Ordinance No. 2814

(Amending or Repealing Ordinances)

CONO=738 – Midway Landfill Site/Solid Waste
Passed – 11/1/1988
Amending KCC Ch. 7.08 – Collection of Recyclable Materials

Amended by Ords 3541;3779;3832;3851
ORDINANCE NO. 2814

AN ORDINANCE of the City of Kent,
Washington, amending Kent City Code
Chapter 7.08 relating to collection of
recyclable materials. (Cr. 2365, 2370, 2378,
2669, 2691, 2692.)

WHEREAS, the City of Kent in part terminated certain
functions of its solid waste utility relating to the collection of
garbage in the City of Kent, permitting the collection and
disposal of garbage by authorized companies regulated by the
Washington State Utilities and Transportation Commission under RCW
81.77; and

WHEREAS, the City of Kent participates in an interlocal
agreement with King County for the development of a solid waste
management plan for the collection and disposal of solid waste in
a comprehensive King County Solid Waste Management Plan by Council
Resolution and Interlocal Agreement; and

WHEREAS, the City of Kent also exercises environmental
health, litter control, land-use and development control, and
nuisance abatement authorities and other police power functions
related to the health, safety, and welfare of its citizens; and

WHEREAS, the City of Kent is authorized to establish a
system of collection for recyclable and reusable materials,
including regulation of recycling centers by ordinance and award
contracts for residential and commercial collection under the
City's direction;

WHEREAS, the City of Kent has recognized that its local
regulatory authority to manage, regulate, maintain, operate,
control and subsidize a local recycling program, would foster and
is consistent with resource management priorities developed under
RCW Chapter 70.95; and
WHEREAS, unique local conditions within the City exist as to the generation, collection, and reuse of recyclable materials requiring uniformity in the collection of recyclable materials; and

WHEREAS, it is the City's policy to create a voluntary program for solid waste reduction and recycling; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings. The Council finds that the generation, accumulation, and collection of residential materials capable of reuse, resource recovery, and recycling are of such a local nature as to affect the public's health, safety, and welfare. Without local incentives and regulations to promote a uniform system of collection, the generation and accumulation of such materials may become a public nuisance, pose a threat of fire, and may present a potential environmental and public health risk to the affected community.

Section 2. KCC Chapter 7.08 is amended as follows:

CHAPTER 7.08
GARBAGE AND RESOURCE RECOVERY

7.08.010. DEFINITIONS. As used in this Chapter, the following definitions apply:

A. "Collection Company" means the persons, firms or corporations or combination thereof certified by the Washington Utilities and Transportation Commission, pursuant to Chapter 81.77 RCW to engage in the business of operating as both a garbage and refuse collection company, including an authorized contractor for the collection of recyclable materials under this Chapter in areas including all or part of the City of Kent.

B. "Detachable container" means any garbage container compatible with the collection company's equipment that is not a garbage can, garbage unit, or mobile toter.
C. "Director" means the Director of the Public Works Department.

D. (\(\text{\textcopyright} \)) "Garbage" means all accumulations of refuse, swill, and other solid waste matter not intended for recycling or reuse and discarded as of no further value to the owner.

1. "Refuse" means waste matter discarded as of no further value, including ashes, cinders, clinkers, lawn cuttings, grass and leaves, broken up household furnishings and equipment, discarded hot water tanks, bottles, barrels, cartons, shrubs, small trees, small tree limbs, paper, and scraps of wooden crates and boxes; but shall exclude large trees, earth, sand, gravel, rock, broken concrete, plaster, brick and other building materials, automobile bodies, large auto parts, building waste, fire refuse and waste.

2. "Swill" means all accumulations of animal, fruit, or vegetable matter, liquid or otherwise, that attends the preparation, use, dealing in or storing of meat, fish, fowl, fruit, and vegetables.

3. The term "garbage" excludes recyclable materials intended for recycling under this Chapter, manure, sewage, dead animals over fifteen pounds, and clearings from public and private catch basins, wash racks or seeps. Collection and disposal of matter excluded from the term "garbage" shall be as otherwise provided by law.

E. (\(\text{\textcopyright} \)) "Garbage can" means a watertight, galvanized, sheet metal, raised-bottom container or suitable plastic container not exceeding four cubic feet or thirty-two gallons in capacity, weighing not over twenty-two pounds when empty, fitted with two sturdy handles, one on each side, and a tight cover equipped with a handle.

F. (\(\text{\textcopyright} \)) "Garbage units" mean secure and tight bundles, none of which shall exceed three feet in the longest dimension and shall not exceed seventy-five pounds in weight. Garbage units may also mean small discarded boxes, barrels or bags, or in securely
tight cartons or other receptacles not intended for recycling under this Chapter and able to be reasonably handled and loaded by one person onto a collection vehicle.

G. (4) "Mobile toter" means a movable container which holds at least eighty-five gallons or one hundred eighty pounds of garbage, with a hinge- lid with tight fit, thick skinned one-piece balanced weight body which sets on tires, which will be picked up at curbside with hydraulic compactor.

