Ordinance No. 3851

(Amending or Repealing Ordinances)

CFN= 738 – Solid Waste
Passed – 8/7/2007
Amend KCC 7.03.050 – Solid Waste Handling Service

Amends Ords. 2814;2841;3031;3183;3541;3832
ORDINANCE NO. 3851

AN ORDINANCE of the city council of the city of Kent, Washington, amending section 7 03.050 of the Kent City Code, entitled "Solid waste handling service," to require residences and commercial properties to prevent spillage and overflow of garbage and other waste.

RECITALS

A. The growth of the city has meant more garbage and other waste is being produced by residents and businesses. Loose garbage is a public health issue because it attracts and sustains vermin and other disease-carrying organisms, as well as adversely impacting the aesthetic quality of the city for residents and visitors. Although most residents and businesses understand the need to prevent garbage and other waste from spilling around the neighborhood, a few persistent offenders continue to allow their wastes to create an unsightly mess.

B. The lack of a clear duty under the current city code to take reasonable steps to prevent spillage and overflow of garbage has made it difficult for the city's code enforcement officers to effectively address the situation. These proposed changes were intended to be incorporated in the recent overhaul of chapter 7.03, but were not ready to present to the council for review at the time the other changes to chapter 7.03 were adopted.

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

Amend KCC 7.03.050-
Solid Waste Handling Service
ORDINANCE

SECTION 1. - Amendment. Section 7.03.050 of the Kent City Code, entitled “Solid waste handling service,” is amended as follows:

Sec. 7.03.050. Solid waste handling service.

A. All persons accumulating solid waste in the city shall place and accumulate solid waste in garbage containers or units as required by this chapter.

B. It shall be unlawful to deposit, throw, or place any solid waste in any land, alley, street, or other public place, or to deposit, throw, or place any solid waste on any private property regardless of ownership, unless the solid waste is placed in garbage containers, the covers of which shall not be removed except when necessary for the depositing or removing of solid waste. Boxes, small barrels, cartons, 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 containers or units, consistent with this chapter or as approved by the director.

C. Any garbage, recycle, or yard waste container, when filled, shall not weigh more than the allowable weight for its size as determined by the director or collection company for the safety of collection personnel and protection of property. Garbage, recycle, and yard waste containers shall be packed so that the contents thereof will dump out readily when the container is inverted. All garbage, recycle, and yard waste containers and garbage units shall be placed at curbside or alley for collection before 7:00 a.m. or 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 as approved by the director or collection company. All containers shall be removed from such locations as soon as possible after collection, but no later than the end of the collection day. All walks, paths and driveways to the place of loading shall have an overhead clearance of not less than eight (8) feet.
D. Any person accumulating solid waste in the downtown or suburban business areas whose location requires the placing of garbage, recycle, or yard waste containers, or garbage 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 containers from the sidewalk or alley immediately after the opening for business each morning.

E. 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, recycle, or yard waste container or garbage unit for collection or removal. All kitchen, table, and cooking waste before being deposited in garbage containers or units, shall be drained and wrapped in paper or other material in such a manner as to prevent as nearly as possible moisture from such solid waste 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.

F. Duty to prevent spillage and overflow of garbage and other waste.

1. A sufficient number and size of garbage-approved containers must be utilized at each residential and commercial site to ensure provided for the proper collection of all garbage waste as defined in this chapter. Worn-out and improper containers shall be replaced with approved containers. If a site repeatedly generates an amount of solid waste that requires more than the minimum level of service, the City may require service to that site be increased above the minimum level until such time that a higher level of service is no longer regularly required. Either the landlord or the tenant may be held responsible for the cost of the increased service.

2. Each container must be capable of being secured so as to prevent wind, birds, or animals from removing the contents of the container. Covers shall be kept secured on each container at all times, except as necessary to deposit waste in the container or to empty the container.
3. The immediate area around garbage, recycle, and yard waste containers must be kept clean and free of loose waste at all times, except for items properly bundled into units as allowed by this chapter.

4. The landlord and tenant shall share legal responsibility for assuring that a commercial property or residence complies with the requirements of this section.

G. Certain garbage, recycle and yard waste containers shall be provided by the collection company for the health, safety, convenience, and general welfare of the residences and their occupants. All garbage, recycle and yard waste containers provided by the collection company shall remain the property of the collection company. 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.

H. It shall be unlawful, except as authorized by the owner, collection company or the city, to deposit any solid waste or other material in any private garbage, recycle or yard waste container or garbage unit or to remove the covers therefrom. The covers shall be securely placed on each container at all times, except when it is necessary to remove same for deposit or at times of collection.

I. Yard waste collected by collection companies shall be deposited in containers provided or approved by collection companies or by the director, and disposed of as provided for in this chapter or 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 laws and regulations.

SECTION 2. - Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.
SECTION 3. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

SUZETTE COOKE, MAYOR

BRENDA JACOBER, CITY CLERK

TOM BRUBAKER, CITY ATTORNEY

APPROVED:  7  day of August, 2007.

I hereby certify that this is a true copy of Ordinance No. 3851, passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

Amend KCC 7.03.050-
Solid Waste Handling Service