

ORDINANCE O-4695

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

1 The City Council of the City of Kirkland do ordain as follows:  
2

3 Section 1. Kirkland Municipal Code Section 16.04.220 is  
4 repealed.  
5

6 Section 2. Kirkland Municipal Code Section 16.08.001 is  
7 amended to read as follows:  
8

9 16.08.001 Legislative findings and policy.

10 The Kirkland city council finds and declares:

11 ~~(1) Section 1(6) of Chapter 431 Laws of 1989, the Washington~~  
12 ~~State Legislature found:~~

13 ~~(A) It is the responsibility of every person to minimize his or her~~  
14 ~~production of waste and to separate recyclable or hazardous materials~~  
15 ~~from mixed waste.~~

16 ~~(B) It is the responsibility of state, county and city governments~~  
17 ~~to provide for a waste management infrastructure to fully implement~~  
18 ~~waste reduction and source separation strategies, and to process and~~  
19 ~~dispose of remaining waste in a manner that is environmentally safe~~  
20 ~~and economically sound. It is further the responsibility of state, county~~  
21 ~~and city government to monitor the cost effectiveness and~~  
22 ~~environmental safety of mixed waste and recycling programs.~~

23 (21) The city and King County entered into an amended and  
24 restated solid waste interlocal agreement whereby the parties agreed  
25 that they shall cooperate in the county's development of a  
26 comprehensive solid waste management plan.

27 (32) King County has prepared, and proposed and approved a  
28 final ~~2001~~ 2019 comprehensive solid waste management plan and  
29 submitted it to the city for approval and adoption.

30 ~~(43) The city through the Suburban Cities Association participates~~  
31 ~~in the Metropolitan Solid Waste Advisory Committee and the Solid Waste~~  
32 ~~Advisory Committee which have solid waste interlocal forum (King~~  
33 ~~County regional policy committee acting as solid waste interlocal forum)~~  
34 ~~which through Resolution No. RPC 2001-0001A adopted October 25,~~  
35 ~~2001, has recommended approval and adoption of the final 2001~~ 2019  
36 comprehensive solid waste management plan.

37 ~~(54) Section 10 of Chapter 431 Laws of the State of Washington~~  
38 ~~1989 regular session amending RCW 70.95.160 authorizes the city to~~  
39 ~~determine that King County shall not exercise any powers regarding the~~  
40 ~~levels and type of service and rate structures for any aspect of solid~~  
41 ~~waste collection within the city.~~

42 (65) The city believes that effective waste stream reduction  
43 programs, including recycling and "pay-as-you-throw" variable rate  
44 structure, must be so structured as to be compatible with the health and  
45 safety goal of elimination of dumping on public and private property.

46 (76) RCW 70.95.080 and Chapter 431 Laws of 1989 and the King  
 47 County solid waste management plan as adopted in  
 48 Section 16.08.002 of this chapter require the city to establish in  
 49 accordance with the time lines set forth therein, through a joint city/  
 50 county solid waste comprehensive program, policies and programs for  
 51 waste stream reduction and recycling of recyclable waste materials.

52  
 53 Section 3. Kirkland Municipal Code Section 16.08.002 is  
 54 amended to read as follows:

55 16.08.002 Plan—Adopted.

56 The final ~~2001~~2019 King County Comprehensive Solid Waste  
 57 Management Plan is adopted.

58  
 59 Section 4. Kirkland Municipal Code Section 16.08.012 is  
 60 amended to read as follows:

61  
 62 16.08.012 Waste stream reduction plan.

63 The waste stream reduction plan applicable to the entire city of  
 64 Kirkland is composed of the following elements:

65 (1) Goal. The goal of the waste stream reduction plan is to divert  
 66 from the solid waste disposal stream certain types or classes of materials  
 67 and thereby reduce the amount of solid waste delivered to the King  
 68 County approved solid waste disposal sites, including the Cedar Hills  
 69 Regional Landfill. Performance goals are established related to the  
 70 waste recycling diversion rate, waste generation target, and waste  
 71 disposal target as identified in the 2019 Comprehensive Solid Waste  
 72 Management Plan. tonnage of waste reduced and percentage of  
 73 customers at each service level have been established to monitor  
 74 progress.

