southwest of the lake) are not an appreciable source of phosphorus to the lake. This is based on the observed groundwater concentrations and flow gradient.

Numerous waterfowl were observed on the lake during the late fall and winter months. However, the vast majority were migratory birds that feed within the lake and do not appear to be importing appreciable phosphorous to the lake. Relatively few “resident” ducks and geese were observed on the lake during Oct. 2014-Oct. 2015.

The next steps in the project, which are underway now, include developing a nutrient budget for the lake, evaluating potential management measures, and selecting the measures that appear most appropriate for Waughop Lake based on the study results, planning-level costs, and stakeholder input. We will then prepare a Lake Management Plan to summarize the study methods, key findings, and recommended actions. The final plan is scheduled to be completed by Sept. 2016.

Figure 1. Waughop Lake Monitoring Locations, Oct. 2014-Oct. 2015





To: Mayor and City Councilmembers
From: Brent Champaco, Communications Manager
Through: John J. Caulfield, City Manager
Date: February 22, 2016
Subject: Website Phase 2 & Phase 3 update

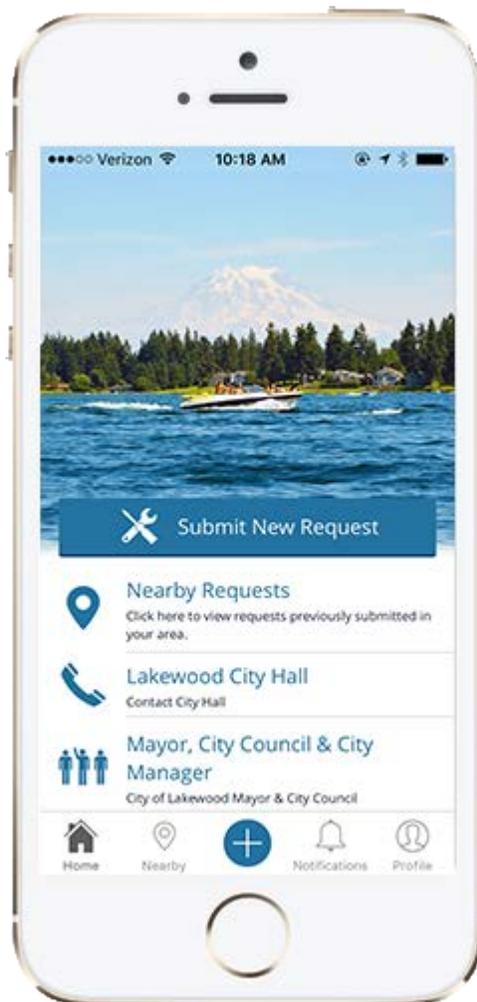
Background: In 2015, the City of Lakewood launched a new website that emphasized user capability and a more modern design. The process involved Communications and IT working together and with other departments to conceptualize and produce content. This was done entirely in-house and at minimal cost. After more than six months of planning, the City’s new site launched. Users immediately noticed the difference, in terms of both City employees (who for the first time were controlling or had direct oversight in the content of their department pages) and residents.

Summary: Throughout the website development process, the City classified the website’s launch as the first of three phases. Phase I, completed mid-2015, created a unique, easy-to-use and interactive experience for users. Phase II involved revamping the City’s online reporting system with a feature that is more practical for both users and City employees, as well as incorporating a mobile application feature into the reporting system. In January 2016, the City of Lakewood launched its official app and online reporting system titled “MyLakewood311.” In partnership with PublicStuff, the new app and online system allows users to submit reports and complaints – everything from potholes to garbage to shopping carts. The submittal is logged and, based on what it is, is routed to the correct department or employee via a predetermined workflow.

After one month, the new MyLakewood311 mobile app has raised the City to an unprecedented level of engagement with its residents. From Jan. 3 to Feb. 3, residents submitted 133 requests for service – everything from streetlight outages to animal control complaints. More than 80 percent of those requests are complete with the remaining requests being addressed. At that pace, the City will receive 1,500 to 1,800 requests annually, which is five-to-six times the amount of reports the public submitted before MyLakewood311. What the initial numbers indicate is residents are using the system (both online and via phones and tables) and are communicating with their City.

Phase III of the website’s overhaul involves adding features such as multimedia, moving video and other features that will make users’ new experience complete. Communication and IT are examining several options and plan to team with Pierce College to ultimately implement the upgrades. The City has a longstanding relationship with Pierce College’s digital media program via internships, allowing students to gain on-the-job training. The model serves as a “win” for all parties involved.

MyLakewood311





To: Mayor and City Councilmembers
From: Heidi Ann Wachter, City Attorney
Through: John J. Caulfield, City Manager
Date: February 22, 2016
Subject: Review of Solid Waste Code Amendments

A handwritten signature in black ink that reads "John J. Caulfield".

In an effort to ensure high quality service to residents and businesses, the franchise agreement with Waste Connections for solid waste collection was negotiated and took effect in 2016. The previous agreement had not been regularly updated and there is overlap between City Code and the new agreement.

The new agreement and City Code have been reviewed to eliminate duplications and fully address issues related to solid waste collection. Examples include how to address delinquent customers and recycling. Proposed changes to the Lakewood Municipal Code (LMC) will remove duplicative language and potential conflicts with language contained in the franchise agreement.

With regard to recycling, current Code language is designed to protect exclusivity of the solid waste hauler by holding recycling service providers to hauling only recyclables. This is achieved in many cities including Lakewood by regulating what percentage of any given load may be garbage rather than recyclable. Lakewood's percentage of allowable garbage in a recycling load is one of the lowest in the State and may be overly prescriptive. Based on the current analysis, recommendations are to reduce the restrictiveness of the language in the LMC.

The changes to chapter 13.06 LMC are outlined as follows:

- Definitions are recodified. The Code contains over three dozen definitions that address solid waste functions. To facilitate future amendments, these definitions are reorganized.
- Yardwaste and tree trimmings are deleted from the Code (current LMC 13.06.070(E) & LMC 13.06.110(C), (D)). Service of yard waste, which includes tree trimmings, is addressed in the current franchise.
- Collection Schedule Frequency. This section (i.e., LMC 13.06.110) is deleted as duplicative as the current franchise.
- Rate Language. Rates are set by the franchise agreement, which was passed by Ordinance. Accordingly, de-codifying these sections is done to avoid duplication and in recognition of the fact that future rate changes will be done via franchise.

ORDINANCE NO.
AN ORDINANCE of the City Council of the City of Lakewood,
Washington, amending Chapter 13.06 of the Lakewood Municipal
Code providing for garbage collection services.

WHEREAS, in connection with the need to ensure the provision of garbage and refuse collection services within the City, the City established its garbage collection utility, providing for rates and regulations thereof; and,

WHEREAS, and an updated contract for such services with Waste Connections makes it necessary to amend code language; and,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD,
WASHINGTON, DO ORDAIN as follows:

Section 1: Section 13.06.010 of the Lakewood Municipal Code entitled "Definitions" is retitled "Definitions – A" and hereby amended to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

"Alley" means a strip of land dedicated to public use for access to the rear of properties. Such alleys, to be used for the purpose of refuse collection, must be at least twenty feet wide and open to a public street at each end, or otherwise as approved by the public works director in accordance with the purposes of this Chapter.

