Ordinance No. **2841**

(Amending or Repealing Ordinances)

CONO=738 – Solid Waste
Passed – 3/21/1989
Collection of Extra Garbage

Amended by Ords. 3541;3779;3832;3851
ORDINANCE NO. 2841

AN ORDINANCE of the City of Kent, Washington, amending Chapter 7.08 of the Kent City Code relating to the collection of extra garbage, including trash and yard clippings and garbage at City buildings and facilities for 1989.

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 Chapter 81.77 RCW; 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; and

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

WHEREAS, the City of Kent desires to have a spring and fall pickup of the extra trash and yard clippings generated by its citizens and the pickup of City garbage in the interest of public health and welfare; and

WHEREAS, the City Council desires to have such pickup occur free of direct charge to the citizens or the City; and

WHEREAS, the collection companies operating in the City have challenged the City’s authority to require them to pick up such garbage free of charge; and

WHEREAS, the City Council desires to have such pickup occur pending resolution of the dispute over the authority of the City to require such; and
WHEREAS, legislation is currently pending before the Washington State legislature that may address the role of local government and the Washington Utilities and Transportation Commission in solid waste collection; NOW, THEREFORE,

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

Section 1. Findings. The Council finds that it is in the interest of the citizens of Kent and the public health, safety and welfare to have extra garbage including trash and yard clippings but not recyclables, picked up free of direct charge to its citizens for the spring and fall of 1989 and the pickup of City garbage. It is in the interest of the citizens for the City to pay for such service pending resolution of the dispute as to the authority of the City to require the collection agencies to pickup such garbage free of charge to the City or its citizens.

Section 2. Chapter 7.08 Kent City Code is amended as follows:

CHAPTER 7.08
GARBAGE

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 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. "Garbage" means all accumulations of refuse, swill, and other waste matter discarded as of no further value to the owner.

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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 manure, sewage, dead animals over fifteen pounds, and cleanings from public and private catch basins, wash racks or sumps. Disposal of matter excluded from the term "garbage" shall be as otherwise provided by law.

D. "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 study handles, one on each side, and a tight cover equipped with a handle.

E. "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 able to be reasonably handled and loaded by one person onto a collection vehicle.

F. "Mobile toter" means a movable container which holds at least eighty-five gallons or one hundred eighty pounds of refuse, with a hinged-lid with tight fit, thick skinned one-piece balanced weight body which sets on tires, which will be picked up at curbside with hydraulic dumpster.
G. "Person" means every person, firm, partnership, association, institution, or corporation in the City of Kent accumulating garbage requiring disposal. The term shall also mean the occupant and/or the owner of any premises for which service herein mentioned is rendered. (0.2365, §2(part))

H. "Solid Waste" shall be as defined by WAC 173-304-100, with the exception of those wastes excluded by WAC 173-304-415. (0.2691 §3)

I. "W.U.T.C." means the Washington Utilities and Transportation Commission. (0.2392, §1; 0.2689 §1; 0.2691 §3)

7.08.020. GARBAGE 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, 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.

5. This subsection shall not apply to the residential cleanup of garbage for the spring and fall, 1989 and the pickup of City garbage. For such cleanup, the City shall pay to the garbage and refuse collection company or companies authorized to operate residential collection by the Utilities and Transportation Commission the rates established by the Commission for such cleanup.
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 7.08.020B, 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)

7.08.040. 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 detachable containers as required by this Chapter.

B. 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 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; 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 weight 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, or 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, and such wastes shall be disposed of consistent with Department of Ecology rules and regulations.

G. 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 be provided by the collection company. All 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.

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, or to remove the covers therefrom; said covers shall be securely placed on each can, toter, 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)

7.08.060. HOURS OF COLLECTION. All garbage will be collected within the boundaries of the City of Kent as follows:

A. Residential pick-ups shall be made one day per week, Monday through Friday from 7:00 a.m. to 4:00 p.m. unless otherwise approved by the City in writing. Residential collection shall be at curbside unless otherwise agreed upon.

B. Commercial pick-ups may begin at 4:00 a.m., Monday through Friday, and may be made as often as required, provided, however, that in commercial areas abutting residential neighborhoods, pick-ups shall be limited to days and times set forth in KCC 7.08.060A. (0.2365, §2(part); 0.2689, §1)

7.08.120. SPECIAL REGULATIONS. The City of Kent reserves the right to prescribe special regulations for the collection of garbage and waste from the construction or repair of buildings, waste products from manufacturing plants, refuse of peculiar quality, or garbage which may be thoroughly offensive or dangerous to haul through the streets or alleys of the City of Kent. (0.2365, §2(part); 0.2689, §1)
7.08.140. LOCATION OF CONTAINERS--INSPECTION.

A. The location of detachable containers, garbage cans or units, or mobile toters of commercial, industrial or multifamily dwellings shall be subject to inspection by the Kent Fire Department and must be relocated in areas with a reduced or a nonexistent fire hazard as necessary.

B. The location of the mobile toters in conjunction with the residential pickups shall be at curbside. Persons with physical constraints, unable to bring their refuse or garbage to the curbside for collection, may be granted an exemption from doing so by the collection company. (0.2365, §2(part); 0.2689)

7.08.180. PENALTIES. The violation of or failure to comply with any of the provisions of this Chapter shall be punishable by a fine of not more than one thousand dollars or by imprisonment in the City Jail for a period not to exceed three hundred sixty-five days, or by both such fine and imprisonment. (0.2365, §2(part); 0.2689)

7.08.200. KING COUNTY SYSTEM DESIGNATED.

A. All solid waste generated within the corporate limits of the City of Kent shall be disposed at a King County Solid Waste Disposal Facility.

B. King County is authorized to designate disposal sites for the disposal of all solid waste generated within the City of Kent.

C. No solid waste may be diverted from the disposal sites designated by King County without King County approval.

D. The provisions of this Section 7.08.200 shall not apply, and shall not affect, the disposal of solid waste which is eliminated through waste reduction or waste recycling activities which have been coordinated with King County pursuant to the AGREEMENT BETWEEN KING COUNTY AND THE CITY OF KENT CONCERNING USE OF KING COUNTY SOLID WASTE DISPOSAL FACILITIES. (0.2692 §2)
Section 3. 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:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

PASSED the 21 day of March, 1989.
APPROVED the 22 day of March, 1989.
PUBLISHED the 24 day of March, 1989.

I hereby certify that this is a true copy of Ordinance No. 284, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK (SEAL)