

Title 10 – Community Health

Chapter 8 – Solid Waste

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Legislative History

Enacted:

Ordinance 300 Amending STC Title 11, Chapters 1 and 2, amending STC Title 10, Chapter 6, Enacting STC Title 10, Chapter 8 – Solid Waste, and Repealing STC Title 11, Chapter 7 (11/8/11), BIA (11/21/11).
Ordinance 195 Codifying Title 11, (11/5/03), BIA (11/25/03).

Repealed or Superseded:

Ordinance 144, Section 1 Defining “Swinomish Village” and Prohibiting Dangerous Dogs and amending Ordinance 90, as amended, (11/8/00), BIA (11/27/00)
Ordinance 90 Health and Sanitation Code Repealing and Superseding Res. 76-7-399, Res 81-1-794, and Res 81-2-801, (2/6/92), BIA (2/18/92).
Ordinance 65 Swinomish Indian Tribal Utility Ordinance, Art. VIII Solid Waste Service Enacting Res. 89-10-95 (10/10/89), BIA (10/23/89).
Resolution 81-2-801 Adopting the Interim Health and Sanitation Code, (2/26/81).
Resolution 81-1-794 Health and Sanitation Code, (1/5/81).
Ordinance 12 Delegating authority to the Sanitation and Inspection Committee, (4/28/41).
Ordinance 3 Regulating the Disposal of Garbage, BIA (10/13/36).

Noted:

Resolution 96A Applying State Health and Education Laws and Regulations to the Reservation, (12/2/55).

[Ed. Note. The state health and education laws of 1955 included laws regarding solid waste.]

10-08.010 Definitions.

- (A) For the purposes of this Chapter, unless explicitly stated otherwise, the following terms shall have the following meanings:
- (1) **“Garbage”** means putrescible animal and vegetable wastes resulting from the preparation, cooking and consumption of food including but not limited to: wastes from markets, storage facilities, handling and sale of produce and other food products.
 - (2) **“Public Nuisance”** means any activity that arises from unreasonable, unwarranted, or unlawful use of private property and results in a material annoyance, inconvenience, discomfort, or health hazard.
 - (3) **“Putrescible Wastes”** means discarded materials of an organic composition that decompose or rot to form foul-smelling products.
 - (4) **“Rubbish”** means all non-putrescible wastes, except ashes, including but not limited to cans, paper, glass, wood, and scrap metal.
 - (5) **“Solid Waste” and “Refuse”** means all putrescible and non-putrescible discarded solid and semi-solid materials including but not limited to: garbage, household hazardous wastes, rubbish, ashes, dead animals, abandoned vehicles and machinery, construction, demolition, and industrial wastes. It does not include sewage, hazardous waste, irrigation return flows, or industrial discharges that would be defined as point sources under the U.S. Clean Water Act.
- (B) All other terms, unless explicitly stated otherwise, shall have their ordinary and customary meanings.

* Previously codified as 11-07.010

[History] Ord. 300 (11/8/11); Ord. 195 (11/5/03); Ord. 144 (11/8/00); Ord. 90 (2/6/92);

10-08.020 Illegal Dumping.

- (A) It shall be unlawful for any person or persons to unload solid waste any place within the exterior boundaries of the Reservation, other than the place or places designated by the Senate.

- (B) It shall be unlawful to dump refrigerators, ice boxes, and other appliances with movable doors anywhere within the exterior boundaries of the Reservation. Dumping of such appliances shall be punished to the full extent provided by law because children may play in the appliances and become entrapped.

* Previously codified as 11-07.020

[History] Ord. 300 (11/8/11); Ord. 195 (11/5/03); Ord. 3 (no date); BIA (10/13/36).

10-08.030 Sanitary Storage.

All solid waste shall be stored so that it does not:

- (A) Attract rodents, flies, mosquitoes, or other animals that do or may carry disease; or
- (B) Constitute a safety or public health hazard or a public nuisance.

* Previously codified as 11-07.030

[History] Ord. 300 (11/8/11); Ord. 195 (11/5/03); Ord. 90 (2/6/92).

10-08.040 Storage Container Standards.

- (A) Individual cans for outside storage of solid waste shall be made of rust-and-corrosion resistant metal (or equivalent heavy-duty plastic), of water-tight, leak-proof and weather-proof construction, and equipped with tight-fitting insect and rodent-proof lids.
- (B) 55-gallon oil drums are strictly prohibited as solid waste storage containers.

* Previously codified as 11-07.040

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

10-08.050 Sufficient Storage Containers.

Each residence or place of business shall have a sufficient number of approved outdoor containers to accommodate all solid waste materials accumulated between collections.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

* Previously codified as 11-07.050

10-08.060 Draining of Garbage.

Garbage shall be drained and wrapped before being placed in storage containers.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

* Previously codified as 11-07.060

10-08.070 Placement of Outdoor Storage Containers.

Unless containers are placed on a smooth, impervious surface, storage racks or container supports shall be provided for individual containers to minimize corrosion and to prevent the breeding of insects and harboring of rodents.

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

* Previously codified as 11-07.070

10-08.080 Temporary Storage of Certain Rubbish.

Certain types of rubbish may be temporarily stored in a manner other than containerization. Such rubbish includes bundled brush, bundled newspapers, packing cases, and other similar materials that may be handled by the collection vehicle. These materials shall not be placed out for collection more than twenty-four (24) hours before the scheduled pick-up.

* Previously codified as 11-07.080

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

10-08.090 Collection Vehicle Standards.

The collection of solid waste shall be by means of covered vehicles of such construction as to be readily cleanable and to prevent spillage of refuse during loading and transporting to the disposal area. Collection vehicles are to be emptied at the end of each working day. Refuse should not be allowed to carry over from one day to the next.

* Previously codified as 11-07.110

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

10-08.100 Solid Waste Collection Schedule.

Solid waste shall be collected and disposed of at a frequency sufficient to prevent public nuisances and health hazards.

* Previously codified as 11-07.120

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

10-08.110 No Solid Waste Disposal Sites.

No solid waste disposal sites shall be allowed within the exterior boundaries of the Reservation.

* Previously codified as 11-07.130

[History] Ord. 195 (11/5/03); Ord. 90 (2/6/92).

10-08.120 Liability for Illegal Solid Waste Production, Transportation, and Disposal.

(A) **Liability.** In addition to any penalties assessed or orders issued pursuant to STC 10-06.030 and any costs assessed pursuant to STC 10-06.070, any person who produces, transports, accepts, or disposes of solid waste on the Reservation in any manner prohibited by this Chapter, or participates or acquiesces in the same with some other person, shall be liable to the Tribe for all costs of remediation, including but not limited to:

- (1) Clean-up costs;
- (2) Court costs; and
- (3) Enforcement costs.

(B) **Defenses.** No liability shall attach under this Section if the potentially liable party can prove, by a preponderance of the evidence, that his or her production, transportation, acceptance, or disposal of the solid waste was due to:

- (1) An act of God;
- (2) An act of war; or
- (3) An act or omission of a third party, other than an employee or agent of the potentially liable party, or a third party with whom the potentially liable party had a contractual relationship.

* Previously codified as 11-07.140

[History] Ord. 300 (11/8/11); Ord. 195 (11/5/03); Ord. 90 (2/6/92).