

1. Call to Order and Roll Call**2. Swearing in of Newly Elected and Reappointed Officials**

- a. AB 26-01: Swearing in of Newly Elected and Reappointed Officials.

3. Approve Agenda**4. Select Mayor for 2026 and 2027**

- a. AB 26-02: Select Mayor for 2026 and 2027.

5. Select Mayor Pro-Tem for 2026 and 2027

- a. AB 26-03: Select Mayor Pro-Tem for 2026 and 2027.

6. Seating of the Council for 2026 and 2027**7. Public Comments Update****8. Public Comment**

The City Council welcomes public attendance at Council meetings. This meeting is for the conduct of regular City business. With very few exceptions, RCW 42.17A.555 prohibits government agencies from allowing the use of public facilities, directly or indirectly, for campaign purposes. At this time, citizen comments and inquiries about agenda business or general City matters are encouraged. If you wish to address the City Council, please stand or raise a hand so you can be called upon. After you are recognized, please come forward to the lectern and state your name for the public record. Your remarks must be limited to three minutes or less. Please use the microphone.

9. Select Members and Alternates for 2026 and 2027 to Serve on the Following Committees:

- a. AB 26-04: Select Members and Alternates for 2026 and 2027 on Committees.

10. Select Yakima Valley Conference of Governments Member and Alternate for 2026

(Current Member: Prieto Duval, Alternate: Garcia)

11. Staff Updates

- a. AB 26-05: Council Chamber Updates.

12. Presentation

- a. AB 26-06: Amendments to TMC Chapter 8.10 Garbage Collection and Disposal Presentation.
- b. AB 26-07: Amendments to TMC Chapter 9.85 Graffiti Abatement Presentation.

13. Adjournment

Next Council Meeting Will Be Held on January 12, 2026.

City Council meetings are accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (509) 865-6754, 24 hours in advance.

Meeting Date: January 5, 2026

Subject: AB 26-01: Swearing in of Newly Elected and Reappointed Officials.

Attachments:

1. Oath of Office 2026-2029 ES #1
2. Oath of Office 2026-2029 CS #2
3. Oath of Office 2026-2029 JG #3
4. Oath of Office 2026-2029 LC #4
5. Oath of Office 2026-2027 NPD #6
6. Oath of Office 2026-2027 LB #7

Presented By: Heidi Riojas, City Clerk

Approved for Dan Ford, City Manager

Agenda By:

Discussion:

Pursuant to RCW 35.23.181, the City Clerk is required to administer the Oath of Office to each newly appointed or reappointed Councilmember in January following an election. The following City Councilmembers will take the Oath of Office on January 5, 2026:

Elpidia Saavedra, Position #1, term January 1, 2026, through December 31, 2029
Crisitan Sanchez, Position #2, term January 1, 2026, through December 31, 2029
Josh Garza, Position #3, term January 1, 2026, through December 31, 2029
Laura Canfield, Position #4, term January 1, 2026, through December 31, 2029
Naila Prieto Duval, Position #6, term January 1, 2026, through December 31, 2027
Loren Belton, Position #7, term January 1, 2026, through December 31, 2027

Fiscal Impact:

N/A.

Recommendation:

N/A.

Alternatives:

N/A.

OATH OF OFFICE

Elpidia Saavedra, Councilmember

Heidi Riojas, CMC, City Clerk

OATH OF OFFICE

Cristian Sanchez, Councilmember

Heidi Riojas, CMC, City Clerk

OATH OF OFFICE

Josh Garza, Councilmember

Heidi Riojas, CMC, City Clerk

OATH OF OFFICE

Laura Canfield, Councilmember

Heidi Riojas, CMC, City Clerk

OATH OF OFFICE

Naila Prieto Duval, Councilmember

Heidi Riojas, CMC, City Clerk

OATH OF OFFICE

Loren Belton, Councilmember

Heidi Riojas, CMC, City Clerk

Meeting Date: January 5, 2026
Subject: AB 26-02: Select Mayor for 2026 and 2027.
Attachments: None
Presented By: Heidi Riojas, City Clerk
Approved for Dan Ford, City Manager
Agenda By:

Discussion:

Pursuant to TMC Section 2.05.070, the Mayor is elected by the City Council in accordance with RCW 35A.13.

The process for selecting the Mayor is outlined in the Governance Manual, Rules of Procedure, pages 1 and 2. The City Clerk conducts the election process.

Nominations do not require a second.

Fiscal Impact:

N/A.

Recommendation:

The City Clerk will accept nominations for Mayor.

Alternatives:

N/A.

Meeting Date: January 5, 2026
Subject: AB 26-03: Select Mayor Pro-Tem for 2026 and 2027.
Attachments: None
Presented By: Heidi Riojas, City Clerk
Approved for Dan Ford, City Manager
Agenda By:

Discussion:

Pursuant to TMC Section 2.05.070, the Mayor Pro-Tem is elected by the City Council in accordance with RCW 35A.13.

The process for selecting the Mayor Pro-Tem is outlined in the Governance Manual, Rules of Procedure, pages 1 and 2. The Mayor conducts the election process for Mayor Pro-Tem.

Nominations do not require a second.

Fiscal Impact:

N/A.

Recommendation:

The Mayor will accept nominations for Mayor Pro-Tem.

Alternatives:

N/A.

Meeting Date: January 5, 2026
Subject: AB 26-04: Select Members and Alternates for 2026 and 2027 on Committees.
Attachments: None
Presented By: Heidi Riojas, City Clerk
Approved for Dan Ford, City Manager
Agenda By:

Discussion:

Every two years, the City Council selects members and alternates to serve on the following committees:

- a. Boards And Commissions Selection Committee – 3 Members
(Current Members: Belton, Duval, Garcia)
- b. Cable Regulation Board – 1 Member, 1 Alternate
(Current Member: Belton, Alternate: Garza)
- c. Driving Rural Yakima Valley Economy – 1 Member, 1 Alternate
(Current Member: Belton, Alternate: Garcia)
- d. Public Safety Committee – 3 Members, 1 Alternate
(Current Members: Duval, Garcia, Vacant, Alternate: Saavedra)
- e. Yakima County Gang Commission – 1 Member, 1 Alternate
(Current Member: Belton, Alternate: Saavedra)
- f. Yakima County-Wide Planning Policy Committee – 1 Member
(Current Member: Belton)

Fiscal Impact:

N/A.

Recommendation:

N/A.

Alternatives:

N/A.

