

*Repealed
by Ord. 2166*

ORDINANCE NO. 637

AN ORDINANCE RELATING TO HEALTH AND SANITATION; PROVIDING FOR THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF A UNIVERSAL, COMPULSORY SYSTEM OF GARBAGE COLLECTION AND DISPOSAL; MAKING DELINQUENT CHARGES FOR SERVICES PERFORMED A LIEN UPON PROPERTY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING PENALTIES.

THE CITY COUNCIL OF THE CITY OF KIRKLAND DO ORDAIN AS FOLLOWS:

Section 1. DEFINITIONS: (a) Refuse--The term "refuse" shall include garbage, rubbish, ashes, swill, and all other putrescible and non-putrescible wastes except sewage, from all public and private establishments and residences. (b) Garbage--The term "garbage" shall include all putrescible wastes, except sewage and body wastes, including vegetable wastes, animal offal, and carcasses of dead animals, but not including recognized industrial by-products, and shall include all such substances from all public and private establishments and residences. (c) Rubbish--The term "rubbish" shall include all nonputrescible wastes, except ashes, from all public and private establishments and residences. (d) Swill--The term "swill" shall mean and include every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, and attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, and vegetables, except coffee grounds. (e) Ashes--The term "ashes" shall include the solid waste products of coal, wood and other fuels used for heating and cooking, from all public and private establishments and from all residences. (f) Person--The term "person" shall mean every person, firm, partnership, association, institution, and corporation. The term shall also mean the occupant and/or the owner of the premises for which service herein mentioned is rendered. (g) Health Officer--The term "health officer" shall mean the city or county health officer, as defined in Sections 6085, 6091, and 6092 of Remington's Revised Statutes of

Washington, or their authorized representatives. (h) Collector of Refuse--
The term "collector of refuse" shall mean the person entering into contract with the City of Kirkland for removal of refuse as provided by this Ordinance.

Section 2. For the purpose of carrying into effect the provisions and aims of this Ordinance there is hereby created and established a department to be known as the City Sanitary Service Department.

The Mayor of the City of Kirkland is hereby empowered and authorized to appoint a suitable and qualified person subject to approval by majority of City Council as Sanitation Inspector and this person shall have full charge and control of all the work provided for and contemplated under this Ordinance and as may be provided for by rules and regulations subsequently adopted. He shall also have charge of all collections and the enforcement of all charges for services rendered.

Section 3. There is hereby created and established a special fund to be known and designated as the City Sanitary Service Fund into which all sums collected under this Ordinance shall be deposited and kept by the Treasurer of the City of Kirkland and from which all expenses of the administration and operation of this Ordinance shall be paid.

Section 4. It shall be the duty of every person in possession, charge or in control of any dwelling, flat, rooming house, apartment house, or eating place, or in possession, charge or control of any shop, place of business, or manufacturing establishment where refuse is created or accumulated, at all times to keep or cause to be kept portable cans of approved size, type, and construction, and to deposit or cause to be deposited, said refuse therein.

Cans shall be strong, watertight, not easily corrodable, rodent-proof, insect-proof, of not less than 20 and not more than 30 gallons capacity, and shall have two handles at the sides and tight-fitting lids. When refuse is placed in or taken from the cans, the lids shall

be promptly replaced. Each can shall be kept clean inside and out, so that no odor nuisance shall exist. Cans shall be kept at all times in a place accessible to the collector of refuse.

Large, suitable, and sufficient numbers of containers for both collection of garbage and refuse may, with the approval of the Sanitation Inspector, be used by hotels, restaurants, boarding houses, eating places, apartment houses, schools and hospitals, and in the business districts.

Section 5. It shall be unlawful for any person to burn, dump, collect, remove, or in any other manner dispose of garbage or swill upon any streets, alley, public place or private property within the City of Kirkland otherwise than as herein provided.

Waste paper, boxes, rubbish, and debris, brush, leaves, grass, woods, and cuttings from trees, lawns, shrubs, and gardens, (but except paper, cardboard or wood containers in commercial quantities which may be burned in incinerators approved by Sanitation Inspector) may be burned on private property in furnaces, or, upon special permit from the Fire Chief, they may be burned in outside fireplaces, private incinerators or in open fires.

