

ORDINANCE NO. 2038

AN ORDINANCE REGULATING THE KEEPING, COLLECTION AND DISPOSAL OF GARBAGE AND RUBBISH IN THE CITY OF KIRKLAND, DEFINING OFFENSES AND PRESCRIBING PENALTIES; AUTHORIZING THE CALLING FOR BIDS AND EXECUTION OF CONTRACTS FOR THE COLLECTION OF GARBAGE AND RUBBISH ESTABLISHING A RATE SCHEDULE TO BE CHARGED FOR SUCH COLLECTION AND REPEALING THE FOLLOWING CITY OF KIRKLAND ORDINANCES 637, 743 and 744.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Definitions.

A. "Alley" means a public or private way giving access to the rear of lots or buildings.

B. "Apartment Hotel" means a building providing accommodations for transient guests in which at least fifty percent (50%) of the gross habitable floor area is used by permanent residents.

C. "Apartment House" means a building or portion thereof containing two or more dwelling units.

D. "Boarding or Rooming House" means a building other than a hotel, where meals and room, or rooms only, are provided for compensation for seven or more non-transient persons.

E. "City" means the City of Kirkland.

F. "City Manager" means the City Manager of the City of Kirkland and authorized employees.

G. "Contractor" means those contracting with the City to collect and dispose of garbage and rubbish as herein described, or the authorized representative of such contractors.

H. "Detachable Container" means a water tight, metal container, not less than one-half (1/2) cubic yard in capacity and equipped with a tight fitting cover. Containers 2 cubic yards and under shall be equipped with at least three (3) wheels.

I. "Dwelling Unit" in addition to its ordinary meaning includes a room or suite of rooms used as a residence and which has cooking facilities therein, but does not include house trailers in trailer courts, nor rooms in hotels or motels.

J. "Garbage" means all discarded putrescible waste matter, including small dead animals weighing not over 15 pounds, but not including sewage or human or animal excrement.

K. "Garbage Can" means a cylindrical water-tight sheet metal container not exceeding 32 gallons in capacity, weighing not over 26 pounds when empty and without cover, fitted with two sturdy handles, one on each side, and a tight cover equipped with a handle, except in the case of "sunken cans".

L. "Ordinance Unit" means one box or carton empty or filled with rubbish as herein defined, one small shrub or small tree, or bundle of rubbish, securely bundled so that none of the material blows about and so it is not easily broken apart and which is of such size that the longest dimension does not exceed three feet, the volume does not exceed twelve cubic feet and the total weight does not exceed 80 pounds, and is in good condition for handling at the time of collection.

M. "Rubbish" means all discarded nonputrescible waste matter.

N. "Refuse" means either garbage or rubbish or both garbage and rubbish.

O. "Refuse disposal site" and "Disposal Site" means the area or facilities designated by the City for the disposal of garbage and rubbish including land-fills, transfer stations and municipal incinerators.

P. "Street" means a public or private way, other than "alleys", used for public travel.

Q. "Sunken Can" means garbage cans which are in sunken covered receptacle specifically designed to contain garbage cans and where the top of the garbage can is approximately at ground level.

Section 2. The City of Kirkland reserves the right to and may have the option to require the separation of garbage or refuse and may prescribe the method of separate disposal thereof.

Section 3. It is unlawful for anyone to deposit, throw, keep or place any garbage, or rubbish on any property, public or private or in any lane, alley, street or public place except in garbage cans, or detachable containers where authorized or in ordinance units as herein described, place on private property or on the street or alley when necessary or required, or upon a refuse disposal site.

Section 4. It is unlawful for anyone except the following to haul garbage through the streets of the City of Kirkland:

- A. The City's garbage contractor;
- B. Anyone authorized to collect garbage in the City of Kirkland under Chapter 295 Laws of Washington, 1961 (pre-existing franchise holders within annexation or consolidated areas for a period of five years after annexation or consolidation.)