Meeting Date: January 5, 2026
Subject: AB 26-05: Council Chamber Updates.
Attachments: 1. Best Colors for Camera
Presented By: Sean Davido, Communications Manager, Van Donley, IT Services Manager
Approved for Dan Ford, City Manager
Agenda By:

Discussion:

During the break, staff made modifications to the Council Chambers to improve audio and visual quality. These updates include new speakers and audio equipment.

Communications Manager Davido and IT Services Manager Donley will provide brief overviews to help Council prepare for being on camera and using the microphones.

Fiscal Impact:

N/A.

Recommendation:

N/A.

Alternatives:

N/A.

Best Colors for Camera

- Solid, mid-tone colors (blue, teal, burgundy, forest green) – Flatter skin tones & avoid glare.
- Earth tones (camel, olive, rust) - Warm and professional without being distracting.
- Soft pastels (lavender, peach, light pink) - Gentle, approachable, and calming.
- Classic neutrals (navy, charcoal, beige) - Safe, timeless, and business-appropriate.

Colors to Avoid

- Bright white - Can cause overexposure and glare on camera.
- Pure black - May lose detail and create harsh contrast.
- Neon colors (lime, hot pink, bright orange) - Distracting and can bleed on camera.
- Busy patterns (stripes, checks, polka dots) - Cause visual distortion (moiré effect).
- Shiny fabrics (silk, satin, sequins) - Reflect light unevenly.

Quick Tips

- Stick to solid colors over patterns.
- Match your background (avoid blending in or clashing).
- Choose colors that contrast with your skin tone for clarity.
- Keep accessories minimal to avoid distraction.
- Test your outfit on camera before the meeting.

Meeting Date: January 5, 2026

Subject: AB 26-06: Amendments to TMC Chapter 8.10 Garbage Collection and Disposal Presentation.

Attachments: 1. TMC 8.10 Garbage Collection and Disposal Proposed Amendments

Presented By: Andrew Hattori, CED Director

Approved for Dan Ford, City Manager

Agenda By:

Discussion:

The City of Toppenish periodically reviews sections of the Toppenish Municipal Code (TMC) to ensure they're maintaining efficiency and relevancy as time passes. TMC section 8.10 relating to garbage collection and disposal has been identified as needing various updates to ensure we are applying the best and most usable provisions for waste collection. Much of the amendments clarify which City staff member is responsible for certain aspects of the provisions and updating the referenced RCWs, the functional changes can be summarized as:

- Amendment to TMC 8.10.060 changing the staging location of receptacles for pickup from the sidewalk to adjacent the curb in the street.
- Amendment to TMC 8.10.090 removing the Public Works Director's ability to approve nonresidential garbage within the City's sewer system on a case-by-case basis.
- Amendment to TMC 8.10.130 clarifying that the City is only responsible for the removal of dead animals from the street and public right-of-way.
- Amendment to TMC 8.10.200 removing the county health director as the responsible official for determining whether a property is subject to condemnation due to sanitary reasons.
- Amendment to TMC 8.10.250 to remove the required notification to the county health officer.
- Creation of TMC 8.10.300 prohibiting the scavenging or salvaging of solid waste or recyclable materials from any waste cans or containers by any non-approved City agent or contractor.

Staff wishes to present the proposed code amendments for discussion and direction before presenting a formal Ordinance at a future City Council Regular Meeting.

Fiscal Impact:

N/A.

Recommendation:

N/A.

Alternatives:

N/A.

Chapter 8.10 GARBAGE COLLECTION AND DISPOSAL¹

8.10.010 Definitions.

"Apartment complex" means a building or group of buildings containing more than four self-contained residences; units can be side-by-side, stacked or some combination thereof. Apartment complexes, while primarily designed for residential purposes, may, from time to time, also contain commercial units. For the purposes of this chapter, commercial units shall be considered residential for purposes of calculation of household waste container requirements;

"Ashes" means the residue from the burning of wood, coal, coke and other combustible material;

"Biomedical waste" means medical, infectious or related wastes defined and described in Chapter ~~70.95K~~[70A.228.010](#) RCW;

"Bulk refuse" means large items of refuse such as appliances, furniture, large auto parts, trees and branches, palm fronds, stumps, floatage, etc. The collection of bulk refuse shall be by special charge;

"City" means city of Toppenish or its duly authorized representative;

"Collection" means the act of picking up refuse at home, business or industrial site and putting it in a truck or container specifically designed and used for refuse disposal purposes;

"Director of public works" means the director of public works for the city and his authorized supervisors;

"Duplex" means a building divided into two self-contained residences with a separate entrance for each; units can be side-by-side or stacked;

"Fourplex" means a building divided into four self-contained residences with a separate entrance for each; units can be side-by-side, stacked or some combination thereof;

"Garbage" means animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods. It does not include food wastes from industrial processing;

"Person" means any institution, public or private corporation, individual, partnership or other entity;

"Private collector" means solid waste collection company, as defined in Chapter 81.77 RCW;

"Refuse" means all solid waste of the community and semiliquid or wet waste with insufficient liquid content to be free flowing. Synonym: solid waste;

"Resource recovery" means a general term used to describe the extraction of economically usable materials or energy from waste materials. The concept may involve recycling or conversion into different and sometimes unrelated uses. Possibilities include: conversion, mainly energy recovery by using waste for heat and fuel values; transformation, chemical processes which create new byproducts; reuse (e.g., returnable bottles); and recycling (e.g., "Glasphalt," a glass-based highway paving material);

"Rubbish" means nonbulky domestic and commercial solid waste exclusive of garbage;

¹State law reference(s)—For statutory provisions regarding city collection and disposal systems, see RCW 35.21.120; for provisions authorizing cities to acquire and operate garbage systems, see RCW 35.92.020; for provisions regarding code city garbage ordinances, see RCW 35A.21.060.