"Automated Carts" means a cart with a tight fitting lid designed to be picked up and emptied by mechanical means.

"Automated Service" means garbage or recycling collection services where specific containers or carts are provided that are emptied into a garbage truck by mechanical means controlled by the operator.

~~D. "Bale" means material compressed by machine and securely tarped or banded.~~

~~E. "Bulk containerized services" means use of drop boxes in excess of ten cubic yards in size as approved by the public works director.~~

~~F. "Bulky Materials" means empty carriers, cartons, boxes, crates, etc., or materials offered for disposal, all of which may be readily handled without shoveling.~~

~~G. "Can" also referred to as a refuse container, means a can must be made of durable, corrosion-resistant, nonabsorbent material, watertight, with a close fitting cover and two handles. Size to exceed 20 gallons but not to exceed 32 gallons or 4 cubic feet. A can cannot weigh more than 65 pounds when filled nor more than 12 pounds when empty.~~

~~H. "Cart" means a wheeled plastic container. If supplied by the customer, it must be compatible with the contractor's equipment. Cart may also be referred to as a toter. Size and type shall be as defined in the sections identifying rates.~~

~~I. "Charge" means a set flat fee for performing a service or the result of multiplying a rate for a unit times the number of units transported.~~

~~J. "City's Contractor" means the private company performing municipal Solid Waste collection and transportation services under written agreement with the City.~~

K. "Commercial account" means any group of dwelling units in excess of two, or places of business providing goods or services.

L. "Compacted Material" means material which has been compressed by any mechanical device either before or after it is placed in the receptacle handled by the contractor.

M. "Compactor container" refers to use of bulk containerized service where garbage is mechanically compressed into a smaller volume with greater density.

N. "Compactor Disconnect/Reconnect Charge" means a flat fee established by the solid waste collection company for the service of disconnecting a compactor from a drop box or container prior to taking it to be dumped and then reconnecting the compactor when the drop box or container is returned to the customer's site.

O. "Container" means a detachable container which is left at a customer's premises and emptied into the contractor's truck and is lifted by mechanical means.

P. "Containerized service" means service and equipment approved by the public works director, wherein the contractor provides a vehicle equipped for mechanical handling of containers with easters up to ten cubic yards. Such containers shall be provided by the contractor.

Q. "Drop Box" means a container which is placed on the contractor's truck by mechanical means, hauled to a disposal site and returned to customer's premises.

R. "DRUM" means a metal container of approximately 50 gallon capacity, generally used for oils or solvents. Maximum weight not to exceed 75 pounds when filled.

S. "Garbage" means all accumulations of animal, fruit, or vegetable matter which attend the preparation, use, cooking, dealing in, or storage of meat, fish, fowl, fruits, or vegetables and containers originally used for foodstuffs, yard debris such as tree limbs, grass clippings, leaves, weeds, etc. For the purposes hereof, the terms "garbage" and "refuse" shall be synonymous.

T. "Gate Charge" means a flat fee charged for opening, unlocking or closing gates in order to pickup solid waste.

U. "Licensed contractor" means a company licensed to commercially remove garbage within the City, and is also referred to at times in this Chapter as "licensee" or "contractor," and includes all employees.

V. "Litter Receptacle" means a container not over 60 gallon capacity generally placed in shopping centers and along streets or highways for litter. Maximum weight not to exceed 75 pounds when filled.

W. "Loose Material" means material not set out in bags or containers. Also includes materials which must be shoveled.

X. "Mini Can" means a can made of durable, corrosion resistant, nonabsorbent material, watertight with a close fitting cover. Size not to exceed 20 gallons, nor weight to exceed 35 pounds.

Y. "Nonconforming items" means all refuse items placed out for collection which do not constitute regular residential or commercial garbage and which by size, weight or unwieldiness pose increased difficulty for garbage collection services. Examples of such non-conforming items are large bulky items, including tree limbs and stumps over four inches in diameter, furniture and appliances, concrete, building materials, tires, etc.

Z. "Paeker" means a device or vehicle specially designed to pack loose materials.

AA. "Pass through fees" are fees that are billed directly to the customer without markup or markdown by the solid waste collection company.

BB. "Permanent Service" is, in conjunction with containers and drop boxes, when service is provided for a period of more than ninety days.

CC. "Permittee" means a person or entity who collects and transports Recyclables under the

authority of a permit and/or license issued under this Chapter and in compliance with RCW Chapter 70.95.

DD. "Rate" means a price per unit or per service. A rate is multiplied times the number of units transported, or the number of times a service is performed to determine a freight charge.

EE. "Recyclables" means only those materials that are source-separated from and uncontaminated by Solid Waste by the generator for transformation or remanufacturing into usable or marketable materials for use other than landfill disposal or incineration.

FF. "Recycling Cart or Container" means a cart, container or receptacle of any size specifically designed, intended or designated for collection of recyclables.

GG. "Residential account" means any dwelling unit or group of dwelling units not exceeding two in number, used exclusively as a place of residence.

HH. "Solid Waste" means all residential and nonresidential putrescible and nonputrescible solid and semisolid waste generated within the City, excluding Recyclables. Solid Waste includes, but is not limited to, garbage, refuse, rubbish, demolition and construction waste, recyclable materials collected from residential locations, and all residual waste remaining after recycling.

I. "Special Pickup" means a pickup requested by the customer at a time other than the regularly scheduled pickup time, but which does not involve the dispatch of a truck. If a special dispatch is required, time rates as shown in Section 13.06.170, Paragraphs I and J will apply.

JJ. "Temporary Service" means rates for temporary service apply only when service is required for a period of 90 days or less in conjunction with containers and drop boxes. Temporary service rates are not to be used for the first 90 days of service when the customer requests, and the carrier provides, service for more than 90 days.

KK. "Toter" is a wheeled plastic container. If supplied by the customer, it must be compatible with the contractor's equipment. May also be referred to as a cart. Type and size shall be as defined in the sections identifying rates.

LL. "Transporter" means a person or entity offering services consisting of collection and/or transportation of Recyclables from generators within the City of Lakewood. For the purposes of this section, 'transporter' has the same meaning as contained in RCW 70.95.400, as that section does now exist or as hereinafter may be amended. A lawful transporter is one who is in compliance with or specifically exempted from compliance with LMC section 13.06.300 and RCW section 70.95.400 prior to collecting and transporting recyclables within the City of Lakewood.

MM. "Trash" means weeds and grasses and waste materials except rocks, concrete, bricks, dirt, plaster and similar building materials.

N. "Unit" means a garbage or refuse receptacle described as follows:

(1) a can made of durable, corrosion resistant, nonabsorbent material, watertight, with a close fitting cover and two handles. Size to exceed 20 gallons but not to exceed 32 gallons or 4 cubic feet.

Cannot weigh more than 65 pounds when filled or more than 12 pounds when empty.