Section 5. All occupants of residences and other dwelling units shall have and use a sufficient number of garbage cans to hold all of their garbage and ashes. Additional amounts of rubbish, bundled in ordinance units as hereinafter defined, may be set out for collection. Up to two ordinance units per collection may be set out for each garbage can used from all single family, two family, three family and four family residences. One ordinance unit per collection may be set out for each garbage can used at an apartment house, apartment hotel, boarding house, rooming house, or nursing home, provided that where detachable containers are authorized no ordinance units shall be allowed. Ashes shall be placed in garbage cans or detachable containers but hot ashes shall not be set out for collection. No garbage shall be placed in ordinance units.

Section 6. All garbage cans and detachable containers shall be kept tightly covered and in good condition for garbage storage and handling, and garbage cans and detachable containers which leak or have jagged edges or holes shall not be used.

The City Manager, at the request of the contractor, in writing, shall determine whether or not the condition of any garbage can is satisfactory for use.

Section 7. No garbage can, when filled, shall weigh more than eighty pounds, and it shall be so packed that the contents thereof will dump out readily when the can is inverted.

Section 8. All garbage cans and ordinance units shall be placed by the occupant in a convenient, accessible location as near as practicable to the approximate rear of the building or near the alley, upon the ground level or ground floor, or in a sturdy rack not over fourteen inches above such level or floor, except that sunken cans may be below the ground level. Where no other suitable area is available, garbage cans or ordinance units may be placed in the sidewalk or in the alley for collection, but shall not be so placed until a reasonable time prior to collection and shall be removed within a reasonable time thereafter. Detachable containers may be stored within a building but shall be readily accessible for servicing without unnecessary delay or special collection equipment.

Section 9. All walks, paths, and driveways from the garbage can storage area to the place of loading shall have an unrestricted overhead clearance of not less than eight feet.

Section 10. It is unlawful for anyone other than the owner or one authorized by him to deposit any material in any garbage can or detachable container or to remove the cover therefrom or to remove or disturb any of the contents thereof except for collection.

Section 11. The City Manager is hereby authorized and directed to supervise and manage the collection and disposal of garbage and rubbish hereunder, and shall have general charge and supervision over the administration and enforcement of this ordinance.

Section 12. The City shall prepare specifications, advertise and call for bids and from the bids received award the contract for the collection and disposal of all refuse within the City. No contract so awarded shall run for a period in excess of five years. Upon the award of contract, the

contractor shall furnish a corporate surety bond to the City of Kirkland in the sum of \$5,000.00 conditioned upon full and faithful performance of his contract in compliance with all laws, statutes, ordinances, rules and regulations relating to his business and the collection and disposal of refuse.

Such contract shall contain a prohibition against assignment thereof or transfer of any interest therein without consent of the City of Kirkland and it shall contain a suitable provision providing for the forfeiture of the agreement for non-performance of the terms and conditions of said contract and this ordinance.

Section 13. The contract now in effect between the City of Kirkland and Bayside Waste Hauling and Transfer Company, shall remain in effect until terminated but subject, nevertheless to the provisions of this ordinance.

Section 14. The rates to be charged for refuse collection service in the City of Kirkland shall be as follows:

A. Residential single-family.

<u>NUMBER OF PICK-UPS PER WEEK</u>	<u>BASIC MONTHLY RATE</u>
One pick-up per week for 2 cans	\$1.95

for each additional can or ordinance unit, the monthly rate shall be increased by 45¢ per month.