"Sanitation service charge" means a charge imposed by the city council by resolution or ordinance for the services performed by the department of public works;

"Single-family home" means a freestanding residential building with no shared walls designed to be used as a single dwelling unit;

"Solid waste" means useless, unwanted, or discarded material with insufficient liquid content to be free flowing:

1. Agricultural — the solid waste that results from the rearing and slaughtering of animals and the processing of animal products and orchard and field crops;
2. Commercial — solid waste generated by stores, offices, and other activities that do not actually turn out a product;
3. Industrial — solid waste that results from industrial processes and manufacturing;
4. Institutional — solid wastes originating from educational, health-care, and research facilities;
5. Municipal — normally, residential and commercial solid waste generated within a community;
6. Pesticide — the residue resulting from the manufacturing, handling, or use of chemicals for killing plant and animal pests;
7. Residential — all solid waste that normally originates in a residential environment, sometimes called domestic solid waste;

"Triplex" means a building divided into three self-contained residences with a separate entrance for each; units can be side-by-side, stacked or some combination thereof;

"Yard rubbish" means residential prunings, grass clippings, weeds, leaves, and general yard and garden solid waste;

"Yard rubbish unit" means the maximum amount of yard rubbish which shall be collected from the residential areas of the city under the established fee for this service, and means that yard rubbish which is cut up into lengths not exceeding four feet, and which if tied together shall not exceed 10 feet in girth, with a maximum limb diameter of four inches. Maximum weight of a yard rubbish unit is 60 pounds. All leaves, grass, small prunings shall be bagged or boxed;

Additional Terms. Words, terms, or expressions peculiar to the collection and disposal of solid waste not hereinbefore defined shall have the respective meanings given in Appendix B, Glossary, contained in Handbook of Solid Waste Management, Van Nostrand Reinhold Publishing Company, 1977, or latest revision.

(Ord. 2023-04 § 1, 2023; Ord. 2004-14 § 1, 2004).

8.10.020 Solid waste fund established — Purpose — Source of moneys.

The city council is authorized to make funds available by appropriation, borrowing, or by other means in accordance with the laws of the state, for equipment for the collection and disposal of refuse and for the establishment, maintenance and operation of refuse collection system and refuse disposal sites. All sums collected under this chapter shall be deposited and kept in a fund to be known as the "solid waste fund," and from which fund all expenses of the administration, maintenance, and operation of the sanitation division shall be paid.

(Ord. 2004-14 § 1, 2004).

8.10.030 Collection service — Use required — Exceptions.

No person within the city shall be permitted to refuse to accept garbage and rubbish disposal service except with the special permission of the city manager, and the failure of such person to receive such services shall not exempt him from the payment of the regular charges established for that service.

(Ord. 2004-14 § 1, 2004).

8.10.040 Administration and enforcement authority.

The regulation of the disposal and hauling of garbage and rubbish in the city shall be under the supervision of the city manager; provided, however, that the city manager may delegate the duty of enforcing the provisions of this chapter to the director of public works who shall prepare and publish reasonable regulations concerning the calendar days of collection of refuse, location of waste containers, and any other regulations pertaining to the collection and disposal of waste as he may deem advisable, subject to the approval of the city manager, and provided that such regulations are not contrary to this chapter.

(Ord. 2004-14 § 1, 2004).

8.10.050 Collection service — Permit requirements.

- A. It is unlawful for anyone except the city public works department to collect garbage or rubbish within the city for compensation without the approval and authorization of the city manager, providing that this prohibition does not apply to the food processors.
- B. Every person desiring to engage in the collection and/or disposal of refuse on a regular basis who is not acting as an agent for the city shall make written application to the ~~city clerk~~public works director setting forth the name of such person, the resident address thereof or address of the place of business, a description of the equipment to be used in the collection and/or disposal of such refuse, the place of disposal, and the method of disposal to be practiced. On approval of such application, the ~~city clerk~~public works director shall cause a permit to be issued to the applicant. The permit fee shall be established by resolution of the city council, as amended from time to time, payable in advance to the city. Such permit issued under this chapter shall expire on the first day of January in each year. Permits shall be renewed annually in the manner and upon payment of the same annual fee as provided in this section.
- C. Any person whose application for permit has been denied or whose permit has been revoked by the city manager may request and shall be granted a hearing before the city hearing examiner under the procedure provided for herein.
- D. No refuse originating in city limits shall be collected by private collectors except those having a contract or franchise for specific locations or with a permit from the city, and then only in such receptacles and to such place or places and in such manner as shall have first been approved by the director of public works.
- E. The city public works department shall collect, remove, and dispose of all garbage and refuse which is not over the standard set for each pickup originating in city limits. Collection will be made in accordance with a frequency schedule acceptable to the city manager, except that the minimum garbage service to residential areas shall be once weekly.
- F. Nothing contained herein shall prevent any person or contractor as defined in Chapter 18.27 RCW from collection associated with resource recovery or collecting and disposing of rubbish incidental to any personal or business reason other than as a private collector. All such disposal must be in acceptable containers and in compliance with applicable state, federal and local statutes.

(Ord. 2017-01 § 1, 2017; Ord. 2004-14 § 1, 2004).

8.10.060 Container requirements.

- A. Required. It shall be the duty of every person in possession, charge or control of any single dwelling, multiple dwelling, or commercial establishment where refuse is created or accumulated, at all times to keep or cause to be kept portable containers as defined in this chapter and to deposit or cause to be deposited said refuse therein.
- B. Household Waste Containers.
1. For single-family homes, household waste containers shall be not less than 90-gallon nor more than 300-gallon capacity;
 2. For duplexes, household waste containers shall be not less than one 90-gallon container per residential unit nor more than one 300-gallon container per combined units;
 3. For triplexes, household waste containers shall be not less than one 90-gallon container per residential unit nor more than one 420-gallon container per combined units;
 4. For fourplexes, household waste containers shall be not less than one 90-gallon container per residential unit nor more than one 420-gallon container per combined units; and
 5. For apartment complexes, household waste containers shall not be less than one 300-gallon container for every three residential units but may also be calculated based on one 420-gallon container per four residential units.
- C. Location. No containers shall be kept or stored within the confines of any street, public alley, public sidewalk, or public right-of-way in the residential district. In blocks in which there are alleys, such containers shall be kept on private property in a convenient and accessible location adjacent to such alley. In blocks where there are no alleys, such containers shall be kept on private property behind the front setback line, where a legal nonconforming dwelling encroaches into the front setback, the container shall be stored behind the building line of the dwelling. ~~without interfering with the reasonable enjoyment of such private property or adjoining property, providing such containers shall be placed in a readily accessible location to the traveled roadway of the street near the curb or roadway for collection only on the day that the refuse is normally collected;~~
p Provided, however, that where the public works director determines that it is beneficial to both the city and the property owner, and where it can be allowed without interfering with the reasonable enjoyment of such private property or adjoining property, the director may permit the property owner to keep or store such containers within the confines of any street or public alley. Refuse containers must be placed adjacent to the curb fronting the property ~~on the sidewalk~~ or, in the absence of a curb ~~sidewalk~~, at a location adjacent to the street pavement, no earlier than 6:00 p.m. prior to the day of collection and no later than 7:00 a.m. on the day of collection. Refuse containers must be removed and relocated to private property no later than 8:00 p.m. on the day of collection.
- Mobile home parks shall be required to provide central storage areas throughout the mobile home parks for the location of refuse containers; provided, that no individual mobile home owner shall be required to walk more than 150 feet any direction from their mobile home to deposit for pickup their waste in the containers.
- D. Prohibited Materials. No rocks, dirt, manure, human excrement or hazardous waste as defined by Chapter 173-303 WAC are to be placed in refuse containers. No biomedical wastes shall be placed in refuse containers. Biomedical wastes shall be packaged and/or placed in containers meeting state and federal standards for biomedical wastes.

