



CO00021590

**COUNTY COUNCIL  
Snohomish County, Washington**

**ORDINANCE NO. 94-100**

**AMENDING SNOHOMISH COUNTY CODE CHAPTER 7.37 TO  
AUTHORIZE DEVELOPMENT AND IMPLEMENTATION OF GRANT  
PROGRAMS TO PREVENT AND REMEDIATE ILLEGAL DUMPING AND  
LITTERING AND TO AID THE POOR**

**WHEREAS, certain charitable organizations construct and rehabilitate housing for the poor, and;**

**WHEREAS, under its charter authority the County may exercise its police powers to aid the poor by aiding such charitable organizations, and;**

**WHEREAS, County ordinances require that all waste generated within the county, including that waste generated by those charitable organizations, be disposed of at County solid waste facilities, and;**

**WHEREAS, County solid waste disposal fees impose a financial burden for those charitable organizations which rehabilitate housing for the poor, and;**

**WHEREAS, RCW 70.95.010(c) requires that the County assume primary responsibility for solid waste management, and;**

**WHEREAS, the County program for solid waste management must be comprehensive and integrated if it is to be successful, and;**

**WHEREAS, littering and illegal dumping are potential dangers to the health and safety of county residents, and despoil the beauty of the county, and;**

**WHEREAS, some aspects of solid waste management, such as the prevention and remediation of littering and illegal dumping, have not previously been included within the County solid waste management program, and;**

**WHEREAS, the inclusion of these aspects would produce a safer, healthier, and more beautiful county, as well as a more successful solid waste management program, and;**

WHEREAS, illegal dumping upon private lands which are used by the public for recreational purposes poses health and safety concerns to the public, and;

WHEREAS, there is currently no provision in the Snohomish County Code to offset financial costs which would be borne by landowners who must pay the County for disposal of wastes placed on land without the owners permission and which pose a danger to the public health and safety when the public comes into contact with the waste when using the land for recreational purposes, and;

WHEREAS, voluntary efforts by individual and groups are a vital element in a successful program to remediate littering and illegal dumping, and;

WHEREAS, there is currently no provision in the Snohomish County Code to offset financial costs which would be borne by volunteers who dispose of waste which they picked up from land they neither own nor are responsible for, and;

NOW THEREFORE, BE IT ORDAINED:

Section 1. The title and table of sections of Snohomish County Code chapter 7.37, enacted by Ordinance 92-104 on Sept. 2, 1992, is amended to read:

Chapter 7.37

Solid Waste Management Grants  
~~to Certain Not For Profit Charitable Organizations~~

- 7.37.010 Purpose.
- 7.37.020 Definitions.
- 7.37.030 Grants to certain not for profit charitable organizations.
- 7.37.032 ~~Illegal dumping and littering prevention and remediation grants~~
- 7.37.040 Severability.

Section 2. Snohomish County Code section 7.37.010, enacted by Ordinance 92-104 on Sept. 2, 1992, is amended to read:

7.37.010 Purpose. The purpose of this chapter is to establish a grant program to aid the County's ~~reeycling~~ solid waste management program by supporting recycling and the prevention and remediation of illegal dumping and littering, and to provide aid to the poor and infirm by providing relief from solid waste disposal costs for certain organizations which help members of these groups.

7.37.020 Definitions. The definitions listed in SCC 7.41 shall apply to this chapter unless the context requires another meaning.

Section 3. Snohomish County Code section 7.37.030, enacted by Ordinance 92-104 on Sept. 2, 1992, is amended to read:

7.37.030 Grants to certain not for profit charitable organizations.

(1) All grants made under this section shall be based on the amount of waste which must be disposed of.

(2) Total annual disbursements made under this grant program shall not exceed the amount budgeted by Council for this program.

~~(1)~~ (3) Recycling Grants

The Director ~~is authorized to~~ shall develop and implement a grant program designed to reimburse certain charitable organizations for disposal costs incurred by disposing of waste generated within the County on a regular and ongoing, rather than one time basis. ~~Total annual disbursements made under this grant program shall not exceed the amount budgeted by Council for this program.~~ To be eligible to receive a grant a charitable organization must, on an annual basis, file the following information with the Director:

(a) proof that the Internal Revenue Service recognizes the organization as one which is nonprofit and charitable;

(b) current Articles of Incorporation filed with the Washington Secretary of State showing that the primary charitable purpose of the organization is one of providing aid to the poor or infirm;

(c) a description of the organization's business operations showing that the organization's primary form of doing business is processing donated and abandoned goods for resale or reuse; and

(d) a verification that all waste for which disposal grants will be sought will be generated solely within the borders of Snohomish County.