(2) Where agreeable between the contractor and a customer (and where allowable under local ordinance) a box, carton, cardboard barrel or other suitable container may be substituted for a garbage can, for single pickup which includes the container, if it meets the size and weight limits shown in paragraph (1) above.

NN. "Unlatching Charge" is another term for gate charge; a flat fee imposed by the contractor when its personnel must unlatch a gate or door to perform pickup service.

OO. "Unlocking Fee" means a flat fee imposed by the contractor when its personnel must unlock padlocks or other locking devices to perform pickup service.

PP. "Yardwaste Cart or Container" means a cart or container specifically designed or designated for

~~the collection of yardwaste.~~

Section 2: Section 13.06.011 of the Lakewood Municipal Code entitled “Definitions – B” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

"Bale" means material compressed by machine and securely tarped or banded.

"Bulk containerized services" means use of drop boxes in excess of ten cubic yards in size as approved by the public works director.

"Bulky Materials" means empty carriers, cartons, boxes, crates, etc., or materials offered for disposal, all of which may be readily handled without shoveling.

Section 3: Section 13.06.012 of the Lakewood Municipal Code entitled “Definitions – C” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

"Can" also referred to as a refuse container, means a can must be made of durable, corrosion-resistant, nonabsorbent material, watertight, with a close fitting cover and two handles. Size to exceed 20 gallons but not to exceed 32 gallons or 4 cubic feet. A can cannot weigh more than 65 pounds when filled nor more than 12 pounds when empty.

"Cart" means a wheeled plastic container. If supplied by the customer, it must be compatible with the contractor's equipment. Cart may also be referred to as a toter. Size and type shall be as defined in the sections identifying rates.

"Charge" means a set flat fee for performing a service or the result of multiplying a rate for a unit times the number of units transported.

"City's Contractor" means the private company performing municipal Solid Waste collection and transportation services under written agreement with the City.

"Commercial account" means any group of dwelling units in excess of two, or places of business providing goods or services.

"Compacted Material" means material which has been compressed by any mechanical device either before or after it is placed in the receptacle handled by the contractor.

"Compactor container" refers to use of bulk containerized service where garbage is mechanically compressed into a smaller volume with greater density.

"Compactor Disconnect/Reconnect Charge" means a flat fee established by the solid waste collection company for the service of disconnecting a compactor from a drop box or container prior to taking it to be dumped and then reconnecting the compactor when the drop box or container is returned to the customer's site.

"Container" means a detachable container which is left at a customer's premises and emptied into the contractor's truck and is lifted by mechanical means.

"Containerized service" means service and equipment approved by the public works director, wherein the contractor provides a vehicle equipped for mechanical handling of containers with casters up to ten cubic yards. Such containers shall be provided by the contractor.

Section 4: Section 13.06.013 of the Lakewood Municipal Code entitled “Definitions – D” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

"Drop Box" means a container which is placed on the contractor's truck by mechanical means, hauled to a disposal site and returned to customer's premises.

"DRUM" means a metal container of approximately 50 gallon capacity, generally used for oils or solvents. Maximum weight not to exceed 75 pounds when filled.

Section 5: Section 13.06.014 of the Lakewood Municipal Code entitled “Definitions – E” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

Section 6: Section 13.06.015 of the Lakewood Municipal Code entitled “Definitions – F” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

Section 7: Section 13.06.016 of the Lakewood Municipal Code entitled “Definitions – G” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

"Garbage" means all accumulations of animal, fruit, or vegetable matter which attend the preparation, use, cooking, dealing in, or storage of meat, fish, fowl, fruits, or vegetables and containers originally used for foodstuffs, yard debris such as tree limbs, grass clippings, leaves, weeds, etc. For the purposes hereof, the terms "garbage" and "refuse" shall be synonymous.

"Gate Charge" means a flat fee charged for opening, unlocking or closing gates in order to pickup solid waste.

Section 8: Section 13.06.017 of the Lakewood Municipal Code entitled “Definitions – H” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

Section 9: Section 13.06.018 of the Lakewood Municipal Code entitled “Definitions – I” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

Section 10: Section 13.06.019 of the Lakewood Municipal Code entitled “Definitions – J” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

Section 11: Section 13.06.020 of the Lakewood Municipal Code entitled “Definitions – K” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

Section 12: Section 13.06.021 of the Lakewood Municipal Code entitled “Definitions – L” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

"Licensed contractor" means a company licensed to commercially remove garbage within the City, and is also referred to at times in this Chapter as "licensee" or "contractor," and includes all employees.

"Litter Receptacle" means a container not over 60 gallon capacity generally placed in shopping centers and along streets or highways for litter. Maximum weight not to exceed 75 pounds when filled.

"Loose Material" means material not set out in bags or containers. Also includes materials which must be shoveled.

Section 13: Section 13.06.022 of the Lakewood Municipal Code entitled “Definitions – M” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

"Mini-Can" means a can made of durable, corrosion-resistant, nonabsorbent material, watertight with a close fitting cover. Size not to exceed 20 gallons, nor weight to exceed 35 pounds.

Section 14: Section 13.06.023 of the Lakewood Municipal Code entitled “Definitions – N” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

"Nonconforming items" means all refuse items placed out for collection which do not constitute regular residential or commercial garbage and which by size, weight or unwieldiness pose increased difficulty for garbage collection services. Examples of such non-conforming items are large bulky items, including tree limbs and stumps over four inches in diameter, furniture and appliances, concrete, building materials, tires, etc.

Section 15: Section 13.06.024 of the Lakewood Municipal Code entitled “Definitions – O” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

Section 16: Section 13.06.025 of the Lakewood Municipal Code entitled “Definitions – P” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

"Packer" means a device or vehicle specially designed to pack loose materials.

"Pass through fees" are fees that are billed directly to the customer without markup or markdown by the solid waste collection company.

"Permanent Service" is, in conjunction with containers and drop boxes, when service is provided for a period of more than ninety days.

"Permittee" means a person or entity who collects and transports Recyclables under the authority of a permit and/or license issued under this Chapter and in compliance with RCW Chapter 70.95.

Section 17: Section 13.06.026 of the Lakewood Municipal Code entitled “Definitions – Q” is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

Section 18: Section 13.06.027 of the Lakewood Municipal Code entitled “Definitions – R” is created to read as follows:

"Rate" means a price per unit or per service. A rate is multiplied times the number of units transported, or the number of times a service is performed to determine a freight charge.

"Recyclables" means only those materials that are source-separated from and uncontaminated by Solid Waste by the generator for transformation or remanufacturing into usable or marketable materials for use other than landfill disposal or incineration.

"Recycling Cart or Container" means a cart, container or receptacle of any size specifically designed, intended or designated for collection of recyclables.

"Residential account" means any dwelling unit or group of dwelling units not exceeding two in number, used exclusively as a place of residence

Section 19: Section 13.06.028 of the Lakewood Municipal Code entitled “Definitions – S” is created to read as follows:

"Solid Waste" means all residential and nonresidential putrescible and nonputrescible solid and semisolid waste generated within the City, excluding Recyclables. Solid Waste includes, but is not limited to, garbage, refuse, rubbish, demolition and construction waste, recyclable materials

collected from residential locations, and all residual waste remaining after recycling.
"Special Pickup" means a pickup requested by the customer at a time other than the regularly scheduled pickup time, but which does not involve the dispatch of a truck. If a special dispatch is required additional rate charges will apply.