(Ord. 2023-04 § 2, 2023; Ord. 2004-14 § 1, 2004).

8.10.070 Garbage and refuse — Deposit in public places prohibited when.

It is unlawful for any person to deposit or cause to be deposited, dump, scatter, or leave any rubbish, stones, earth, ashes, cinders, hay, manure, filth, paper, dirt, grass cuttings, leaves, twigs, boughs, shrubs, construction waste, or other offensive or nauseous material in the public street gutter, alley, sidewalk, parking, creek, stream, or upon any public property of any nature, nor upon any vacant private property except where certain of these materials are used for improving property by grading or fertilizing.

(Ord. 2019-08 § 1, 2019; Ord. 2004-14 § 1, 2004).

8.10.080 Garbage — Draining, wrapping and sanitary conditions required.

All garbage, except swill, shall be drained of liquids and wrapped in paper or other material before being deposited in the container. The city may refuse to collect undrained garbage of a liquid or semiliquid state, unwrapped and improperly placed. The owner or person in charge of the place where refuse containers are located shall maintain the place in a clean and sanitary condition. The containers desirably should be placed on a platform and/or secured so as to render the same inaccessible to marauding animals.

(Ord. 2004-14 § 1, 2004).

8.10.090 Garbage — Permitted in sewage system when.

Garbage may enter the city sewage system if it is first shredded into tiny particles by use of an approved mechanical garbage grinder. Nonresidential garbage may not enter the city sewage system ~~unless approved in writing by the public works director.~~

(Ord. 2004-14 § 1, 2004).

8.10.100 Bulk refuse requirements.

All bulk refuse accumulated in residential, commercial or manufacturing buildings, such as cardboard containers, wooden crates and similar rubbish, shall be flattened to a size not to exceed three feet by four feet.

(Ord. 2004-14 § 1, 2004).

8.10.110 Garbage and rubbish — Burning prohibited.

It is unlawful for any person to burn any material herein defined in the city limits.

(Ord. 2004-14 § 1, 2004).

8.10.120 Refuse — Burying prohibited where.

It is unlawful to bury refuse in any place in the city other than such areas as are defined by the department of public works as sanitary landfill sites.

(Ord. 2004-14 § 1, 2004).

8.10.130 Disposal of dead animals.

It shall be the duty of the owner of any dead animals to cause the same to be removed and disposed of. In the event the owner of said dead animal is unknown, it shall be the duty of every person in possession, charge or control of any dead animal or upon the premises the same may be located to cause the same to be removed and disposed of. Dead animals upon the public ways will be collected and disposed of upon call to the department of public works at no extra charge. Dead animals in excess of 100 pounds will not be hauled off by city forces. Condemned animals or parts of animals from slaughterhouses or similar places, regardless of size, are regarded as industrial refuse and will not be collected by the city.

(Ord. 2004-14 § 1, 2004).

8.10.140 Refuse — Unacceptable materials designated.

The following refuse shall be considered not acceptable for collection or acceptable for disposal at the landfill without the special permission of the director of public works and a payment of a negotiated fee:

- A. Dangerous materials or substances such as poisons, acids, caustics, infected materials and explosives;
- B. Unusual quantities of materials resulting from the repair, excavation, or construction of buildings or structures such as earth, plaster, mortar and roofing materials;
- C. Materials which have not been prepared for collection in accordance with these regulations;
- D. The solid wastes resulting from industrial processes.

(Ord. 2004-14 § 1, 2004).

8.10.150 Refuse — Special pickup provisions — Costs.

The owners and/or occupants of all premises shall be responsible for the preparation and removal thereof of all refuse accumulated, originating or becoming deposited upon such premises, of all that refuse which is not eligible for collection and disposal by the public works department on the regular collection routes at the regular charge for such service. A yard rubbish unit, as defined in TMC 8.10.010, shall determine the maximum amount of refuse that will be picked up at the regular charge. Owners and/or occupants desiring a special pickup of refuse shall call the public works department, and upon the performance of the service, shall be required to pay for the additional services at the rate established by code in TMC 8.10.170.

When any owner and/or occupant of a premises has placed an unusually large amount of refuse on public right-of-way, the owner and/or occupant of the premises will be provided a courtesy notice delivered to and posted on the premises which will require the owner and/or occupant to remove and dispose of the refuse within five calendar days. If the refuse presents a public hazard (such as impeding traffic or blocking drainage), the owners and/or occupant must remove the refuse within 24 hours. If the refuse is not removed at the end of the time designated on the notice, the city will collect and dispose of the refuse and add any costs involved to the regular utility bill of the city as provided by TMC 8.10.170.

(Ord. 2004-14 § 1, 2004).

8.10.160 Collection service — Vacancy credits.

No vacancy credit shall be allowed any owner and/or occupant of a residential premises that has an active city water utility serving the property. If water service is not discontinued during a vacancy period, sanitation fees will be continued as if the residential property is occupied.

The Toppenish city manager, or his designee(s), may allow a vacancy credit for nonresidential premises during periods of vacancy for which the owner of the premises has notified the city in writing that waste disposal pickup is not needed. No credit shall be allowed for any period in which such premises are occupied, or for any period of vacancy during which waste disposal service is provided by the city.

(Ord. 2004-14 § 1, 2004).

8.10.170 Fees schedule.

A. The schedule of charges and collection fees to be paid to the city is as follows:

		Rate Effective February 16, 2025
All Accounts City-Owned Containers		
First Container	Number of Pickups	
90-gallon	1 per week	\$27.68
300-gallon	1 per week	\$100.48
350-gallon	1 per week	\$117.35
420-gallon	1 per week	\$140.02
Each Additional Container	Number of Pickups	
90-gallon	1 per week	\$24.96
300-gallon	1 per week	\$97.75
350-gallon	1 per week	\$114.62
420-gallon	1 per week	\$137.31

Charges Shall be Assessed per Container. Number of containers multiplied by number of calendar days collected for one week equals the monthly charge.