75 (2) Program Elements.

76 (A) Effective January 1, 1990, the city established a local program  
 77 for collection and disposal of household hazardous waste materials  
 78 through its participation in the King County Hazardous Waste Program.  
 79 (The program elements are contained in Exhibit A to Kirkland Resolution  
 80 R3566.)

81 (B) Provision for alternative collection and/or handling of special  
 82 commercial wastes as defined in Section 16.04.155, in order that special  
 83 commercial wastes, which either are or have potential to be nonsolid  
 84 waste materials which have been determined by the King County solid  
 85 waste division to be nonacceptable for disposal at Cedar Hills and  
 86 thereby require a special handling. (The program elements are set forth  
 87 in Exhibit A to Kirkland Resolution R3466.)

88 (C) Cooperate and jointly participate with the King County solid  
 89 waste division in programs for waste reduction, education and publicity,  
 90 including programs supporting use by all segments of the community of  
 91 products manufactured in whole or in part from recycled materials.

92 ~~(D) Yard Waste Recycling. The city of Kirkland has determined~~  
 93 ~~there is within the King County area a market for the recovery and~~  
 94 ~~utilization of yard waste. The city, during 1989, conducted a pilot~~  
 95 ~~voluntary yard waste pickup collection recycling program, which~~  
 96 ~~resulted in a thirty seven percent diversion from and reduction in the~~  
 97 ~~Kirkland to Cedar Hills waste stream. Beginning in March 1990, the city~~  
 98 ~~has instituted a source separated yard waste curbside collection and~~

99 recycling program on a voluntary basis for residential customers. (The  
100 program elements are contained in Exhibit A to Resolution R3466.)

101 (D E) Other Recyclable Materials. The accepted list of residential  
102 and commercial recyclables is adopted by reference to the current list  
103 of accepted recyclables in the City's Comprehensive Garbage,  
104 Recyclables, and Compostable Collection Agreement. Subject to the  
105 then existence of economically viable markets for the following  
106 recyclable materials, establishment of programs either mandatory or  
107 voluntary within the implementation timelines, required by Chapter 431  
108 Laws of 1989 (and, where possible, the earlier timelines proposed by  
109 the King County solid waste division), to include collection and disposal  
110 for recycling of the following:

111 (i) ~~Newspapers;~~  
112 (ii) ~~Mixed papers;~~  
113 (iii) ~~Glass bottles, recyclable plastic bottles and aluminum cans;~~  
114 (iv) ~~Organic waste;~~  
115 (v) ~~Electronic waste;~~  
116 (vi) ~~Textile waste;~~  
117 (vii) ~~The voluntary recycling by or for commercial customers of~~  
118 ~~cardboard, newspapers, mixed, computer and office papers, yard waste,~~  
119 ~~and construction waste. Depending on cost analysis and available~~  
120 ~~markets, these recycling programs may be carried out through~~  
121 ~~utilization of any of the following collection and disposal options: utilizing~~  
122 ~~the current city solid waste contract collector, a third party collector or~~  
123 ~~drop box or recycling buy back centers. Where drop box or recycling~~  
124 ~~buy back centers are not utilized, recycling collection shall to the extent~~  
125 ~~feasible be accomplished curbside;~~

126 (viii) ~~Other recyclable materials at such time as there exists for each~~  
127 ~~such material an economically viable market may be added or deleted~~  
128 ~~by the Public Works Director or designee.~~