Section 20: Section 13.06.029 of the Lakewood Municipal Code entitled "Definitions – T" is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

"Temporary Service" means rates for temporary service apply only when service is required for a period of 90 days or less in conjunction with containers and drop boxes. Temporary service rates are not to be used for the first 90 days of service when the customer requests, and the carrier provides, service for more than 90 days.

"Toter" is a wheeled plastic container. If supplied by the customer, it must be compatible with the contractor's equipment. May also be referred to as a cart. Type and size shall be as defined in the sections identifying rates.

"Transporter" means a person or entity offering services consisting of collection and/or transportation of Recyclables from generators within the City of Lakewood. For the purposes of this section, 'transporter' has the same meaning as contained in RCW 70.95.400, as that section does now exist or as hereinafter may be amended. A lawful transporter is one who is in compliance with or specifically exempted from compliance with LMC section 13.06.300 and RCW section 70.95.400 prior to collecting and transporting recyclables within the City of Lakewood.

"Trash" means weeds and grasses and waste materials except rocks, concrete, bricks, dirt, plaster and similar building materials.

Section 21: Section 13.06.030 of the Lakewood Municipal Code entitled "Definitions – U" is created to read as follows:

For the purposes of this ordinance, certain words and phrases are defined as follows:

"Unit" means a garbage or refuse receptacle described as follows:

(1) a can made of durable, corrosion-resistant, nonabsorbent material, watertight, with a close fitting cover and two handles. Size to exceed 20 gallons but not to exceed 32 gallons or 4 cubic feet.

Cannot weigh more than 65 pounds when filled or more than 12 pounds when empty.

(2) Where agreeable between the contractor and a customer (and where allowable under local ordinance) a box, carton, cardboard barrel or other suitable container may be substituted for a garbage can, for single pickup which includes the container, if it meets the size and weight limits shown in paragraph (1) above.

"Unlatching Charge" is another term for gate charge; a flat fee imposed by the contractor when its personnel must unlatch a gate or door to perform pickup service.

OO. "Unlocking Fee" means a flat fee imposed by the contractor when its personnel must unlock padlocks or other locking devices to perform pickup service.

Section 22: Section 13.06.031 of the Lakewood Municipal Code entitled “Definitions – V” is created to read as follows:

[For the purposes of this ordinance, certain words and phrases are defined as follows:](#)

Section 23: Section 13.06.032 of the Lakewood Municipal Code entitled “Definitions – W” is created to read as follows:

[For the purposes of this ordinance, certain words and phrases are defined as follows:](#)

Section 24: Section 13.06.033 of the Lakewood Municipal Code entitled “Definitions – X” is created to read as follows:

[For the purposes of this ordinance, certain words and phrases are defined as follows:](#)

Section 25: Section 13.06.034 of the Lakewood Municipal Code entitled “Definitions – Y” is created to read as follows:

[For the purposes of this ordinance, certain words and phrases are defined as follows:](#)

["Yardwaste Cart or Container" means a cart or container specifically designed or designated for the collection of yardwaste.](#)

Section 26: Section 13.06.035 of the Lakewood Municipal Code entitled “Definitions – Z” is created to read as follows:

[For the purposes of this ordinance, certain words and phrases are defined as follows:](#)

Section 27: Section 13.06.020 of the Lakewood Municipal Code entitled “Enforcement Authority” is recodified as Section 13.06.040 and will read as follows:

13.6.0420 - Enforcement Authority

A. The City Manager or designee (hereinafter referred to as the "City") shall enforce the provisions of this Chapter and shall have the power to supervise the work performed by the City's Contractor to ensure that the collection, removal, and disposal of refuse Solid Waste is consistent with the provisions of this Chapter.

B. It is unlawful for anyone, except the following, to haul Solid Waste through the streets in the City:

1. The City's Contractor;
2. Citizens who self-haul Solid Waste originating within their own establishments; and
3. Businesses who, in their own vehicles, transport Solid Waste purely as an incidental adjunct to some other established private business owned or operated by them in good faith. This private-carrier exemption does not include persons transporting solid waste from residential sources, such as apartment houses or mobile home parks, in vehicles designed or used primarily for the transport

of solid waste.

Section 28: Section 13.06.030 of the Lakewood Municipal Code entitled “Limitations of Service” is recodified as Section 13.06.045 and will read as follows:

13.6.04530 - Limitations of Service

- A. The contractor may refuse to pick up materials from points where, because of the condition of the streets, alleys or roads, it is impracticable or dangerous to persons or property to operate vehicles.
- B. The contractor may refuse to drive into private property when, in the contractor's judgment, driveways or roads are improperly constructed or maintained or without adequate turn-arounds or have other unsafe conditions.
- C. The contractor will not be required to enter private property to pick up material while an animal considered or feared to be vicious is loose. The customer will be required to confine the animal on pickup days.
- D. The contractor's schedule will meet reasonable requirements, and shall comply with the local provisions hereof.
- E. Garbage pickup may be missed due to weather or road conditions. If garbage is taken on the next pickup day, no credit will be given.
- F. The contractor shall provide services in a reasonable manner, provided that neither the City nor the contractor shall be responsible for articles left on or near cans, units or other receptacles.
- G. Where the contractor is requested to provide service, and damage occurs to a customer's driveway due to reasons not in the control of the contractor or the City, the City and the contractor assume no responsibility.

Section 29: Section 13.06.040 of the Lakewood Municipal Code entitled “Service Compulsory-Exceptions” is recodified as Section 13.6.050 and will read as follows:

13.6.0540 - Service Compulsory – Exceptions

- A. All dwellings, apartment houses, and places of business in which garbage or trash accumulates or may be generated within the City shall be required to pay for refuse collection services of the contractor licensed by the City. The City is authorized to determine the level of service required for the customers and subscribers of the garbage collection services. If any customer requests a certain level of collection service but that customer exceeds the amount of garbage allowed for that level of service, the City shall designate the customer's level of service at the appropriate level, and the customer shall be charged accordingly.

Section 30: Section 13.06.050 of the Lakewood Municipal Code entitled “Unlawful Accumulations” is recodified as Section 13.6.055 and will read as follows:

13.6.05550 - Unlawful Accumulations

- A. It is unlawful for any occupant or owner of any building, lot or premises in the City to allow

accumulations of garbage in a manner or quantity as to constitute a fire or a health hazard. Any accumulation of refuse which constitutes a fire hazard or a menace to public health, safety or welfare is deemed a nuisance. It is the duty of the occupant, owner and person(s) who placed the accumulation at such location to abate the nuisance by removing the accumulation and cleaning the area up.

B. The City shall enforce the provisions hereof. If any occupant, owner or responsible person fails to abate such nuisance, upon a report or request for action filed by the City Manager or designee, the City Council may pass a Resolution requiring such occupant, owner or responsible person to abate the nuisance by removal thereof, at such person's cost and expense within the time specified in the Resolution. If the nuisance is not abated within such time, the City Manager or designee may direct abatement of the same as set forth herein below.

