

ORDINANCE NO. 2231

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO REFUSE AND GARBAGE, AND AMENDING TITLE 16 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Section 16.04.120 of the Kirkland Municipal Code is hereby amended to read as follows:

16.04.120 Ordinance Unit. "Ordinance unit" means a bag made of polymer or similar plastic material of not less than 2 mil thickness containing rubbish or garbage, 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~~] An ordinance unit shall be of not more than 30 gallons total capacity, nor exceed 60 pounds in total weight, and shall be [~~the total weight does not exceed eighty pounds, and is~~] in good condition for handling at the time of collection.

Section 2. Section 16.08.020 is hereby amended to read as follows:

16.08.020 Deposit in cans or containers required. 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, placed on private property or on the street or alley when necessary or required, or upon a refuse disposal site. Detachables shall be compatible with the collection equipment used by the city garbage contractor.

Section 3. Section 16.08.030 is hereby amended to read as follows:

16.08.030 Hauling garbage restricted. It is unlawful for anyone except the following to haul garbage through the streets of the city:

(1) The city's garbage contractor;

(2) Anyone authorized to collect garbage in the city under RCW 81.77 for the period of time allowed by Ordinance No. 2219 (pre-existing franchise holders within annexation or consolidated areas for a period of five years after annexation or consolidation.)

(3) Anyone authorized to transport garbage and refuse under an "owner's permit" as established by Section 16.08.120.

(4) Provided however, nothing in Section 3 of this amendatory Ordinance shall be construed to prohibit a residential occupant from transporting on a nonregular or occasional basis, surplus accumulations of rubbish or garbage from his residence to an approved disposal site.

Section 4. Section 16.08.040 is hereby amended to read as follows:

16.08.040 Garbage can required--Number-of-ordinance-units-allowed. All occupants of residences and other dwelling units shall have and use a sufficient number of garbage cans or plastic bags meeting the specifications of Section 12.04.120 to hold all of their garbage and ashes. Additional amounts of rubbish, bundled in ordinance units as herein[after] 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~~] Hot ashes shall not be set out for collection. No garbage shall be placed in ordinance units[,] other than plastic bags meeting the specifications of Section 12.04.120.

Section 5. Section 16.08.060 is hereby amended to read as follows:

16.08.060 Garbage can--Weight. No garbage can, when filled, shall weigh more than [eighty] sixty pounds, and it shall be so packed that the contents thereof will dump out readily when the can is inverted.

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Section 6. Section 16.08.080 is hereby amended to read as follows:

16.08.080 Overhead clearance of walks, paths and driveways--Distance of storage area from loading area. 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. Normally the garbage can storage area should be not more than ~~[sixty]~~ twenty-five feet from the public right-of-way providing access for loading in the collector's vehicle. Where such distance exceeds ~~[sixty]~~ twenty-five feet, a surcharge may be added to the appropriate monthly rate for collection service. ~~[to cover reasonable additional expenses incurred by the collector. Such surcharge shall normally be the amount designated as such in Section 16.12.030 provided, that in unusual circumstances, such amount may be increased upon mutual agreement by the collector, city and occupant.]~~

Section 7. There is hereby added to Chapter 16.08 a new section to read as follows:

New Section

16.08.120 Owner's Permit--special circumstances. The city council finds that there may exist certain special circumstances relating to location or nature of garbage or refuse which justify permitting the owner or occupant of property where such garbage or refuse accumulates to transport such garbage or refuse to an approved disposal site, rather than have it collected by the city contractor. In such a situation a "owner's permit" may be issued by the city pursuant to Sections 16.08.120 through 16.08.124, inclusive.

New Sub-Section

16.08.121 Owner's permit--Authorization. The owner or occupant of any premises within the City of Kirkland may, after obtaining a permit to do so, haul garbage or rubbish accumulated only at such premises through the streets of the city to any disposal site authorized to be used as a disposal site by the city contractor.

New Sub-Section

16.08.122 Application. Application for owner's permit shall be made to the city on a form provided by the city. The application shall set forth the name and address of the owner or occupant to whom the permit is to issue, the street address (residential only), or legal description of the property from which the garbage or refuse is to be hauled,

the name and location of the disposal site, the general nature of the garbage or refuse, (eg., cardboard boxes, domestic garbage, industrial chemicals, manufacturing refuse), the type of vehicle to be used, and the name and address of the person who will actually do the transporting of the garbage or refuse if that person is someone other than the owner or occupant or his employee. The application shall be signed by the owner or occupant, and may also be signed by the city contractor.

New Sub-
Section

16.08.123 Procedure for issuance. All applications (other than those processed under the alternate procedure set forth in subsection 16.08.124) shall be referred to the Director of Administration and Finance for consideration. Prior to such consideration a copy of the application shall be furnished to the contractor for his review and recommendation.

The application, the recommendation of the contractor, and any recommendations submitted by any city department shall be considered by the Director of Administration and Finance in determining whether such permit shall issue.

