Ordinance No. 3183

(Amending or Repealing Ordinances)

CFN=904 – Residential Recycling Program
CFN=738 – Midway Landfill Site/Solid Waste
Passed 9/5/1994
Recycling and Collection of Yard Waste

Amended by Ord. 3541;3832;3851
ORDINANCE NO. 3183

AN ORDINANCE of the City of Kent, Washington, amending certain definitions in Section 7.03.010 of the Kent City Code, adding a new Section 7.03.045 to the Kent City Code relating to the recycling and collection of Yard Waste and further prohibiting the commingling of Yard Waste with garbage or other recyclable materials, and amending Section 7.03.050 of the Kent City Code to conform with the City's yard waste collection program

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

Section 1 Amendment. Section 7.03.010 of the Kent City Code is hereby amended as follows:

Sec. 7.03.010. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Collection company means the persons, firms or corporations or combination thereof operating under a contract for solid waste, recyclables or yard waste collection with, or under the direction of, the city, including an authorized contractor for the collection of recyclable materials under this chapter.
*Detachable container* means any garbage container compatible with the collection company's equipment that is not a garbage can, garbage unit or mobile toter.

*Director* means the director of the department of public works

*Garbage* means all accumulations of solid waste.

*Garbage can* means a watertight, galvanized, sheet metal, raised-bottom container or suitable plastic container not exceeding four (4) cubic feet or thirty-two (32) gallons in capacity, weighing not over twenty-two (22) pounds when empty, fitted with two (2) sturdy handles, one (1) on each side and a tight cover equipped with a handle.

*Garbage units* mean secure and tight bundles, none of which shall exceed three (3) feet in the longest dimension and shall not exceed seventy-five (75) pounds in weight. Garbage units may also mean small discarded boxes, barrels or bags or securely tight cartons or other receptacles not intended for recycling under this chapter and able to be reasonably handled and loaded by one (1) person onto a collection vehicle.

*Mobile toter* means a movable container which holds at least sixty (60) thirty-two (32) gallons of garbage, with a hinged lid with a tight fit tight-fitting lid, and a thick skinned one-piece balanced weight body which sets on tires, which will be picked up at curbside with hydraulic dumpster. The director may approve collection company use of alternative sizes of mobile toters.

*Person* means every person, firm, partnership, business, association, institution, or corporation in the city 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 mentioned in this section is rendered.
*Recycle container* means designated ninety-gallon mobile toters or other containers approved by the director in which recyclable materials, including yard waste, can be stored and later placed at curbside, alleyside or other approved 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 front load boxes, drop boxes and compactors at locations as may be specified by the director. The director may approve collection company use of alternative sizes of recycle containers.

*Recyclable materials* means waste materials generated in the city capable of reuse from a waste stream as designated by the director, including but not limited to sorted or unsorted newsprint, glass, aluminum, ferrous and nonferrous 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 dangerous wastes and hazardous wastes as defined in RCW chs. 70.10 and 70.105A, and solid wastes intended for disposal in a landfill, incinerator, or solid waste disposal facility under WAC ch. 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.

*Solid waste* shall be as defined by RCW 70.95 030 and WAC 173-304-100(73), with the exception of sludge from wastewater treatment plants and septage, from septic tanks, extremely hazardous waste, hazardous waste, dangerous waste, and problem wastes as defined in WAC chs. 173-303 and 173-204, and RCW chs. 70.105 and 70.105A.

*Solid waste utility* shall be the city system of solid waste handling under RCW chs. 35.21 and 35.67 and this Code.
Yard waste means plant material including leaves, grass clippings, prunings, branches (cut to less than three feet and under four inches in diameter), brush, flowers, tree wood waste garden material, weeds, tree limbs (also cut to less than three feet and under four inches in diameter) and other biodegradable waste that may be designated by the director. Yard waste includes sod not over four (4) inches in diameter and limbs and branches not over four (4) inches in diameter or four (4) feet in length. Rocks, dirt and sod, except incidental amounts, are unacceptable. Materials may be bundled with cotton or other similar organic string only. Yard waste does not include demolition debris such as concrete, wallboard, lumber or roofing materials.

Section 2  New Section. A new Section 7 03.045 is added to the Kent City Code

Sec. 7.03.045, Residential recyclable yard waste materials; collection: prohibition on commingling yard waste with other solid waste or recyclables.

A. Collection companies and authorized contractors operating in compliance with this chapter are permitted to enter into an agreement with the city and to enter private property to collect residential recyclable yard waste materials from participating residences under a program administered by the city 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 residential recyclable yard waste 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 residential yard waste reduction and recycling collection program for participation by residential generators of yard waste materials capable of being recycled and reused. Such program shall not prohibit the customary collection and sale of recyclable and reusable residential yard waste materials by individual residential yard
waste recyclers. 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 the residential yard waste recycling program elements and collection times.

C. Designated residential yard waste 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 residential yard waste shall not be required of the collection company or contractor except under special circumstances determined by the director, for example, for disabled or elderly participants.

D. All persons and residences within the territorial limits of the City of Kent are prohibited from disposing any yard waste in any garbage, solid waste, or recycle container other than a designated yard waste container.

Section 3. Amendment. Section 7.03.050 of the Kent City Code is hereby amended as follows

Sec. 7.03.050. Solid waste handling service.

A. All persons accumulating garbage in the city shall place and accumulate garbage in garbage cans or garbage units, mobile toters, or detachable containers as required by this chapter. Except as provided in section 7.03.020 B. and C., all persons and properties within the city shall use the solid waste, recyclable material and yard waste system and service of the solid waste utility under contract with collection companies. All persons and occupied property shall be subject to and responsible for the minimum level of service and associated charges, whether or not such persons and property use the service. The director may, upon
showing that a person or property produces no solid waste, determine not to enforce the provisions of this section.

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. Boxes, small barrels, cartons, yard waste, 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, consistent with this chapter or as approved by the director.

C. Any garbage can when filled shall not weigh more than seventy-five (75) pounds and shall be packed so 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 (8) feet.

D. Any mobile toter when filled shall not weigh more than one hundred eighty (180) pounds, or as otherwise regulated by the director, 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 the 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 the same on a 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. Dangerous and other waste:

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 containers, 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 mobile toters unless otherwise authorized by the collection company or by the Director. Mobile toters shall be provided by the collection company for the health, safety, convenience, and general welfare of the residences and their occupants. All mobile toters provided by the collection company 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. The 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.

J. Following adoption of the city yard waste program Effective November 1, 1994,
it shall be unlawful to dispose of yard waste in containers provided by collection companies
for solid waste or recyclable materials. Yard yard waste shall be deposited in containers
provided or approved by collection companies or by the director, and disposed of under
section 7.03.020 C. or as provided for in this chapter or as authorized by the director.
Nothing in this chapter shall prohibit persons from composting yard waste on property owned
or leased by such persons. Compost facilities shall be operated and maintained consistent with
other applicable law and regulation.

Section 3. Savings. Kent City Code sections 7.03 010 and 7.03.050, which are amended by
this ordinance, shall remain in full force and effect until the effective date of this ordinance.

Section 4. Severability. The provisions of this ordinance are declared to be separate and
severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this
ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect
the validity of the remainder of this ordinance, or the validity of its application to other persons or
circumstances.
Section 5. Effective Date. This ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 6 day of Sept., 1974
APPROVED the 7 day of Sept., 1974
PUBLISHED the 9 day of Sept., 1974

I hereby certify that this is a true and correct copy of Ordinance No. 3183, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent hereon indicated.

BRENDA JACOBER, CITY CLERK