C. The Resolution of the City Council referred to above shall not be passed until the property owner is given at least five (5) day's notice of the pendency of the proposed Resolution; such notice being given by the City Manager or designee, by mailing a copy of the notice to the owner, occupant or responsible party at the last known address shown on the records of the City or the county treasurer; and if no address is known, a copy of the notice shall be posted on the property, and shall also be published in one issue of the official newspaper of the City. Any mailing, posting or publication shall be made at least five (5) days prior to the consideration by the City Council of the proposed Resolution. The notice shall include a description of the Resolution, a description of the property involved and the nature of the circumstances constituting the nuisance.

D. If the nuisance is not abated by the occupant, owner or responsible person within the time fixed by the Resolution, the City Manager or designee may abate the nuisance, and shall prepare or cause to be prepared a bill covering the costs to the City of such abatement, and the bill shall be mailed or presented to the occupant, owner or responsible person. The bill shall be payable immediately. If the bill is not paid or if no bill can be mailed because no address is known for the occupant, owner or responsible person, the City Manager or designee may, on behalf of the City of Lakewood, file a lien therefor against the property, which lien shall be in the same form filed with the same officer and within the same time and manner and shall be subject to enforcement and foreclosure as provided by law for liens for labor and materials or as otherwise provided by law for liens able to be filed by the City.

Section 31: Section 13.06.070 of the Lakewood Municipal Code entitled "Residential Collection – Method and Frequency" is amended to read as follows:

A. Cans, containers or carts as defined in this chapter shall be deemed to be acceptable refuse containers in residential areas. No employee for a contractor may remove or cause to be removed from any premises any refuse which is not so contained, except as otherwise provided in this Section.

B. The separation of garbage and trash shall not be required.

C. The contractor shall offer weekly, every other week or monthly refuse collection service. Recyclables will be picked up every other week except as otherwise provided for in this section.

D. All curb and alley service customers shall place the refuse at the curb or edge of the street or alley in front of or adjacent to the property being serviced not later than 6:00 a.m. on the day of collection, and shall thereafter remove the refuse containers from the curb or edge of street or alley on the same day of the collection. Provided, however, that whether the service be at the curb or edge

of street or in the alley, the house numbers or address shall be visible.

~~E. Trimmings and limbs shall be collected if they are less than four inches in diameter and tied at each end in bundles not to exceed four feet in length and forty pounds in weight. Trimmings and limbs may be boxed in boxes strong enough to hold the contents if they do not weight more than forty pounds. Provided that an additional charge will be required for this service as set forth in Sections 13.06.150 and 13.06.160 of this Chapter under Yardwaste. Additionally, Leaves and lawn clippings shall be collected if they are placed in refuse containers, boxes or plastic bags strong enough to hold the contents and not weighing more than forty pounds and set out at the curblin or for trash collection. Provided that an additional charge will be required for this service as set forth in Sections 13.06.150 and 13.06.160 of this Chapter under Yardwaste.~~

Section 32: Section 13.06.080 of the Lakewood Municipal Code entitled “Automated Services” is hereby amended to read as follows:

In those areas of the City where automated services are available, the customers and residents shall be provided garbage carts by the licensed contractor, which carts shall remain the property of the contractor. Where the contractor provides automated service through an approved mechanical loading device, and automated carts, they shall be used by customers in residential areas. It shall be the responsibility of the customers or residents to place the carts at the curb or edge of the street or alley in front of or adjacent to the property being serviced not later than 6:00 a.m. on the day of collection, and shall thereafter remove the carts from the curb or edge of street or alley on the same day of the collection. Provided, however, that the house numbers or address shall be visible

Section 33: Section 13.06.090 of the Lakewood Municipal Code entitled “Residential Collection – Types of Services” is hereby amended to read as follows:

- A. Curb Service. Customers shall be responsible for placing refuse containers or recycling carts for automated service at the front curblin or at the edge of the street or alley in front of or adjacent to the property being serviced on collection days.
- B. Walk-in Service. Walk-in service which requires the refuse collector to go more than five feet beyond the curblin or edge of the street or alley is available to property for an additional charge ~~as provided in Section 13.06.170 Paragraph E~~, provided that the contractor shall not be required to enter a fenced area to collect refuse. The limitations and charges for walk-in service listed in this Chapter shall not apply if the customer is disabled so as to make it impossible for him/her to comply with this Section.
- C. Drive-in Service. Drive-in service requires the contractor to drive off of public right-of-ways, onto driveways or other private property to collect refuse. There shall be an additional charge for this service as provided in Section 13.06.170 Paragraph E, provided that the contractor shall not be required to enter a fenced area to collect refuse. The limitations and charges for drive-in service listed in this Chapter shall not apply if the customer is disabled so as to make it impossible for him/her to comply with this Section.
- D. Nonconforming Items. Nonconforming items as defined in this Chapter placed out to the curb or edge of the street or alley shall not be collected by the contractor. ~~except as provided in Paragraph H of Section 13.06.170.~~
- E. Containerized Service. Containerized service shall be used by all multiple-dwelling units with three or more units.

F. Automated Service. Automated service shall be used in all residential areas where automated carts are provided by the contractor.

Section 34: Section 13.06.100 of the Lakewood Municipal Code entitled “Containerized, Bulk Containerized and Compactor Containerized Service” is hereby amended to read as follows:

A. The containers, bulk containers and compactor containers used in connection with containerized service, bulk containerized service and compactor containerized service, if used by a commercial or industrial customer, shall be located at a place specified by the City or by the contractor. Commercial customers with a low volume of refuse may use automated carts with tight-fitting lids if the contractor is able to provide a mechanical loading device for collection.

B. Commercial and industrial customers with a high volume of refuse materials who cannot be adequately served by containerized service shall use bulk containerized service.

C. Collection of refuse from all meat, fish, game and vegetable markets, restaurants, boardinghouses, hotels, hospitals and other like businesses shall be made as often as necessary to avoid odor nuisance or overflowing of container contents. The City's licensed garbage collection service shall pick up containers, bulk containers and compactor containers not later than thirty (30) hours after the time a request for pickup is made by the customer. The charges for such pickup shall be as provided in this Chapter.

D. The charges for container and drop box collection (compacted and non-compacted materials) shall include transporting the container to the disposal site and returning [it](#) to the container/drop box site, unless specifically provided otherwise.

Section 35: Section 13.06.110 of the Lakewood Municipal Code entitled “Additional Services” is hereby amended to read as follows:

In addition to regular garbage collection services, the contractor shall provide the following services:

A. Recycling services. Co-mingled recycling services shall be available to residential customers of the City, with the collection of recycle materials occurring curbside and in a manner compatible with the collection for regular garbage collection. Co-mingled recycling collection shall involve collection of newspapers, cardboard, magazines, mail, mixed paper, catalogs, tin and aluminum cans, milk jugs and plastic bottles with necks smaller than their bases, paper milk-type cartons, phone books, shredded paper, paper bags, cereal boxes, and paper frozen food boxes. The co-mingled recycling cart shall be provided to the customer by the contractor and shall remain the property of the contractor. In connection with co-mingled recycling services, the following shall apply:

1. Co-mingled recycling services will not include the following materials: glass jars or containers, ceramics, Styrofoam peanuts, glassware, batteries, aerosol cans, toxic containers such as oil bottles, plastic tubs, plastic lids, foil, plastic bags, light bulbs, potato chip bags, plastic cups, Styrofoam containers, frozen food bags, pill bottles, juices boxes, clothes hangers, or any food contaminated items such as paper plates, napkins or pizza boxes.