The Director may require additional documentation if the Director has concerns as to the organization's tax status, primary charitable purpose, or primary form of doing business. Before awarding a grant the Director must find that the charitable organization is contributing to the County's recycling effort by processing used and abandoned goods for resale and reuse, and that the organization has satisfied the above requirements.

(4) Grants to other not for profit charitable organizations

The Director shall develop and implement a grant program designed to reimburse certain charitable organizations for disposal costs incurred by disposing of waste generated within the County associated with constructing or rehabilitating housing for the poor. To be eligible to receive a grant a charitable organization must file the following information with the Director:

(a) proof that the Internal Revenue Service recognizes the organization as one which is nonprofit and charitable;

(b) current Articles of Incorporation filed with the Washington Secretary of State showing that the primary charitable purpose of the organization is one of providing aid to the poor or infirm;

(c) a description of the organization's charitable activities showing the primary activity is constructing or rehabilitating housing to be occupied by the poor; and

(d) a verification that all waste for which disposal grants will be sought will be generated solely within the borders of Snohomish County.

(e) verification that all recyclables will be removed from the waste to be disposed of, and

(f) a report, in a format specified by the Director, explaining how the construction or rehabilitation project was designed and implemented to facilitate the separation of recyclables, and, how the project could have been designed and implemented to more easily facilitate the separation of recyclables.

The Director may require additional documentation if the Director has concerns as to the organization's tax status, primary charitable purpose, or primary form of doing business. Before awarding a grant the Director must find that the charitable organization has satisfied the above requirements.

Section 4. A new section, 7.37.032 is added to Snohomish County Code chapter 7.37, enacted by Ordinance 92-104 on Sept. 2, 1992:

7.37.032 Illegal dumping and littering prevention and remediation grants

(1) All grants made under this section shall be based on the amount of illegally deposited waste which must be disposed of.

(2) Total annual disbursements made under this grant program shall not exceed the amount budgeted by Council for this program.

(3) Grants to Landowners

The Director shall develop and implement a grant program designed to reimburse those landowners who must pay disposal costs to the County for disposing of waste illegally deposited upon their lands. Before a grant is made the following conditions must be met:

(a) the grantee must notify the Snohomish Health District of the illegally deposited waste, and comply with any conditions imposed by the Health District designed to reduce future illegal deposit of waste.

(b) the grantee must notify the Director in writing of the nature and quantity of waste being disposed of, and certify that the waste was not generated by the landowner but instead was deposited upon his lands by parties unknown to the landowner and without the landowners permission.

(c) the grantee must certify to the Director that the land upon which the waste was illegally deposited was either public land or not fenced, not posted, and available to the public for recreational purposes at the time of the deposit of the waste, and is currently public land or unfenced and available to the public for recreational purposes, and will remain so for one year after receipt of the grant. The Director may require additional documentation if the Director has concerns as to whether the above requirements have been met. Before awarding a grant the Director, based on the information provided by the grantee and by and to the Health District, must find that the waste was illegally deposited, that conditions imposed by the Health District to minimize future illegal deposit of waste have been met by the grantee, and that the land upon which the waste was illegally deposited was and is currently public land or available to the public for recreational purposes.

#### (4) Grants to Groups and Individuals

The Director shall develop and implement a grant program designed to reimburse those groups or individuals who must pay disposal costs to the County for disposing of waste illegally deposited upon public lands or lands available for public recreation. Before a grant is made the following conditions must be met:

(a) the grantee must notify the Snohomish Health District of the illegally deposited waste.

(b) the grantee, or if the grantee is a group an individual representing the group, must notify the Director in writing of the nature and quantity of waste being disposed of, and certify that the waste was not generated by the group or its members, or individual seeking the grant.

(c) the grantee, or if the grantee is a group an individual representing the group, must certify to the Director that the land upon which the waste was illegally deposited was either public land or not fenced, not posted, and available to the public for recreational purposes at the time the waste was removed.

The Director may require additional documentation if the Director has concerns as to whether the above requirements have been met. Before awarding a grant the Director, based on the information provided by the grantee and by and to the Health District, must find that the waste was illegally deposited and that the land upon which the waste was illegally deposited was either public land or available to the public for recreational purposes.

7.37.040 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of these

rules or the application of the provisions to other persons or circumstances is not affected.

Passed this 26<sup>th</sup> day of October 1994.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

Karen Miller  
Karen Miller  
Council Chairperson

Approved as to form:

Cecaly Westel  
Deputy Prosecuting Attorney

(ATTEST:

Barbara Sitaristi  
Clerk of the Council, Ass't.

APPROVED

10/31/94  
Date

VETOED

EMERGENCY

Robert J. Drewel  
County Executive

ATTEST: Marilyn B. Calk