- B. The classification of each recipient of garbage service, size of container and type of container shall be determined by the public works director or his designee.
- C. Rates will be increased as rates increase at the disposal site by ordinance amendment or as other conditions such as inflation or other matters render such increases necessary.
- D. A callback fee will be charged to those accounts which have failed to put out solid waste on the proper day or proper time of day, which results in the required return of the collection truck to the account. Callback fees shall be established by resolution of the city council, as amended from time to time.
- E. There shall be extra hauling fees for special items, weekend pickups, or unusual volumes of solid waste outside of containers and these shall be agreed upon with the public works director or his designee prior to pickup by the city. Such items shall include but not be limited to automobile tires and parts, large metal pieces or objects, concrete chunks, stone, tree limbs and heavy wood pieces. Extra hauling fees shall be established by resolution of the city council, as amended from time to time.
- F. Compost collection containers shall be marked "Grass and Leaves Only" and will be provided to residents upon request. The containers for grass and leaves only shall not be used for any other garbage, refuse, swill

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(Republication)

or trash. If such a container shall be used for unauthorized materials, the rate for the month during which the unauthorized use occurs shall be the same as the monthly rate for other 90-gallon containers.

		Rate Effective February 16, 2025
Compost Collection (Grass and Leaves Only)		
Type of Container	Number of Pickups	
90-gallon	1 per week	\$17.23
300-gallon	1 per week	\$23.91
350-gallon	1 per week	\$25.44
420-gallon	1 per week	\$27.66

- G. Overfull Containers. The schedule of fees under subsection A of this section is for one container with lid closed. Whenever the lid is not flush with top of container, city collectors may choose to collect or leave for special pickup. If collectors pick up the overfull container, a fee shall be assessed. Overfull container fees shall be established by resolution of the city council, as amended from time to time.
- H. The city manager is authorized to adjust the service level or container size to match the garbage and rubbish actually collected from the premises, to match the amount of garbage and rubbish reasonably anticipated from the premises, or to accommodate existing inventory and/or equipment restrictions. The customer will be responsible for the appropriate charges for the adjusted service level in accordance with this section.
- I. Pickups on calendar days not regularly scheduled shall be at a rate established by resolution of the city council, as amended from time to time.
- J. Any additional disposal costs incurred by the city due to the placement in residential or commercial containers of materials which are prohibited under TMC 8.10.060(D) or are declared to be unacceptable under TMC 8.10.140, or are determined to be hazardous under Chapter 173-303 WAC or result in charges to the city collection service in an amount more than the standard domestic or commercial refuse disposal rate (including, but not limited to, dead animals, tires or asbestos), shall be passed on to and paid by the user of the container. Any damage caused to the residential or commercial containers or equipment resulting from the placement of any of the above-referenced materials in the containers shall be the responsibility of the container user, and the user shall bear the cost of repairing or replacing the container. All delinquent and unpaid charges for sanitation, water, sewer or other charges shall be a lien against the premises to which the same are furnished.

(Ord. 2024-07 § 1, 2024; Ord. 2023-04 §§ 3, 4, 2023; Ord. 2019-11 § 1, 2019; Ord. 2018-12 § 1, 2018; Ord. 2017-13 § 1, 2017; Ord. 2017-01 § 1, 2017; Ord. 2014-12, 2014; Ord. 2013-25, 2013; Ord. 2011-19, 2011; Ord. No. 2024-16, § 1, 11-25-2024).

8.10.172 Surcharge for outside users.

An additional charge of 25 percent shall be made for all garbage services provided outside of the city limits.

(Ord. 2020-16 § 3, 2020).

8.10.175 Overpayment or underpayment of bill — Three-year limitation.

The city finance director is authorized to credit accounts for any amounts paid for garbage service that are found to be erroneous overpayments, and is authorized to charge accounts for any amounts found to be erroneous underpayments; provided, however, that there shall be no such credit or charge for any overpayment or

underpayment made more than three years prior to the date the customer shall notify the city of the error, or more than three years prior to the discovery of the error by the city.

(Ord. 2013-4, 2013).

8.10.180 Service — Discounts for certain low income senior or disabled citizens.

- A. A program for discounts to the billings for solid waste utility services for certain low income senior or disabled citizens is established in order to provide necessary support for the disadvantaged. Such reductions are intended to offset rate increases. The city manager is authorized and directed to administer said program and in such connection may promulgate administrative regulations to carry out the intent and purpose of the ordinance codified in this section.
- B. To implement the program provided for in subsection A of this section, low income senior citizens shall show satisfactory proof that he or she:
1. Is 65 years of age or older;
 2. Has a maximum annual household income at or below 125 percent of federal poverty guidelines;
 3. Is a single occupant or the head of a household or the spouse of the head of the household;
 4. Resides in the dwelling unit served by the solid waste, sewer and water utility;
 5. Is billed or is the spouse of a person billed by the solid waste, sewer and water utility.
- Applicants shall verify such information and shall provide such other data as is deemed appropriate upon forms prepared, and in the manner determined by the city.
- C. To implement the program provided for in subsection A of this section, disabled citizens shall show satisfactory proof that he or she:
1. Is disabled;
 2. Has a maximum annual household income at or below 125 percent of federal poverty guidelines;
 3. Is a single occupant or the head of a household or the spouse of the head of the household;
 4. Resides in the dwelling unit served by the solid waste, sewer and water utility;
 5. Is billed or is the spouse of a person billed by the solid waste, sewer and water utility.
- Applicants shall verify such information and shall provide such other data as is deemed appropriate upon forms prepared, and in the manner determined by the city.
- D. Persons qualified by the city as eligible recipients of a low income senior or disabled citizen discount provided for in this section shall be granted a discount against the charges assessed under TMC 8.10.170.
- E. The finance director is authorized to discount the total amount of charges made under TMC 8.10.170 of this code to qualified low income senior or disabled citizens by 25 percent.
- F. For purposes of this section, the following persons are defined as disabled:
1. A person who has qualified and received special parking privileges under RCW 46.16.381(1)(a) through 46.16.381(1)(g);
 2. A blind person as defined in RCW 74.18.020(4);
 3. A person who has a developmental disability as defined in RCW 71A.10.020(3);
 4. A person who is gravely disabled as a result of a mental disorder as defined in RCW 71.05.020(14);

5. A person who has qualified and receives supplemental social security benefits due to disability.
(Ord. 2004-14 § 1, 2004).