2. Co-mingled recycling services for single family and multi-family residential units up to five units shall be provided every other week collection service at the same time and date throughout the year.

3. Co-mingled recycling services for multi-family residential units with six or more units shall

be provided on a weekly basis or as needed. Multi-family residential units with six or more units that have garbage collection by a container, drop box or compactor of one (1) yard or greater in capacity shall be charged per dwelling unit at the multi-family rate. ~~set forth in section 13.06.150.~~

4. The charges for recycling shall be as set forth in this Chapter below. The rates for recycling services will not be charged unless service is provided.

B. Yardwaste services. The collection of yardwaste shall be available for residential properties within the City. Yardwaste services shall be subject to the following:

Yardwaste includes materials which consist of leaves, brush, tree trimmings, grass clippings, weeds, shrubs, garden waste from vegetable gardens, and other compostable organic materials resulting from landscaping, pruning and yard maintenance generated from residents. Branches or roots must be smaller than 4" in diameter branches and brush must be of a length to fit in the closed yardwaste container.

Yardwaste does not include stumps, demolition wood, large amounts of dirt, rocks, glass, plastics, metal, concrete, sheetrock, asphalt or any other non-organic land clearing debris nor any food such as meat, fish, bones, or fatty foods such as ~~diary~~dairy products and cooking oil. If yardwaste is found to contain contamination by inclusion of materials not allowed, the container will not be accepted as yardwaste, but will, instead, be transported to the landfill at applicable solid waste collection rates as provided in ~~this~~ Chapter.

Yardwaste shall be picked up every other week on a year-round basis on the same days as regular garbage collection.

~~C. The contractor shall provide 90 gallon yardwaste containers.~~

~~D. Extra cans or units of yardwaste may be picked up by customers of the yardwaste services, but the extra cans or units may not exceed 40 pounds per unit.~~

Section 36: Section 13.06.140 of the Lakewood Municipal Code entitled "Change in Collection Schedule" is repealed in its entirety.

~~13.6.140 – Change in Collection Schedule~~

~~When the contractor changes the pickup or collection date for a service area, all customers in the affected area shall be notified of the change by the contractor by mail, personal contact, or by a notice being affixed to the customer's solid waste receptacle in advance of the implementation of the new pickup or collection schedule. For the purposes hereof the period of advance notice shall not be less than the period between the customer's regular pickup or collection dates.~~

Section 37: Section 13.06.150 of the Lakewood Municipal Code entitled "Rates and Charges" is repealed in its entirety.

~~13.6.150 – Rates and Charges~~

~~Effective the 1st day of March, 2015, the garbage collection rates shall be as follows:~~

~~A. CAN AND MINI-CAN SERVICE~~

~~Weekly Service~~

Type of Container	Mini	1 Can	2 Cans	3 Cans	4 Cans	5 Cans	6 Cans
Refuse Service Only	23.88	28.15	39.02	50.60	60.40	72.10	83.05
Refuse & Recycling	21.95	26.23	35.16	46.67	53.44	62.47	71.49
Special/Extra Service							

Refuse only: One Can/Month	10.33	per Month					
Occasional Extra Cans	8.06	per Can, for first two Cans					
Occasional Extra Cans	5.25	per Additional Can over two					
B. AUTOMATED SERVICE							
Monthly Rates	Recycling	Non-Recycling	-	Recycling	Non-Recycling		
65 Gallon—Weekly	33.56	37.43		65 Gallon Every Other Week	24.33	26.22	
95 Gallon—Weekly	41.80	47.55		95 Gallon Every Other Week	27.87	33.62	
Monthly Rates	Recycling	Non-Recycling					
65 Gallon—Monthly	15.56	16.63					
95 Gallon—Monthly	17.68	21.07					
C.							
1. CONTAINER SERVICE—NON COMPACTED MATERIALS							
-		1 Yard	1½ Yard	2 Yard	3 Yard	4 Yard	6 Yard
Permanent Weekly Collection	95.71	127.42	168.15	227.88	303.02	439.36	
Special Pickups	26.51	31.73	43.02	54.52	78.16	115.33	
Additional Weekly Collection	87.04	114.90	159.06	203.27	291.67	431.07	
Temporary—Initial Delivery	40.96	40.96	40.96	51.19	51.19	51.19	
Temporary—Pickup Rate	26.51	31.73	43.02	54.52	78.16	115.33	
Temporary—Charge Per Day	1.62	1.74	1.85	2.02	2.02	3.05	
Temporary—Cleaning Fee	18.93	18.93	18.93	18.93	18.93	21.51	
Container Filled Beyond Top	28.76	Per Yard (assessed pro-rata)*					
* Weight not to exceed 250 lbs per yard							
2. DROP BOX CONTAINER SERVICE SUBJECT TO DISPOSAL FEE							
-		15 Yard	20 Yard	25 Yard	30 Yard	40 Yard	
Permanent—Monthly Rate	149.29	199.75	242.77	268.93	400.20		
Permanent—Additional Pickup	47.95	64.75	89.04	98.50	124.26		
Temporary—Initial Delivery	35.66	35.66	35.66	35.66	35.66		
Temporary—Pickup Rate	55.23	73.56	91.97	111.64	134.34		
Temporary—Charge Per Day	5.02	6.29	6.89	7.29	10.09		
-	-	-	-	-	-		
Per Month Lid Rate	12.32	-					
Over 10 Miles to Disposal	2.58	Per Mile					
D. 1. COMPACTED MATERIAL—CUSTOMER OWNED FRONT LOADER							

-	3-Yard	4-Yard
Per Pickup (not less than weekly)	161.01	211.45
Per Pickup (on-call less than weekly)	193.22	253.75
Monthly Rate—Weekly Collection	697.69	916.33

~~2. COMPACTED MATERIAL—CUSTOMER OWNED DROP BOX SUBJECT TO DISPOSAL FEE~~

-	10-yard	12-yard	15-yard	20-yard	24-yard	25-yard	25+ yard
Per Pickup	107.30	113.59	116.53	126.03	132.42	133.24	5.76

~~E. YARDWASTE~~

-	Monthly Rate	Special Pickup	Per Pickup
95-Gallon Container	7.89	5.91	-
Additional Container	7.89	5.91	-
Occasional Extra Units	-	-	2.86
Redelivery Charge	-	-	22.61

~~F. RECYCLING PER MULTI-FAMILY RESIDENTIAL UNIT PER MONTH~~

-	Monthly
Recycling—Per Unit	5.21
Non-Recycling—Per Unit	6.56

~~It is provided, however, that the City Manager or designee shall advise the City Council, on or before February 1 of each year, or as otherwise directed by the City Council, of the current or then current garbage and recycling rates and the amount of the January to January CPI-U for Seattle/Tacoma/Bremerton for the prior year, and then the City Manager or designee is authorized to implement an increase in rates over the current or then current rates, to take effect during or after the year 2001, which increase shall be in the amount of the January to January CPI-U for Seattle/Tacoma/Bremerton for the prior year, to become effective March 1 of the current year, Provided that, if prior to the effective of any such yearly rate increase, the City Council requests information to show that the increase is justified, the increase may be denied or modified if the information does not show justification for such increase.~~

Section 38: Section 13.06.160 of the Lakewood Municipal Code entitled “Low Income Senior Citizen and Low Income Disabled Citizen Special Garbage Utility Rates” is repealed in its entirety.