H. (4) "Person" means every person, firm, partnership, business, association, institution, or corporation in the City of Kent accumulating garbage requiring disposal or generating, accumulating, and collecting recyclable materials. The term shall also mean the occupant and/or the owner of any premises for which service herein mentioned is rendered. (C.2365, §2(part))

I. "Recycle container" means designated 90 gallon mobile toters in which recyclable materials can be stored and later placed at curbside, alleyside, or other location designated by the Director or Collection Company with the concurrence of the Director. This term also includes but is not limited to designated commercial drop boxes and compactors at locations as may be specified by the Director.

J. "Recyclable materials" means waste materials generated in the City of Kent capable of reuse from a waste stream as designated by the Director, including but not limited to sorted or unsorted newpaper, glass, aluminum, ferrous and non-ferrous cans, plastic materials, mixed paper, and cardboard accumulated and intended for recycling or reuse and collection by a Collection Company or authorized contractor. This term excludes all hazardous wastes and hazardous wastes defined in RCW 70.105 and 70.105A, and solid wastes intended for disposal in a landfill, incinerator, or solid waste disposal facility under WAC 173-304. All recyclable materials intended for collection by a City authorized collection company or contractor shall remain the responsibility and ownership of participants until such materials as contained in designated recycle containers are placed out for collection for the authorized contractor. Such materials then
become the responsibility and property of the collection company or authorized contractor subject to the right of the participant to claim lost property of value.

K. "Solid Waste" shall be as defined by WAC 173-304-100(73), and includes refuse with the exception of sludge from waste water treatment plants and septic tanks, extremely hazardous waste, hazardous waste, dangerous waste, and problem wastes as defined in WAC 173-303 and 173-304, and RCW 70.105 and 70.105A. (Wastes excluded by WAC 173-304-191).

L. "W.U.T.C." means the Washington Utilities and Transportation Commission. (C.2392, §1; O.2689 §1; C.2691 §3)

7.08.020. CARPAGE COLLECTION BY COLLECTION COMPANY.

A. Garbage collections shall be made by garbage and refuse collection companies as authorized by the Washington Utilities and Transportation Commission, pursuant to chapter 81.77 RCW.

B. It shall be unlawful for any person, other than those duly authorized by the W.U.T.C., to haul garbage through the streets of the City or to dump garbage; provided, that those commercial and industrial business establishments having permits to haul their own garbage and refuse may continue to haul such garbage by annual permit. Renewal permits shall be issued by the City Clerk upon application and payment of the annual permit fee. The annual permit fee shall be:

Permit holders hauling less than one hundred fifty tons of garbage per month, one hundred dollars;

Permit holders hauling greater than one hundred fifty tons of garbage per month, seven thousand five hundred dollars.

Any permit holder, as provided for in this subsection, shall haul his garbage at least once a week for public health reasons.
C. This section does not apply to the occasional hauling by residential customers of refuse to an approved site; provided, the minimum level of garbage service is paid for by the residential customer. (0.2365, §2(part))

D. Garbage and Refuse Collection - Business License Required. To provide for the public health, safety and general welfare, collection companies operating within the City shall to the extent permitted by law, at no additional cost to the City or its residents:

1. Comply with all provisions of this Kent City Code and Amendments thereof, and applicable federal, state and county laws and regulations pertaining to the collection, handling, transportation and disposal of garbage. The City shall be entitled, during regular business hours, to inspect the books and records of collection companies operating within the City of Kent.

2. Pick up Christmas trees each January.

3. Provide for a semiannual residential cleanup in the Spring and Fall of each year to allow for disposal of accumulated garbage. The Director of Public Works shall promulgate administrative rules, following consultation with collection companies, for the implementation of this subsection.

4. Provide service to public buildings and facilities, as set forth in Attachment A to Ordinance 2689. Upon consultation with collection companies, the Director of Public Works may add or delete public facilities from said Attachment A in the interests of public health and safety.

E. Collection companies operating pursuant to and in compliance with this Chapter shall be issued upon application a business license pursuant to Chapter 5.02 KCC, without the payment of license fees, permit fees as provided in subsection 7.08.020E, above, or other fees related to solid waste handling established by the City; PROVIDED, however, that this subsection 7.08.020E shall not be construed as a waiver of the utility tax imposed by
Chapter 3.04 KCC. (0.2378, §1; 0.2689 §1)

7.08.030. COLLECTION OF RECYCLABLE MATERIALS.

A. Collection companies and authorized contractors operating in compliance with this Chapter are permitted to enter into an agreement with the City of Kent and to enter private property to collect recyclable materials from participants under a program administered by the City of Kent or as may be further prescribed in regulations promulgated by the Director. Subject to terms and conditions of any such contract and regulations, such companies are solely responsible for all costs of removal, marketing, and disposal of recyclable materials placed out for collection by program participants.