Any interested party (including the City) may appeal the determination of the Director of Administration and Finance to the City Council by filing written request for appeal within 10 days of the Director's decision.

Every owner's permit issued by the city, whether by the procedure in this section, or the alternate procedure in the following section, shall identify the person authorized under the permit to transport the garbage or refuse, the general type of garbage or refuse to be transported, the location of the property from which it is to be transported, the disposal site to which it is to be taken, and the name and address of the owner or occupant to whom the permit is issued.

Such permit shall further contain a warning statement concerning spillage and littering on public streets and highways, and may contain such additional conditions as may be required under the circumstances to protect the public health, safety and welfare.

New Sub-
Section

16.08.124 Alternate Procedure. Whenever an application for owner's permit has been filed with the city bearing the signature of the owner-occupant and the contractor requesting a limited owner's permit under this alternate procedure, such permit shall issue. A permit issued under the alternate procedure of this section shall authorize the owner or occupant to transport his own refuse and garbage to an approved disposal site only in a vehicle registered in the name of the owner-occupant. Such permit, in addition to containing the information required by a general owner's permit, shall also clearly indicate that the permit must be carried in the vehicle of the owner when used to transport garbage or refuse.

Section 8. Section 16.12.010 is hereby amended to read as follows:

16.12.010 Bids and award of contract. No later than ~~[June-30, 1973]~~ 150 days prior to the expiration of any existing contract for garbage collection, 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 five thousand dollars conditioned upon full and faithful performance of his contract and 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 and it shall contain a suitable provision providing for the forfeiture of the agreement for nonperformance of the terms and conditions of the contract and this title.

Section 9. Section 16.12.020 is hereby repealed.

~~16.12.020--Contract--Term--The contract now in effect between the city of Kirkland and Bayside Waste Hauling and Transfer Company, or any modification thereof or amended or substitute contract between the city and the contract collector, shall remain in effect until June 30, 1973 (conditioned upon its faithful performance by said contract collector in accordance with the terms of the contract and this title) nevertheless subject to the provisions of this title.~~

Section 10. Section 16.12.030 is hereby amended to read as follows:

16.12.030 Collection rates--Effective date.
The rates to be charged for refuse collection service in the city shall be as follows:

(1) RESIDENTIAL, SINGLE FAMILY:

One pickup per week, everything placed for collection:

<u>Location of cans or ordinance units</u>	<u>Monthly rate</u>
Curbside to 25 feet	\$ 2.50
26 feet to 60 feet	2.75
Over 60 feet	3.00, plus extra distance charge made by contractor to city

(2) RESIDENTIAL, MULTI-FAMILY:

<u>(a) Cans or Ordinance Units</u>	<u>Rate</u>
2 cans, 1 pickup per week	\$ 2.40 per month
4 cans, 1 pickup per week	3.25 per month
Each additional can	.43 per pickup

Note: Where more than 1 pickup per week is required, the charge for the additional pickups will be calculated on the additional can rate.

(b) <u>Detachable containers - capacity</u>	<u>Rate</u>
1 yard	\$ 2.38 per pickup
1 1/4 yards	2.59 per pickup
1 1/2 yards	2.91 per pickup
2 yards	4.00 per pickup
pre-compacted	3.25 per compacted yard per pickup

(c) <u>Oversized containers - Capacity</u>	<u>Rate</u>
10 yards to 20 yards	\$ 1.65 per yard per pickup
21 yards to 40 yards	1.55 per yard per pickup

(3) NONRESIDENTIAL RATES:

(a) <u>Cans or Ordinance units</u>	<u>Rate</u>
2 cans, 1 pickup per week	\$ 2.40 month
Each additional can	.43 per pickup

Note: Where more than 1 pickup per week is required, the charge for the additional pickups will be calculated on the additional can rate.

(b) <u>Detachable containers - Capacity</u>	<u>Rate</u>
1 yard	\$ 2.38 per pickup
1 1/4 yards	2.59 per pickup
1 1/2 yards	2.91 per pickup
2 yards	4.00 per pickup
pre-compacted	3.25 per compacted yard per pickup

(c) <u>Oversized containers - Capacity</u>	<u>Rate</u>
3 to 9 yards	4 1.65 per yard per pickup
10 yards to 40 yards	1.05 per yard per pickup, plus actual transfer station dump fee

(4) Wherever detachable containers are used having a capacity for which a rate has not been established, the Director of Administration and Finance is authorized to establish a rate for such container, which shall be consistent with the ratio of container capacity to rate

charge for the rates herein established.

(5) Notwithstanding the effective date of this amendatory ordinance, the rates established in this section shall become effective commencing August 1, 1973, or as soon thereafter as such change in rates shall be permitted under the President's Economic Stabilization Program.

Section 11. This ordinance shall be in force and take effect five days from and after its passage by the council and publication as required by law.

PASSED by the Kirkland City Council in regular meeting on the 16th day of July, 1973.

SIGNED in authentication thereof on the 16th day of July, 1973

William E. Woods
Mayor

Attest:

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

Approved as to form:

Raymond
City Attorney