~~13.6.160—Low Income Senior Citizen and Low Income Disabled Citizen Special Garbage Utility Rates~~

- ~~A. A person who wishes to apply for the low income senior citizen special utility rate must be 62 years of age or older on or before January 31 of the year of his or her application. Proof of age must be presented at the time of the application.~~
- ~~B. A person who wishes to apply for the low income disabled citizen special utility rate must qualify for and be entitled to receive special parking privileges established pursuant to RCW~~

46.16.381(1)(a) through (f), or be blind as defined in RCW 74.18.020(4). Proof of such disability must be presented at the time of application.

C. At the time of the application for either the low income senior citizen discount or the low income disabled citizen discount utility rates, the person making the application must reside on the property being served by the utility for which the reduced rate is being sought, and if the property is owned by the applicant, the utility account(s) must be in the applicant's name, and if the property is being rented by the applicant, the applicant must keep the city advised as to the term of tenancy. Persons in federally subsidized housing are not entitled to low income senior citizen and disabled citizen special utility rates.

D. The income for a household, combined with the income, if any, from all sources, shall be less than eighteen thousand (\$18,000) dollars for the preceding calendar year. Income from all sources whatsoever includes all income from the applicant and all income of all other persons residing in the household. The income includes railroad retirement and social security benefits. Further, the income includes such items as investment income in the form of dividends from stock, interest on savings accounts and bonds, capital gains, gifts and inheritances, net rental income from real estate, and also includes disability payments, retirement payments and annuities. Reimbursement for losses are not to be considered as income. Easily convertible assets shall not exceed the value of ten thousand (\$10,000) dollars for an individual or sixteen thousand (\$16,000) dollars for a household of two or more persons. Easily convertible assets shall include but not be limited to: stocks, bonds, cash in bank (savings and checking), real estate other than residence, licensed vehicles in excess of one vehicle per household.

E. The application for a low income senior citizen or a low income disabled citizen special utility rate must be filed annually with the City Finance Department prior to March 31 of each year, and if the application meets the requirements therefor, it shall be valid for the period of time until the following March 31. Any filing of an application after March 31 of any year shall apply only to utility accounts mailed after the date of filing, and shall not be applied retroactively.

F. The City Manager or designee shall be authorized and empowered to implement the procedures for application and processing of requests for low income senior citizen and low income disabled citizen special utility rates.

G. The low income senior citizen and low income disabled citizen special utility rate shall consist of the applicable city utility rates as adjusted by the following amounts:

The garbage collection and recycling rates for qualified low income senior citizens and qualified low income disabled citizens shall be at the rate of 80% of the otherwise applicable residential and garbage and recycling rate as provided in this chapter.

H. The current rates applicable under this Section are as follows:

Effective the 1st day of March, 2015, the garbage collection rates shall be as follows:

1. CAN AND MINI CAN SERVICE

Weekly Service

Type of Container	Mini	1 Can	2 Cans	3 Cans	4 Cans	5 Cans	6 Cans
Refuse Service Only	19.12	22.54	31.22	40.47	48.31	57.69	66.44
Refuse & Recycling	17.54	20.98	28.12	37.34	42.75	49.98	57.19
Special/Extra Service							
Refuse only: One Can/Month	8.24	per Month					
Occasional Extra Cans	6.44	per Can, for first two Cans					

Occasional Extra Cans 4.19 per Additional Can over two

~~2. AUTOMATED SERVICE~~

Monthly Rates	Recycling	Non-Recycling-	Recycling	Non-Recycling
65 Gallon—Weekly	26.85	29.95	65 Gallon Every Other Week	19.43 20.98
95 Gallon—Weekly	33.43	38.03	95 Gallon Every Other Week	22.30 26.89

~~3. YARDWASTE~~

	Monthly Rate	Special Pickup	Per Pickup
95 Gallon Container	6.30	4.73	-
Additional Container	6.30	4.73	-
Occasional Extra Units	-	-	2.29
Redelivery Charge	-	-	18.07

~~4. RECYCLING PER MULTI-FAMILY RESIDENTIAL UNIT PER MONTH~~

	Monthly
Recycling—Per Unit	4.16
Non-Recycling—Per Unit	5.24

~~It is provided, however, that the City Manager or designee is authorized to implement an adjustment in rates from the amount of the current or then current rates, to take effect during or after the year 2001, which adjustment shall maintain the low income senior citizen and low income disabled citizen rates at 80% of the otherwise applicable residential and garbage and recycling rates as provided in this chapter, to become effective contemporaneous with the adjustment of the otherwise applicable residential and garbage and recycling rates, if any.~~

~~Section 39: Section 13.06.170 of the Lakewood Municipal Code entitled “Additional Charges” is repealed in its entirety.~~

~~**13.6.170—Additional Charges**~~

~~Effective the 1st day of March, 2015, the garbage collection rates shall be as follows:~~

A.	Additional Handling Costs Rear Packer, Per Hour	95.09		
B.	Additional Cost For Over-Size or Over-Weight Container	8.42		
C.	Overtime with 4 Hour Minimum—Per Hour	68.59		
D.	Return Trip for a Can, Unit or Mini Can	7.51		
-	Return Trip for a Container, Drum or Bale	19.16		
-	Return Trip for a Drop Box	32.19		
-	-	-	Residential	Commercial
E.	Walk-In/Drive-In Service		Monthly	Per Pickup