It shall be unlawful for any person to bury, burn or dump waste paper, boxes, rubbish, and debris, grass, leaves, weeds, and cuttings from trees, lawns, shrubs, and gardens, upon any street, alley or public place or collect or remove the same over any public right-of-way in the City of Kirkland.

No compost pile shall be kept or maintained unless sufficient appropriate material or substance, approved by the Sanitation Inspector, is used to prevent the presence of flies, insects, bugs, rodents or other pests or menace to public health and welfare.

Section 6. The collector of refuse shall collect, remove and dispose of all garbage and refuse in the residential sections of the city at least once each week, and from hotels, restaurants, boarding houses, eating places, apartment houses, schools and hospitals and in the business sections of the City of Kirkland as required.

Section 7. The City of Kirkland reserves the right to and may have the option to require the separation of paper or swill or other component parts of refuse, and may require the deposit thereof in separate cans or receptacles and may prescribe the method of disposal thereof.

Section 8. It shall be unlawful for any person, firm or corporation conducting any hotel, restaurant, or any public eating place to deposit, throw, or place swill or other refuse food matter in a lane, alley, street, or other public place, or to deposit, throw or place any swill upon any private property, regardless of ownership, unless said swill shall be enclosed in vessels or tanks of type approved by the Sanitation Inspector and which shall be perfectly watertight and shall have tightly fitting covers, which covers shall not be removed except when absolutely necessary for the depositing and removal of swill. Such vessels or tanks shall be kept in the rear of the premises or in the basement, or other place authorized by the Sanitation Inspector, so as to be readily accessible for collection, and shall not be kept upon the street, alley, or sidewalk or public place. All such tanks or vessels shall be promptly delivered to the collector when called for and shall be returned by him without unnecessary delay, and no person, except for purposes of collection under license, shall in any manner interfere with said vessels or tanks or with contents thereof.

Section 9. Disposal of Garbage and Other Refuse. All disposal of refuse shall be by method or methods specifically approved by the State Department of Health, PROVIDED, that said method or methods shall include

the maximum practicable rodent, insect, and nuisance control at the place of disposal, and PROVIDED further, that animal offal and carcasses of dead animals shall be buried or cremated as directed by the Sanitation Inspector or shall be rendered at 40 pounds per square inch steam pressure or higher, or heated by equivalent cooking.

Section 10. Immediately upon the effective date of this ordinance or as soon thereafter as practical, upon direction of the City Council, specifications approved by the City Council, shall be prepared, and the City Clerk shall advertise for bids for a contract covering the exclusive right to collect, remove and dispose of all refuse; such contract thereafter shall be let every five (5) years or more frequently if required; publishing call therefor at least ten (10) days prior to the time of opening bids. The Commission shall have the power to refuse any and all bids, and shall award the contract to the person, who, in their mind, submits the lowest bid and is best qualified and best equipped to perform the contract contemplated and the rendering of the services made.

Each successful bidder shall furnish corporate surety bond to the City of Kirkland in the sum of Five Thousand (\$5,000.00) Dollars conditioned upon the faithful performance of his contract and compliance with all ordinances of the City and all rules, regulations, laws and statutes relating to his business, particularly all rules and regulations and matters relating to the maintenance of any dump.

The contractor shall be required to furnish or use an appropriate dump which may be a county dump and maintain it in a sanitary manner immediately upon award of a contract as above stated.

Section 11. Every contract entered into by virtue of this Ordinance shall contain a prohibition against assignment thereof or transferring of any interest therein without consent of the City of

Kirkland, and it shall contain a suitable provision permitting the forfeiture of the agreement for non-performance of the terms and conditions of said contract and this ordinance.

Section 12. Immediately upon award of a contract as above stated, the City Council, by ordinance, then shall adopt a schedule of charges for the services rendered, using the offer of the contractor as a basis and making the collection charge to every person sufficient to pay the successful bidder or collector and the costs of administering and enforcing this ordinance and improving the service thereunder; and such rates shall be sufficient only for such purposes and are never to be diverted to other purposes except that surpluses accumulating may be used for improvement, care and maintenance of alleys. In the event surpluses should accumulate that are not needed for the purposes outlined, then the City Council shall revise the rates downward so as to balance the income with the necessary expenditures and any contemplated or budgeted outlay.

