

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6194

Chapter 154, Laws of 2000

56th Legislature
2000 Regular Session

RURAL GARBAGE DISPOSAL

EFFECTIVE DATE: 6/8/00

Passed by the Senate March 9, 2000
YEAS 48 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House March 8, 2000
YEAS 98 NAYS 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

FRANK CHOPP
**Speaker of the
House of Representatives**

Approved March 27, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6194** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

March 27, 2000 - 2:53 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6194

AS AMENDED BY THE HOUSE

Passed Legislature - 2000 Regular Session

State of Washington 56th Legislature 2000 Regular Session

By Senate Committee on Natural Resources, Parks & Recreation
(originally sponsored by Senators T. Sheldon, Oke, Jacobsen, Stevens,
Morton, Rasmussen, Gardner and Spanel)

Read first time 02/01/2000.

1 AN ACT Relating to unlawful rural garbage disposal; amending RCW
2 70.93.030, 70.93.060, 70.95.240, and 46.55.230; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 70.93.030 and 1998 c 257 s 3 are each amended to read
6 as follows:

7 As used in this chapter unless the context indicates otherwise:

8 (1) "Conveyance" means a boat, airplane, or vehicle;

9 (2) "Department" means the department of ecology;

10 (~~(2)~~) (3) "Director" means the director of the department of
11 ecology;

12 (~~(3)~~) (4) "Disposable package or container" means all packages or
13 containers defined as such by rules and regulations adopted by the
14 department of ecology;

15 (~~(4)~~) (5) "Junk vehicle" has the same meaning as defined in RCW
16 46.55.010;

17 (6) "Litter" means all waste material including but not limited to
18 disposable packages or containers thrown or deposited as herein
19 prohibited and solid waste that is illegally dumped, but not including

1 the wastes of the primary processes of mining, logging, sawmilling,
2 farming, or manufacturing;

3 ~~((+5+))~~ (7) "Litter bag" means a bag, sack, or other container made
4 of any material which is large enough to serve as a receptacle for
5 litter inside the vehicle or watercraft of any person. It is not
6 necessarily limited to the state approved litter bag but must be
7 similar in size and capacity;

8 ~~((+6+))~~ (8) "Litter receptacle" means those containers adopted by
9 the department of ecology and which may be standardized as to size,
10 shape, capacity, and color and which shall bear the state anti-litter
11 symbol, as well as any other receptacles suitable for the depositing of
12 litter;

13 ~~((+7+))~~ (9) "Person" means any political subdivision, government
14 agency, municipality, industry, public or private corporation,
15 copartnership, association, firm, individual, or other entity
16 whatsoever;

17 ~~((+8+))~~ (10) "Public place" means any area that is used or held out
18 for use by the public whether owned or operated by public or private
19 interests;

20 (11) "Recycling" means transforming or remanufacturing waste
21 materials into a finished product for use other than landfill disposal
22 or incineration;

23 ~~((+9+))~~ (12) "Recycling center" means a central collection point
24 for recyclable materials;

25 ~~((+10+))~~ (13) "To litter" means a single or cumulative act of
26 disposing of litter;

27 (14) "Vehicle" includes every device capable of being moved upon a
28 public highway and in, upon, or by which any persons or property is or
29 may be transported or drawn upon a public highway, excepting devices
30 moved by human or animal power or used exclusively upon stationary
31 rails or tracks;

32 ~~((+11+))~~ (15) "Waste reduction" means reducing the amount or
33 toxicity of waste generated or reusing materials;

34 ~~((+12+))~~ (16) "Watercraft" means any boat, ship, vessel, barge, or
35 other floating craft(

36 ~~(13)~~ "Public place" means any area that is used or held out for use
37 by the public whether owned or operated by public or private
38 interests)).

