
SENATE BILL 5093

State of Washington

57th Legislature

2001 Regular Session

By Senators T. Sheldon, Oke and Rasmussen

Read first time 01/10/2001. Referred to Committee on Natural Resources, Parks & Shorelines.

1 AN ACT Relating to unlawful dumping of litter; amending RCW
2 70.95.240; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.95.240 and 2000 c 154 s 3 are each amended to read
5 as follows:

6 (1) After the adoption of regulations or ordinances by any
7 county, city, or jurisdictional board of health providing for the
8 issuance of permits as provided in RCW 70.95.160, it shall be
9 unlawful for any person to dump or deposit or permit the dumping
10 or depositing of any solid waste onto or under the surface of the
11 ground or into the waters of this state except at a solid waste
12 disposal site for which there is a valid permit. This section
13 does not:

14 (a) Prohibit a person from dumping or depositing solid waste
15 resulting from his or her own activities onto or under the surface
16 of ground owned or leased by him or her when such action does not
17 violate statutes or ordinances, or create a nuisance;

18 (b) Apply to a person using a waste-derived soil amendment that
19 has been approved by the department under RCW 70.95.205; or

1 (c) Apply to the application of commercial fertilizer that has
2 been registered with the department of agriculture as provided in
3 RCW 15.54.325, and that is applied in accordance with the
4 standards established in RCW 15.54.800(3).

5 (2)(a) It is a class 3 civil infraction as defined in RCW
6 7.80.120 for a person to litter in an amount less than or equal to
7 one cubic foot.

8 (b) It is a class 1 civil infraction as defined in RCW 7.80.120
9 for a person to litter in an amount greater than one cubic foot in
10 an ((~~unincorporated~~)) incorporated area of a county. Unless
11 suspended or modified by a court, the person shall also pay a
12 litter cleanup fee of twenty-five dollars per cubic foot of
13 litter. The court may, in addition to or in lieu of part or all
14 of the cleanup fee, order the person to pick up and remove litter
15 from the property, with prior permission of the legal owner or, in
16 the case of public property, of the agency managing the property.

17 (c) It is a misdemeanor for a person to litter in an amount
18 greater than one cubic foot but less than one cubic yard in an
19 unincorporated area of a county. The person shall also pay a
20 litter cleanup restitution payment equal to twice the actual cost
21 of cleanup, or fifty dollars per cubic foot of litter, whichever
22 is greater. The court shall distribute one-half of the
23 restitution payment to the landowner and one-half of the
24 restitution payment to the jurisdictional health department
25 investigating the incident. The court may, in addition to or in
26 lieu of part or all of the cleanup restitution payment, order the
27 person to pick up and remove litter from the property, with prior
28 permission of the legal owner or, in the case of public property,
29 of the agency managing the property. The court may suspend or
30 modify the litter cleanup restitution payment for a first-time
31 offender under this section, if the person cleans up and properly
32 disposes of the litter.

33 (d) It is a gross misdemeanor for a person to litter in an
34 amount of one cubic yard or more in an unincorporated area of a
35 county. The person shall also pay a litter cleanup restitution
36 payment equal to twice the actual cost of cleanup, or one hundred
37 dollars per cubic foot of litter, whichever is greater. The court
38 shall distribute one-half of the restitution payment to the

1 landowner and one-half of the restitution payment to the
2 jurisdictional health department investigating the incident. The
3 court may, in addition to or in lieu of part or all of the cleanup
4 restitution payment, order the person to pick up and remove litter
5 from the property, with prior permission of the legal owner or, in
6 the case of public property, of the agency managing the property.
7 The court may suspend or modify the litter cleanup restitution
8 payment for a first-time offender under this section, if the
9 person cleans up and properly disposes of the litter.

10 (e) If a junk vehicle is abandoned in violation of this
11 chapter, RCW 46.55.230 governs the vehicle's removal, disposal,
12 and sale, and the penalties that may be imposed against the person
13 who abandoned the vehicle.

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