All charges for the services to be rendered shall be payable to the City Treasurer, and if not paid on or before ten (10) days from date of bill, such charge shall be delinquent. Upon failure to pay such charges and upon delinquency, the amount thereof shall become a lien against the property for which the garbage collection service is rendered, such lien shall be made effective by filing a notice thereof specifying the charges, the period covered by the charges and giving a legal description of the premises for which the service was rendered. Such lien shall be filed with the same official and within the time and shall be foreclosed within the time and manner prescribed by law for filing and foreclosing liens for labor and material. Furthermore, such lien shall be prior to any and all other liens and incumbrances filed subsequent to the filing of such

lien, but shall be subject to all general taxes and local improvement assessments, whether levied prior or subsequent thereto.

Section 13. Housing areas which are operated within the city limits under the jurisdiction of local, county, state or federal housing authorities shall be considered as being outside the city limits to the extent that they may have separate garbage collection system and will not be affected by the garbage collection provisions of this Ordinance until government ownership is relinquished in favor of private enterprise at which time the areas will assume a normal position in the refuse collection system. Areas added to the city by extensions of the city limits shall be included in the refuse collection system.

Section 14. Every person shall dispose of all garbage promptly according to the terms of this ordinance and rules and regulations made pursuant thereto to effectuate its purpose, and no person shall perform any of the provisions of the contract referred to above except the Collector of Refuse.

Section 15. Any owner of premises within the City of Kirkland may execute and file with the City Clerk of said city a claim of exemption as to such premises from the payment of the expenses of garbage removal therefrom as provided in this Ordinance, which claim of exemption shall contain an agreement and promise on the part of the owner of said premises to keep said premises clean and free from all garbage by the removal thereof at least once a week and an agreement that if any garbage shall accumulate on said premises, such owner will either cause the same to be promptly removed or destroyed, or will promptly notify and request the City to remove such garbage and pay the established charges for such service. Provided further that the owner shall keep all garbage in closed containers and move it only in closed container or closed truck or conveyance. Upon the filing of such claim of exemption as aforesaid, such

premises shall be exempt from the payment of the expense of garbage removal as provided by this Ordinance, and the City of Kirkland, and its employees, shall be under no obligation to remove any garbage from such premises except upon request of the owner of said property as set forth in the preceding section; but all charges for collection of garbage from said premises made at the request of the owner thereof shall be paid by such owner at the time of such collection, and if not so paid shall become a lien upon such premises and subject to collection as provided herein.

If the Sanitation Inspector shall find, and certify to the City Clerk in writing, that any of the agreements or promises on the part of the owner of premises for which claim for exemption has been filed as aforesaid have been materially violated, the exemption of such premises shall thereupon terminate, and such premises shall thereafter be and remain subject to all of the provisions of this ordinance to the same extent as though no claim of exemption had been filed.

Section 16. The City of Kirkland shall have the power, from time to time, by Resolution or after Council consideration by motion duly made and passed to set forth and determine rules and regulations, duties and responsibilities and necessary salaries, and such other matters as may be necessary in the discretion of its City Council for the proper execution of this ordinance. Rates shall be established by Ordinance.

Section 17. The City of Kirkland is hereby empowered to carry out all the terms and provisions of this ordinance and to collect and dispose of refuse in the manner provided herein.

Section 18. All ordinances and parts of ordinances in conflict herewith, and especially Ordinance NO. 376 be, and the same are hereby repealed, and any other ordinance in conflict herewith is amended according to the terms hereof. However, all existing contracts and rights shall remain in full force and effect until terminated.

Section 19. Any person violating any of the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding One Hundred (\$100.00) Dollars, or by imprisonment in the City jail for not more than thirty (30) days, or by both such fine or imprisonment.

Section 20. This ordinance shall go into effect thirty (30) days from the time of its final passage.

Introduced the 17th day of November, 1952.

Passed and approved the 1st day of December, 1952.

Alfred E. Heland
Mayor

Loren L. Fitch
City Clerk

APPROVED AS TO FORM

Charles W. Johnson, Jr.
City Attorney

I hereby certify that the foregoing is a true and correct copy of an Ordinance of the City of Kirkland and that the same was published or posted according to law, said Ordinance being No. 637 and entitled "An Ordinance as above."

Loren L. Fitch, City Clerk.