1 **Sec. 2.** RCW 70.93.060 and 1997 c 159 s 1 are each amended to read
2 as follows:

3 (1) It is a violation of this section to abandon a junk vehicle
4 upon any property located in an unincorporated area of a county. In
5 addition, no person shall throw, drop, deposit, discard, or otherwise
6 dispose of litter upon any public property in the state or upon private
7 property in this state not owned by him or her or in the waters of this
8 state whether from a vehicle or otherwise including but not limited to
9 any public highway, public park, beach, campground, forest land,
10 recreational area, trailer park, highway, road, street, or alley
11 except:

12 (a) When the property is designated by the state or its agencies or
13 political subdivisions for the disposal of garbage and refuse, and the
14 person is authorized to use such property for that purpose;

15 (b) Into a litter receptacle in a manner that will prevent litter
16 from being carried away or deposited by the elements upon any part of
17 said private or public property or waters.

18 (2)(a) Except as provided in subsection (4) of this section, it is
19 a class 3 civil infraction as provided in RCW 7.80.120 for a person to
20 litter in an amount less than or equal to one cubic foot.

21 (b) It is a class 1 civil infraction as provided in RCW 7.80.120
22 for a person to litter in an amount greater than one cubic foot in an
23 incorporated area of a county. Unless suspended or modified by a
24 court, the person shall also pay a litter cleanup fee of twenty-five
25 dollars per cubic foot of litter. The court may, in addition to or in
26 lieu of part or all of the cleanup fee, order the person to pick up and
27 remove litter from the property, with prior permission of the legal
28 owner or, in the case of public property, of the agency managing the
29 property.

30 (c) It is a misdemeanor for a person to litter in an amount greater
31 than one cubic foot but less than one cubic yard in an unincorporated
32 area of a county. The person shall also pay a litter cleanup
33 restitution payment equal to twice the actual cost of cleanup, or fifty
34 dollars per cubic foot of litter, whichever is greater. The court
35 shall distribute one-half of the restitution payment to the landowner
36 and one-half of the restitution payment to the law enforcement agency
37 investigating the incident. The court may, in addition to or in lieu
38 of part or all of the cleanup restitution payment, order the person to
39 pick up and remove litter from the property, with prior permission of

1 the legal owner or, in the case of public property, of the agency
2 managing the property. The court may suspend or modify the litter
3 cleanup restitution payment for a first-time offender under this
4 section, if the person cleans up and properly disposes of the litter.

5 (d) It is a gross misdemeanor for a person to litter in an amount
6 of one cubic yard or more in an unincorporated area of a county. The
7 person shall also pay a litter cleanup restitution payment equal to
8 twice the actual cost of cleanup, or one hundred dollars per cubic foot
9 of litter, whichever is greater. The court shall distribute one-half
10 of the restitution payment to the landowner and one-half of the
11 restitution payment to the law enforcement agency investigating the
12 incident. The court may, in addition to or in lieu of part or all of
13 the cleanup restitution payment, order the person to pick up and remove
14 litter from the property, with prior permission of the legal owner or,
15 in the case of public property, of the agency managing the property.
16 The court may suspend or modify the litter cleanup restitution payment
17 for a first-time offender under this section, if the person cleans up
18 and properly disposes of the litter.

19 (e) If a junk vehicle is abandoned in violation of this section,
20 RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and
21 the penalties that may be imposed against the person who abandoned the
22 vehicle.

23 (3) If the violation occurs in a state park, the court shall, in
24 addition to any other penalties assessed, order the person to perform
25 twenty-four hours of community service in the state park where the
26 violation occurred if the state park has stated an intent to
27 participate as provided in RCW ((43.51.048(2))) 79A.05.050.

28 (4) It is a class 1 civil infraction as provided in RCW 7.80.120
29 for a person to discard, in violation of this section, a cigarette,
30 cigar, or other tobacco product that is capable of starting a fire.

31 **Sec. 3.** RCW 70.95.240 and 1998 c 36 s 19 are each amended to read
32 as follows:

33 (1) After the adoption of regulations or ordinances by any county,
34 city, or jurisdictional board of health providing for the issuance of
35 permits as provided in RCW 70.95.160, it shall be unlawful for any
36 person to dump or deposit or permit the dumping or depositing of any
37 solid waste onto or under the surface of the ground or into the waters

1 of this state except at a solid waste disposal site for which there is
2 a valid permit. This section does not:

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

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

9 (c) Apply to the application of commercial fertilizer that has been
10 registered with the department of agriculture as provided in RCW
11 15.54.325, and that is applied in accordance with the standards
12 established in RCW 15.54.800(3).