8.10.185 Monthly charges — When due — Delinquent fee.

All of the charges for the collection of garbage and rubbish shall be due and payable at the finance department on or before the first day of each month, for the previous month. If fees or charges for solid waste only accounts are not paid before the close of business on the fifteenth day of the month in which due, a delinquent fee shall be added and collected by the finance department, and a like delinquent fee shall be added for each succeeding month or portion thereof during which the fees and charges shall remain delinquent. Delinquent fees shall be established by resolution of the city council, as amended from time to time. Solid waste bills shall cover service charges for a period of one month, and said bills shall be issued and mailed on or before the first day of each month.

(Ord. 2017-01 § 1, 2017; Ord. 2016-08, 2016; Ord. 2010-3, 2010).

8.10.190 Delinquent payments — When service discontinued — Delinquent fee.

- A. The city provides garbage/solid waste collection service to some locations that do not use the city's water service because they have their own domestic water supply. In case of nonpayment of fees and charges for garbage/solid waste collection service by any of said users within seven days after the date such fees and charges become delinquent, and after the city has complied with notice requirements hereinafter set forth, the garbage/solid waste collection service shall be discontinued and a delinquent fee shall be added to cover administrative and clerical-related expenses. Delinquent fees shall be established by resolution of the city council, as amended from time to time. The garbage/solid waste collection service shall remain discontinued until the account is paid in full. The city will apply the monies received in payment in the following order:
1. Delinquent utility taxes;
 2. Delinquent solid waste charges;
 3. Current utility taxes;
 4. Current solid waste charges; and
 5. The delinquent charge for administrative fees and clerical-related expenses.
- B. Before discontinuing the service the city must give at least 30 days' written notice to the property owner. Said notice must specify the delinquent charges and all other monies that must be paid before the service will be reinstated, and the date on which the garbage/solid waste collection will be discontinued if all of the amounts due have not been fully paid on or before the date and time stated in the notice.

(Ord. 2017-01 § 1, 2017; Ord. 2016-08, 2016; Ord. 2004-14 § 1, 2004).

8.10.195 Responsibility for garbage service charges.

- A. The owner of the property being served shall be responsible for the payment of the charges for garbage service to such property, including delinquent fees and administrative, clerical and other employee or employee-related expenses as may be required by TMC 8.10.185.
- B. All accounts for garbage service shall be kept in the name of the owner of the property and shall be billed to the owner and sent to the owner at such address as the owner shall provide to the city.

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- C. ~~The city clerk~~City staff may rely upon the land records of Yakima County for the purpose of determining the name of the owner of the property, as posted on the website of the Yakima County assessor, or such other documentation as may be provided to the city clerk that verifies such ownership. For purposes of this section, a contract purchaser shall be deemed to be the owner of the property if the contract has been recorded in the office of the Yakima County auditor.
 - D. Discontinuance of garbage service for any cause shall not release the owner from the obligation for payment of unpaid charges, including delinquent fees.
 - E. Each account that is in the name of and/or billed to anyone other than the property owner shall be put in the name of and billed to the property owner at such time as a change of occupancy or a change of ownership of the property occurs, or on January 1, 2013, whichever first occurs.

(Ord. 2011-14 § 1, 2011).

8.10.200 Collection service — Suspension for nonpayment — Effect.

Services to any premises may be suspended for nonpayment of accounts. Such suspension shall not relieve the person owing such account of the duty of complying with the provisions of this code. Such suspension shall render the premises where such service is suspended subject to condemnation. ~~for unsanitary reasons upon the order of the county health director.~~

(Ord. 2004-14 § 1, 2004).

8.10.210 Collection service — Temporary suspension for commercial accounts.

Commercial accounts shall not be eligible for vacancy credits established in TMC 8.10.160, but may petition the city to temporarily suspend sanitation service during the time the premises are unoccupied. Upon approval, the sanitation service shall be suspended and the regular charge applying for the service shall be suspended until the premises are reoccupied. A petition for temporary suspension of service shall be in advance of the pending vacancy of the property and shall not be retroactive. The petition shall be made upon a form to be provided by the city ~~clerk~~. Upon re-occupancy, the owner of the property shall call and ask for sanitation service to be resumed, whereupon the regular charge shall be re-established.

(Ord. 2004-14 § 1, 2004).

8.10.220 Enforcement of provisions — Inspection authorized when — Abatement of nuisances.

The public works director or his designee shall have the power to enter at reasonable times upon private property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this chapter. The city manager or his designee shall have authority to order the abatement or removal of any nuisance detrimental to the public health, and if such nuisance is not properly abated or removed, to cause its removal or abatement at the expense of the owner of the property on which the nuisance is maintained.

(Ord. 2004-14 § 1, 2004).

8.10.230 Violations — Notice required — Contents.

Whenever the director of public works or his designate may determine that there is a violation of any provision of this chapter, he shall give notice of such alleged violation to the person or persons responsible as hereinafter

provided. Such notice shall state the nature of the violation and a reasonable time for correcting such violation, and if necessary, contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter. This notice shall be served upon the holder of the permit issued under this chapter, or upon the owner and/or occupant of any premises within the city; provided, that such notice shall be deemed to have been properly served when a copy thereof has been served personally, or by registered or certified mail, or in accordance with any other method authorized or required under the laws of the state.

(Ord. 2004-14 § 1, 2004).

8.10.240 Hearings — Petition required — City hearing examiner authority.

Any person having a contract or license permit for the collection and disposal of refuse revoked, or who is refused a permit, or who is affected by any notice issued in connection with the enforcement of any provision of this chapter, may request and shall be granted a hearing on the matter before the city hearing examiner; provided, that such persons shall first file with the city ~~manager~~clerk a written petition requesting such hearing, and setting forth a brief statement of the grounds therefor within 10 calendar days after the day the notice was served. Upon receipt of such petition, the city hearing examiner shall set a time and place for such hearing, and shall give the petitioner written notice thereof. The proceedings of such hearing, including the findings and decisions of the city hearing examiner, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the city clerk. Such record shall include also a copy of every notice or order issued in connection with the matter. Should the city hearing examiner determine that a violation of this chapter has been committed, it may revoke the permit issued to that person in violation or take such action as seems justifiable.