B. The Director is authorized to prepare any implementing regulations needed for the development and implementation of a voluntary waste reduction and recycling collection program for participation by residential and commercial generators of waste materials capable of being recycled and reused. Such program shall not prohibit the customary collection and sale of recyclable and reusable materials by persons or private recyclers or affect the right of waste generators to continue to accumulate, buy, sell or give recyclable materials to persons other than the Collection Company or authorized contractor. The Director shall provide for public service announcements, cooperation with the media, coordination with collection companies and authorized contractors, and information in City utility billings notifying the public of recycling program elements and collection times.

C. Designated recycle containers shall be placed at curbside, alleyside, or other locations as determined by the Director or Collection Company with the concurrence of the Director. Back yard collection of recyclables shall not be required of the collection company or contractor except under special circumstances determined by the Director, including disabled or elderly participants.
7.08.040. **GARBAGE ACCUMULATION.**

A. All persons accumulating garbage in the City of Kent shall place and accumulate same in garbage cans, or garbage units, mobile toters, or approved detachable containers as required by this Chapter.

E. It shall be unlawful to deposit, throw, or place any garbage in any land, alley, street or other public place, or to deposit, throw or place any garbage such materials on any private property regardless of ownership, unless the garbage is placed in garbage cans, containers, or toters, the covers of which shall not be removed except when necessary for the depositing or removing of garbage such materials; provided that boxes, small barrels, cartons, shrubs, small trees, small tree limbs, scraps of wooden crates and boxes, broken up household furniture and equipment, paper, hollowware and rubbish in general, may be broken up or cut up and placed in garbage units, as defined in KCC 7.08.010(e).

C. Any garbage can when filled shall not weigh more than seventy-five pounds and shall be so packed that the contents thereof will dump out readily when the can is inverted. All garbage cans and garbage units shall be placed in convenient, accessible locations upon the ground level or ground floor and as near as practicable to the approximate rear of the building or near the alley, street or road at which collection trucks are to be loaded; all walks, paths, and driveways to the place of loading shall have a overhead clearance of not less than eight feet.

D. Any mobile toter when filled shall not weigh more than one hundred eighty pounds and shall be so packed that the contents thereof will dump out readily. All mobile toters shall be placed at curbside or alley before 7:00 a.m. and removed from curb or alley as soon as possible after collection, but no later than 7:00 p.m.

E. Any person accumulating garbage in the downtown or suburban business areas whose location requires the placing of cans, containers, or units on a sidewalk or alley for collection shall not place same on sidewalk or alley until the close of each
business day, and shall remove cans from sidewalk or alley immediately after the opening for business each morning.

F. 1. No hot ashes or other hot material, dirt, sand, rocks, gasoline, solvents, oil, paint or dangerous or hazardous wastes shall be placed in any garbage can, garbage unit, detachable container, (mobile toter, for collection or removal. All kitchen, table and cooking waste before being deposited in garbage cans, garbage units, detachable container, or mobile toters shall be drained and wrapped in paper or other material in such a manner as to prevent as nearly as possible moisture from such garbage from coming in contact with sides or bottoms of the containers.

2. As used in this section, "dangerous or hazardous wastes" means any solid waste designated as dangerous or hazardous waste by the State Department of Ecology under RCW Ch. 70.105 and 70.105A, and such wastes shall be disposed of consistent with Department of Ecology rules and regulations under WAC 173.303 and 173.304.

C. When use of garbage cans is allowed or required, sufficient garbage cans must be provided for the collection of all garbage cans as defined in this Chapter. Worn out and improper cans shall be discarded.

H. Residential units shall use fully-automated mobile toters unless otherwise authorized by the collection company. Mobile toters shall be provided by the collection company. Mobile toters shall remain the property of collection company and are provided and assigned to residences for the health, safety, convenience, and general welfare of the occupants. The containers shall not be damaged, destroyed, or removed from the premises by any person. Markings and identification devices on the containers, except as placed or specifically permitted by the collection company are expressly prohibited and shall be regarded as damage to the containers and an unlawful injury to property punishable under this Chapter and KCC 9.02.68.
I. It shall be unlawful, except as authorized by the owner, collection company or the City to deposit any garbage or other material in any garbage can, garbage unit, detachable container, or mobile toter, designated recycle container, or to remove the covers therefrom; said covers shall be securely placed on each such can, toter, container or unit at all times, except when it is necessary to remove same for deposit or at times of collection. (0.2365, §2(part); 0.2689 §1)

Section 3. The Council ratifies and adopts as consistent with and having been taken with full force and authority under the provisions of this ordinance, all Council actions and ordinances, and all executive actions of the Mayor, including a recycling agreement entered into with Rabanco, Inc., Cba Kent Disposal Company, for the collection of recyclables in the City of Kent.

Section 4. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

MARI JENSEN, CITY CLERK

APPROVED AS TO FORM:

SANDRA ERISCELL, CITY ATTORNEY

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PASSED the __ day of __, 1988.
APPROVED the __ day of __, 1988.
PUBLISHED the __ day of __, 1988.

I hereby certify that this is a true copy of Ordinance No. 2814, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
MARIE JENSEN, CITY CLERK