B. Apartment House, Trailer Court, Apartment Hotel.

<u>NUMBER OF PICK-UPS PER WEEK</u>	<u>NUMBER OF UNITS</u>	<u>BASIC MONTHLY RATE</u>
One	2 to 12 units	\$1.80 per unit
one	13 to 50 units	\$1.75 per unit
one	more than 50 units	\$1.70 per unit
two	2 to 12 units	\$2.55 per unit
two	13 to 50 units	\$2.50 per unit
two	more than 50 units	\$2.45 per unit
three	2 to 12 units	\$3.05 per unit
three	13 to 50 units	\$3.00 per unit
three	more than 50 units	\$2.95 per unit

Where more than three pick-ups per week are required the basic monthly rate shall be increased by an additional 50¢ per unit for each additional weekly pick-up.

C. Non-residential rates: Commerical, Industrial, Hotel, Motel and Institutional:

1. Where the contract between the City of Kirkland and its garbage collector provides for direct billing by the contract collector, rates to be charged by the contractor to its customers within the City shall be in accordance with a rate schedule filed by said collector as a part of its bid specifications and said rate schedule shall be on file with the Department of Administration and Finance during the life of such contract.

If during such contract the contractor desires to increase, decrease or in any manner modify or adjust such rate schedule, he shall file his proposed new rate schedule with the Director of Administration and Finance and the City Council shall thereafter consider said proposed new rate schedule and either approve, disapprove, or modify at a regular meeting of the City Council. The rate schedule as approved or modified, shall not become effective until the first day of the month immediately following the date of Council approval.

Where the contract between the City and its contract collector provides for billing and collecting by the City, the non-residential rates shall be as follows:

For the first four garbage cans and/or ordinance units, \$1.75 per month. Any garbage cans or ordinance units in excess of four per month, \$.30 per month, provided, however, that the minimum monthly charge for each customer shall be \$1.75 per month.

Where detachable containers are used in lieu of garbage cans or ordinance units, the rate for handling of detachable containers supplied by the contractor for use by non-residential users shall be as follows:

one yard container	\$1.70 per pick-up
1 1/4 yard container	\$2.10 per pick-up
1 1/2 yard container	\$2.50 per pick-up

Non-residential customers and establishments that require special time or inconvenience for refuse collection are subject to an additional hourly rate of \$15.00 per hour or portion thereof.

Section 15. All charges for services rendered shall be payable on or before 15 days from the date of billing and if not so paid, shall become delinquent. Upon failure to pay such charges and upon delinquency the amount hereof 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 amount due, the period covered by said amount 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. Further more such liens shall be prior to any and all other liens and encumbrances filed subsequent to the filing of such lien, but shall be subject to all general taxes and local improvement assessments whether levied prior to or subsequent thereto.

Section 16. All sums received by the City pursuant to this ordinance shall be paid into the sanitation fund and all expenses of administration and operation of the sanitation department authorized by this ordinance shall be paid from said fund. In the event that a surplus should accumulate in said fund all or any portion of such surplus may, by appropriate action of the City Council be made available for the improvement, care and maintenance of the City streets and alleys or such other use as the Council may then determine.

Section 17. Anyone violating or failing to comply with any provisions of this ordinance shall upon conviction be punishable by a fine of not more than \$500, or by imprisonment in the City Jail for a period of not exceeding six months or by both, such fine and imprisonment.

Section 19. If any portion of this ordinance is adjudged to be unconstitutional or otherwise invalid, such decision shall not effect the validity of the remaining portions.

Section 19. Ordinances of the City of Kirkland numbered, 637, 743 and 744 and all other ordinances or parts of ordinances in conflict herewith, are hereby superseded and repealed.

Section 20. This ordinance shall be in force and take effect 5 days from and after its passage by the Council and publication as required by law, provided, however, that the rates for garbage collection herein established, shall become effective the first day of APRIL, 1969.

PASSED by the City Council at regular meeting on the 17<sup>th</sup> day of MARCH, 1969.

SIGNED in authentication thereof on the 17<sup>th</sup> day of MARCH, 1969.

William C. Worde  
MAYOR

ATTEST:

Tom J. Dawson  
Director of Administration and Finance  
(ex officio City Clerk)

approved as to form:

Raymond J. ...  
City Attorney