(Ord. 2004-14 § 1, 2004).

8.10.250 Emergencies — Summary abatement authority.

Whenever the city manager or their designee finds that an emergency exists involving a serious health hazard which requires immediate action to protect the public health, ~~he shall notify the county health officer of such violation of this chapter and~~ action shall be taken under the provisions of this chapter and the laws of the state.

(Ord. 2004-14 § 1, 2004).

8.10.260 Private collectors — Equipment regulations.

- A. Enclosed Bodies of Refuse Collection Vehicles. All private vehicles used for the collection or disposal of refuse, for hire in the city, shall have enclosed bodies, or suitable provisions for covering the bodies. The use of a tarpaulin or canvas cover to enclose open bodies of collection vehicles may be permitted upon approval of the director of public works.
- B. Watertight Garbage Collection Vehicles. Vehicles used for the collection or disposal of garbage or of refuse containing garbage or swill and slop shall have watertight metal bodies of easily cleanable construction.

(Ord. 2004-14 § 1, 2004).

8.10.270 Unlawful to deposit waste except in own container.

It is unlawful for anyone other than the owner and/or occupant of the premises upon which a garbage can, container or drop box is located to deposit any solid waste or other material therein except with the permission of such owner or occupant.

(Ord. 2004-14 § 1, 2004).

8.10.280 Adoption of state law — Unlawful to dump or deposit solid waste without permit — Disposal of vehicle tires outside designated area prohibited.

The provisions of RCW ~~70A.220~~~~70.95.240~~ and ~~70.95.250~~ pertaining to the unlawful dumping or deposit of solid waste without permit, and the provisions of RCW ~~70A.205.400~~~~70.95.500~~ pertaining to the disposal of vehicle tires outside designated areas, are adopted and incorporated herein by reference as though fully set forth, including the penalty provisions pertaining thereto.

(Ord. 2004-14 § 1, 2004).

8.10.290 Violations — Citation procedure.

If any person or persons shall violate any section or sections of this code, the director of public works, or such persons within the department of public works as are designated by him, the code enforcement officer, or any police officer, may issue a citation and notice to such person or persons to appear before the municipal court. The citation to appear shall include spaces for the name and address of the violator or person responsible for the violation, the offense charged, the time and place when such person shall appear in court, and the place for such person to sign. Such citation shall not be issued for any offense or violation unless the offense or violation is committed or the existence of such violation appears as a fact in the presence of the director of public works, those persons within the department of public works designated by him, the code enforcement officer, or an officer of the police department, or as requested by a complaint sworn to and signed by any person residing in the corporate limits of the city.

(Ord. 2004-14 § 1, 2004).

8.10.300 Scavenging prohibited.

A. It is unlawful for any person to scavenge or salvage solid waste or recyclable materials from any waste cans or containers required under this chapter except for an agent of the City or contract. No authorized person shall take or remove any solid waste placed out for collection, including recyclable materials.

B. No person shall enter into a can, container, or other solid waste receptacle for the purpose of removing materials, compacting the contents of the receptacle, or any other unlawful purpose. This section shall not apply to:

- 1. Agents or employees of the City; or
- 2. Contractor when:
 - a. Acting to remove solid waste;
 - b. Abatement of a present or imminent dangerous condition;
 - c. Investigation; or
- 3. The owner of personal property inadvertently deposited into the receptacle.

C. Except as provided in subsection (B) of this section, all solid waste and recyclable materials shall be presumed abandoned by the owner upon deposit into the can, container or receptacle, and title thereto shall vest in the contractor, which shall have exclusive rights and responsibilities to its possession.

8.10.31000 Violations — Penalty.

Failure to perform any act required by this chapter, or the performance of any act prohibited by this chapter, is designated as an infraction and may not be classified as a criminal offense. Any person, firm, or corporation found to have committed an infraction under this chapter shall be assessed a monetary penalty. No penalty may exceed \$500.00 for each separate infraction.

(Ord. 2004-14 § 1, 2004).

Meeting Date: January 5, 2026

Subject: AB 26-07: Amendments to TMC Chapter 9.85 Graffiti Abatement Presentation.

Attachments: 1. Draft Ordinance Related to Residential Graffiti Abatement

Presented By: Andrew Hattori, CED Director

Approved for Dan Ford, City Manager
Agenda By:

Discussion:

The City of Toppenish strives to assist and provide service to our residents on a consistent and helpful basis. Currently, the City of Toppenish offers a "City abatement program" for the abatement of graffiti on all types of properties provided that "adequate funding or personnel" are available. This service is not funded by a grant or similar program and is paid for by the City, due to this and limited staffing, City staff's availability to abate graffiti is often extremely limited. Due to the inconsistent availability for staff and funding, staff wishes to present the attached code amendment which would amend the graffiti abatement program to apply to only residential properties, applying a focus on the highest priority from TMC 9.85.035 - City abatement program - priorities. Focusing solely on Residential properties would provide a more consistent availability from the City to abate graffiti.

Fiscal Impact:

N/A.

Recommendation:

N/A.

Alternatives:

N/A.

ORDINANCE 2025-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, AMENDING SECTIONS 9.85.020, 9.85.030, 9.85.035, AND 9.85.040 OF THE TOPPENISH MUNICIPAL CODE RELATING TO GRAFFITI ABATEMENT

WHEREAS, Chapter 9.85 of the Toppenish Municipal Code (TMC) addresses regulations relating to graffiti and graffiti abatement; and

WHEREAS, in order to make the City's graffiti abatement program more effective in meeting current needs, it is appropriate to amend some of the provisions of TMC Chapter 9.85, including provisions relating to a residential, graffiti abatement program.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment to TMC. Section 9.85.020 of the Toppenish Municipal Code (TMC) is hereby amended to read as follows:

9.85.020 Definitions.

For this chapter, the following words shall have the following meanings:

"Abate" means to repair, replace, remove, paint over, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner and to such an extent as the code enforcement officer determines appropriate in the interest of the general health, safety, and welfare of the community. For purposes of this chapter, when the city abates graffiti under TMC 9.85.040, "abate" means only to paint over.

"City property" means property owned by the city, including, but not limited to, real and personal property, trees, utility poles, garbage cans, and dumpsters.

"Code enforcement officer" means the city of Toppenish code enforcement officer.