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

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

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

1 (d) It is a gross misdemeanor for a person to litter in an amount
2 of one cubic yard or more in an unincorporated area of a county. The
3 person shall also pay a litter cleanup restitution payment equal to
4 twice the actual cost of cleanup, or one hundred dollars per cubic foot
5 of litter, whichever is greater. The court shall distribute one-half
6 of the restitution payment to the landowner and one-half of the
7 restitution payment to the jurisdictional health department
8 investigating the incident. The court may, in addition to or in lieu
9 of part or all of the cleanup restitution payment, order the person to
10 pick up and remove litter from the property, with prior permission of
11 the legal owner or, in the case of public property, of the agency
12 managing the property. The court may suspend or modify the litter
13 cleanup restitution payment for a first-time offender under this
14 section, if the person cleans up and properly disposes of the litter.

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

19 **Sec. 4.** RCW 46.55.230 and 1991 c 292 s 2 are each amended to read
20 as follows:

21 (1) Notwithstanding any other provision of law, any law enforcement
22 officer having jurisdiction, or any employee or officer of a
23 jurisdictional health department acting pursuant to RCW 70.95.240, or
24 any person authorized by the director shall inspect and may authorize
25 the disposal of an abandoned junk vehicle. The person making the
26 inspection shall record the make and vehicle identification number or
27 license number of the vehicle if available, and shall also verify that
28 the approximate value of the junk vehicle is equivalent only to the
29 approximate value of the scrap in it.

30 (2) The law enforcement officer or department representative shall
31 provide information on the vehicle's registered and legal owner to the
32 landowner.

33 (3) Upon receiving information on the vehicle's registered and
34 legal owner, the landowner shall mail a notice to the registered and
35 legal owners shown on the records of the department. The notification
36 shall describe the redemption procedure and the right to arrange for
37 the removal of the vehicle.

1 (4) If the vehicle remains unclaimed more than fifteen days after
2 the landowner has mailed notification to the registered and legal
3 owner, the landowner may dispose of the vehicle or sign an affidavit of
4 sale to be used as a title document.

5 (5) If no information on the vehicle's registered and legal owner
6 is found in the records of the department, the landowner may
7 immediately dispose of the vehicle or sign an affidavit of sale to be
8 used as a title document.

9 (6)(a) It is a class 1 civil infraction as defined in RCW 7.80.120
10 for a person to abandon a junk vehicle on property located in an
11 incorporated area. If a junk vehicle is abandoned in an incorporated
12 area, the landowner of the property upon which the junk vehicle is
13 located is entitled to recover from the vehicle's registered owner any
14 costs incurred in the removal of the junk vehicle.

15 (b) It is a gross misdemeanor for a person to abandon a junk
16 vehicle on property located in an unincorporated area. If a junk
17 vehicle is abandoned in an unincorporated area, the vehicle's
18 registered owner shall also pay a cleanup restitution payment equal to
19 twice the costs incurred in the removal of the junk vehicle. The court
20 shall distribute one-half of the restitution payment to the landowner
21 of the property upon which the junk vehicle is located, and one-half of
22 the restitution payment to the law enforcement agency or jurisdictional
23 health department investigating the incident.

24 (7) For the purposes of this section, the term "landowner" includes
25 a legal owner of private property, a person with possession or control
26 of private property, or a public official having jurisdiction over
27 public property.

28 (8) A person complying in good faith with the requirements of this
29 section is immune from any liability arising out of an action taken or
30 omission made in the compliance.

31 NEW SECTION. Sec. 5. If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

Passed the Senate March 9, 2000.

Passed the House March 8, 2000.

Approved by the Governor March 27, 2000.

Filed in Office of Secretary of State March 27, 2000.