-	-	Walk In over 5 feet, but not over 25 feet		5.40		1.02
-	-	Walk In over 25 feet—each 25 feet		2.31		0.63
-	-	Drive In on Driveway over 5 feet but not over 125 feet		7.22		1.64
-	-	Drive In over 125 feet—each 100 feet		5.29		1.56
-	-	-		Residential		Commercial
F.		Can Carriage—Special Service		Monthly		Per Pickup
-	-	Each stair step—up or down		0.97		0.39
-	-	Each overhead obstruction (less than 8 feet)		0.97		0.39
-	-	Each sunken or elevated can (4 feet above ground)		3.85		1.04
G.		Additional Commercial Can—Unit Service				
-	-	Regular Route Scheduled Service Can Count		-		-
-	-	Grouped Together, Same Pickup less than 5 units		3.98		Per unit
-	-	Grouped Together, Same Pickup 5 or more units		3.73		Per unit
-	-	Not Grouped Together, Same Pickup		3.98		Per unit
-	-	Minimum Monthly Charge		24.26		-
-	-	-		-		-
-	-	Special Pickup		-		-
-	-	One Unit	25.28	-		-
-	-	Each Additional Unit	7.68	-		-
-	-	-	-	-		-
H.		Flat Monthly Charge		-		-
-	-	4.33 times the applicable rate		-		-
-	-	Each Additional	7.68	-		-
-	-	-	-	-		-
I.		Drums		-		-
-	-	Regular Route	25.36	-		-
-	-	Special Pickup	42.70	-		-
J.		Rates per Hour		-		-
-	-	Minimum One Hour Charged in 15 Minute Increments		-		-
-	-	Single Axle Non-Packer		75.21		-
-	-	Single Axle Packer		95.31		-
-	-	Tandem Axle		138.41		-
-	-	Extra Person		39.82		-
-	-	Packer Turn Around		69.20		-
-	-	-		-		-
K.		Landfill Costs		-		-
-	-	a. Municipal Solid Waste	151.42	per ton	g. Car Tires	8.93
-	-	b. Demolition	151.42	per ton	h. Truck Tires	14.89
						PER ITEM

				PER-ITEM
-	-	e. Ash	40.95 per ton	i. Sheetrock 151.42
-	-	d. Sludge	151.42 per ton	j. Asbestos 223.34
-	-	e. Fluff	16.52 per ton	k. Appliances 44.67
-	-	f. Stumps	151.42 per ton	- -
L.		Roll Out Charges		-
-	-	Container or Cart is rolled out between 5 and 25 feet		3.56
-	-	Each Additional 5 foot increment beyond 25 feet		3.56
M.		Washing and Sanitizing Containers and Drop Boxes		-
-	-	Washing Rate per yard	3.57	- Minimum Charge 18.93
-	-	Steam Cleaning rate per yard	7.84	- Minimum Charge 38.03
-	-	Pickup and Redelivery for Containers	- -	38.03
-	-	Pickup and Redelivery for Drop Boxes	- -	50.06
N.		Administrative and Billing Costs		-
-	-	Returned Check or Payment		23.28
-	-	Restart Service after non-pay stop		17.46
O.		Lost Container Charge		104.80
-	-	Reversed if returned		-
P.		Lock Charge Deposit		11.65
Q.		Gate Charge		4.13
R.		Additional Recycle Container		7.40
S.		Compactor Box Rental		137.90

It is provided, however, that the City Manager or designee shall advise the City Council, on or before February 1 of each year, or as otherwise directed by the City Council, of the current or then current garbage and recycling rates and the amount of the January to January CPI-U for Seattle/Tacoma/Bremerton for the prior year, and then the City Manager or designee is authorized to implement an increase in rates over the current or then current rates, to take effect during or after the year 2001, which increase shall be in the amount of the January to January CPI-U for Seattle/Tacoma/Bremerton for the prior year, to become effective March 1 of the current year, Provided that, if prior to the effective of any such yearly rate increase, the City Council requests information to show that the increase is justified, the increase may be denied or modified if the information does not show justification for such increase.

Section 40: Section 13.06.200 of the Lakewood Municipal Code entitled “Authority to Contract for Service” is hereby repealed in its entirety.

~~13.6.200 – Authority to Contract for Service~~

~~A. — For the purpose of carrying out the collection of refuse, the council may enter into a contract with any suitable person, firm, partnership, association, corporation, or other entity to collect and remove refuse within the City.~~

~~B. — Notwithstanding the provisions of any contract executed by the City following bid procedures, additional contracts with subsequent licensees for refuse collection service may be executed by the City upon a proper showing of the inability or refusal of the first contractor to provide an adequate level of refuse collection service. Should any such additional and subsequent contract be executed by the City, the rates for such refuse collection service shall be identical to those currently in effect as established by the bid procedures.~~

~~C. — No person, firm, partnership, association, corporation, or other entity shall provide refuse collection service within the City without an executed contract with the City.~~

~~D. — Anyone entering into such a contract with the City shall be considered to be a licensed contractor. Nothing in this Section shall preclude a private citizen from disposing of his/her own refuse, subject to the provisions hereof, including Section 13.06.040.~~

Section 41: Section 13.06.210 of the Lakewood Municipal Code entitled “Billing for Garbage Service- Delinquencies” is hereby amended to read as follows:

A. Pursuant to the provisions hereof, including Section 13.06.0540, and subject to the specific exceptions thereto, the charges for garbage service shall be billed monthly for commercial customers and every other month for residential customers by the licensed contractor to the owner of record, or purchaser of record, of the serviced property, who shall be responsible for the payment thereof as provided by City Ordinance. It shall be the duty of each owner or purchaser of said serviced property to maintain said charges in a current paid condition. Charges on accounts shall be paid by the owner or tenant, on or before the 20th day of the month following date of billing and, if not paid, shall become delinquent after the 20th day of that month. Payments on garbage service accounts shall be made at the offices of the licensed contractor as indicated on the statement or as otherwise directed by City Ordinance.

B. Service may be suspended for non-payment of garbage collection accounts and billings, however, such suspension shall not relieve the person owing such account of the duty of complying with the provisions of this Chapter.

C. In addition to the other remedies available to the City for collection of its charges and enforcement of its lien for City utility services, there shall be a penalty charged on the unpaid balance of delinquent water, sewer and garbage accounts at the rate of one and one-half percent per month, or \$1.50, whichever is greater, which penalty shall accrue the date that the billing becomes delinquent, until the total of said charges and penalty have been paid in full. In the event of suit by the City to collect said charges and penalty, the court shall award the City its reasonable attorneys fees and costs incurred thereby.

Section 42: Section 13.06.310 of the Lakewood Municipal Code entitled “Transporter permit application” is hereby amended to read as follows:

13.6.310 - Transporter permit application

Applications for permits or the renewal thereof shall be made to the Public Works Department on forms provided by it, no later than the deadline stated on the form. The application shall include:

1. The name, street and mailing address, and business telephone number of the applicant;
2. Applicant business ownership information, responsible official and contact person;
3. Business license number;
4. Proof of liability insurance;
5. Indemnification language as proscribed by the City.~~An agreement to indemnify and hold harmless the city and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the Permittee, its officers, agents, and employees, or any of them relating to or arising out of the performance of this Permit; and if final judgment be rendered against the City and its officers, agents, and employees, or any of them, or jointly against the City and the Permittee and their respective officers, agents, and employees, or any of them, the Permittee shall satisfy the same to the extent that such judgment was due to the Permittee's negligent acts or omissions;~~
6. Any other relevant information deemed necessary by the City Manager or his designee, including proof of compliance with state or federal regulations;
7. An application fee of \$1,000 or a renewal fee of \$1,000; and
8. An agreement to abide by the terms of this Ordinance.

Section 43: Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 44: Effective Date. That this Ordinance shall be in full force and effect thirty (30) days after publication of the Ordinance Summary.

ADOPTED by the City Council this _____ day of _____, 2016.

CITY OF LAKEWOOD

Don Anderson, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney

DRAFT