"Graffiti" means any unauthorized inscription, word, figure, painting, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to or on any surface of public or private property, by or with, but not limited to, any of the following: felt-tip marker, paint stick or graffiti stick, paint brush, spray can, or other graffiti implement.

"Graffiti abatement procedure" means the abatement procedures, which procedures include the residential graffiti abatement program, and which ~~identifies~~ identify graffiti, ~~issues~~ issuance of notice to the landowner to abate the graffiti and ~~cures~~ addresses the absence of responses to corrective notices.

"Owner" means any person or entity who, alone or with others, has legal title to a property.

"Private contractor" means any person with whom the city shall have duly contracted to remove graffiti.

"Property" means any land and that which is affixed, incidental, or appurtenant to the land, including, but not limited to, any business or residence, parking area, loading area, landscaping, building, fence or structure, or any separate part, unit, or portion thereof.

"Property manager" means a person or entity who has a contract with an owner to manage real property.

"Tenant" means a person or persons who are renting or leasing real property under any type of landlord-tenant relationship. (Ord. 2022-13 § 1, 2022).

Section 2. Amendment to TMC. Section 9.85.030 of the Toppenish Municipal Code (TMC) is hereby amended to read as follows:

9.85.030 Graffiti - Notice to abate.

A. Whenever the code enforcement officer determines that graffiti exists on any public or private buildings, structures, and places that are visible to any person utilizing any public street, parkway, alley, sidewalk, or another right-of-way within the city, the code enforcement officer shall cause a notice to be issued to abate such nuisance. The property owner shall have five days after receipt of the notice to abate the graffiti or the same will be subject to Section 9.85.070 TMC. The code enforcement officer may specify a period more than five days after the date of notice to abate the graffiti when weather conditions do not permit the painting of exterior surfaces or abatement by other means.

B. The notice to abate graffiti pursuant to this section shall consist of a written notice to be served upon the owner(s) of the affected premises, as such owners' names and addresses appear on the last property tax assessment rolls for Yakima County, Washington. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this section may be served in any one of the following manners:

1. By personal service on the owner, occupant, or person in charge or control of the property; or

2. By U.S. First-Class mail, in which case the notice shall be deemed to have been received three days after depositing such notice, postage prepaid, in the United States mail in a properly addressed envelope.

C. The notice required by this section shall be in substantially the following format:
NOTICE AND ORDER TO ABATE GRAFFITI

Date:

To:

The City has found that your property located at _____, Toppenish, Washington, has graffiti in violation of Chapter 9.85 of the Toppenish Municipal Code. This Notice is given pursuant to Section 9.85.030 TMC requiring such graffiti to be abated within five (5) days of your receipt of this Notice.

Within five (5) days of the receipt of this Notice, you are ordered to:

1. Paint over or abate the graffiti yourself.

OR

2. Contact the City of Toppenish - Code Enforcement Program to see if you qualify to participate in the city's [residential](#) graffiti abatement program. If your property is eligible for participation, the city or its contractor may perform the abatement by painting over the

graffiti. The city or its contractor will use its available paint, which may or may not match the paint of the surface affected with graffiti.

Code Enforcement Residential Graffiti Abatement Program may be contacted by calling City Hall.

If the graffiti is not abated, or if you have not been approved to participate in the residential graffiti abatement program, within five days of your receipt of this notice, the city of Toppenish will enforce the provisions of this chapter to ensure abatement of graffiti from the property.

An appeal of this order may be submitted in writing to the Code enforcement officer of the city of Toppenish within five days from the date of this notice.

If you fail to comply with this order or appeal it pursuant to Section 9.85 TMC, a civil penalty will be assessed against you for \$25.00 for every five days you remain in violation of this chapter.

If no appeal of the notice is received by the city, the city will proceed with enforcement of this chapter and any and all available laws to address the graffiti located on the property. (Ord. 2022-13 § 1, 2022).

Section 3. Amendment to TMC. Section 9.85.035 of the Toppenish Municipal Code (TMC) is hereby amended to read as follows:

9.85.035 City abatement program - Priorities.

There may not always be adequate funding or personnel for the city abatement program outlined in TMC 9.85.040. When funding and/or personnel is limited, the following priority may be established for service to those property owners who have entered the program:

1. Single-family residential zoned properties and city properties.
2. Two-family residential zoned properties.
3. Multifamily residential zoned properties.
- ~~4. Commercially zoned properties.~~
- ~~5. Manufacturing zoned properties.~~

Entry into the graffiti abatement program is not a guarantee of service. If adequate funding or personnel is not available, the property owner/property manager and tenant (if applicable) will be notified that they are responsible for the abatement of graffiti on the property. (Ord. 2022-13 § 1, 2022).

Section 4. Amendment to TMC. Section 9.85.040 of the Toppenish Municipal Code (TMC) is hereby amended to read as follows:

9.85.040 City abatement program - Request for assistance.

Subject to the availability of funding and personnel, the city makes available a graffiti abatement program. Owners of residential property within the city, and any owner who receives a notice issued pursuant to TMC 9.85.030 to abate graffiti, may request assistance from the city's graffiti abatement program to abate graffiti placed on their property. Participation in such graffiti abatement program shall include the following:

A. Applicant shall sign a consent and release from liability form approved by the city, authorizing city personnel and/or its contractors to enter upon the owner's property to abate the graffiti. Upon

execution, such consent and release shall be in effect pursuant to the terms and conditions of the document. Any consent and release may be revoked in writing by the owner and/or property manager and/or tenant at any time.

B. The city or its contractors may abate the graffiti. Graffiti abated by the city shall be only by the application of paint provided by the city or contractor. Matching paint is not guaranteed. The city will only paint over graffiti and will not remove it through sandblasting or other means.

C. For applicants who have received a notice issued pursuant to TMC 9.85.030 to abate graffiti, acceptance into the city's graffiti abatement program shall stay the five-day compliance requirement, or such other compliance deadline established in such notice by the code enforcement officer unless otherwise notified by the city.

D. The city or its contractors shall not authorize nor undertake to provide for the painting of any more extensive area than the area where the graffiti is located.

E. The city reserves the right to establish, modify and amend its graffiti abatement program, and to define by rule or policy standards of eligibility for participation, methods of abatement, and scheduling of abatement activities. (Ord. 2022-13 § 1, 2022).

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.

Section 6. Effective date. This Ordinance shall be effective five (5) days after publication as required by law.

PASSED by the Toppenish City Council at its regular meeting held on the ____ day of _____, 2025.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney

DRAFT