129 (F) ~~Penalty for Excessive Waste Generation. Whenever a solid~~  
130 ~~waste customer receives notice from the solid waste collector of~~  
131 ~~excessive waste generation, such customer shall make application to~~  
132 ~~the city of Kirkland for an excessive waste generation permit.~~

133 ~~The city shall, upon request of the customer, issue an excessive~~  
134 ~~waste generator permit and shall notify the solid waste collector of its~~  
135 ~~issuance.~~

136 ~~There shall be no charge for the issuance of an excessive waste~~  
137 ~~generator permit. However, the city reserves the right to hereafter~~  
138 ~~impose a waste stream reduction incentive charge or excessive waste~~  
139 ~~generator permit fee on excessive waste generators. The imposition of~~  
140 ~~such fee or charge and the amount thereof shall be established by~~  
141 ~~ordinance.~~

142 (E G) Multifamily Residential Recycling. Multifamily residential  
143 customers shall participate in placement for collection for recycling, at a  
144 minimum, the following materials: newspapers, mixed papers, and  
145 recyclable bottles, cans and plastic containers. Recyclable materials will  
146 be collected on the same pickup schedule as solid waste collections.  
147 Recyclable materials shall be placed in properly-labeled detachable  
148 containers or carts distributed by the city's solid waste collection  
149 contractor. Where space is available, detachable containers shall be  
150 used in lieu of carts. All multifamily property owners shall provide  
151 residents with a minimum total weekly volume of recycling capacity  
152 equal to or greater than the total weekly volume of garbage capacity.

153 To the greatest extent possible, garbage, recycling and compost  
154 containers should be co-located. The public works director or designee  
155 may vary the requirements of this subsection at his or her discretion or  
156 upon the request of the property owner if, in the opinion of the director,  
157 the variance is necessary or reasonable. The variance must be in writing  
158 and may be revoked by the director at any time if the necessity for the  
159 variance ceases to exist or for any other reason determined by the  
160 director or designee, which determination shall not be made  
161 unreasonably. The revocations will be effective on a date or time  
162 selected by the director, which may be immediately if circumstances so  
163 require.

164 (F) Commercial Recycling. Commercial customers shall participate in  
165 collection for recycling, at a minimum, the following materials:  
166 newspapers, mixed papers, and recyclable bottles, cans and plastic  
167 containers. Recyclable materials shall be placed in properly-labeled  
168 detachable containers or carts distributed by the city's solid waste  
169 collection contractor. Commercial properties shall have a minimum total  
170 weekly volume of recycling capacity equal to or greater than the total  
171 weekly volume of garbage capacity. To the greatest extent possible,  
172 garbage, recycling and compost containers should be co-located. The  
173 public works director or designee may vary the requirements of this  
174 subsection at his or her discretion or upon the request of the property  
175 owner or occupant if, in the opinion of the director, the variance is  
176 necessary or reasonable. The variance must be in writing and may be  
177 revoked by the director at any time if the necessity for the variance  
178 ceases to exist or for any other reason determined by the director or  
179 designee, which determination shall not be made unreasonably. The  
180 revocations will be effective on a date or time selected by the director,  
181 which may be immediately if circumstances so require. Nothing this  
182 section prevents a commercial generator of recyclable materials from  
183 contracting directly with a recycling collection service provider not under  
184 contract with the City of Kirkland, pursuant to RCW 35.21.158.

185  
186 Section 5. If any provision of this ordinance or its application to  
187 any person or circumstance is held invalid, the remainder of the  
188 ordinance or the application of the provision to other persons or  
189 circumstances is not affected.

190  
191 Section 6. This ordinance shall be in force and effect five days  
192 from and after its passage by the Kirkland City Council and publication  
193 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary  
194 form attached to the original of this ordinance and by this reference  
195 approved by the City Council.

196  
197 Passed by majority vote of the Kirkland City Council in open  
198 meeting this 16th day of July, 2019.

199

200

Signed in authentication thereof this 16th day of July, 2019.

  
Penny Sweet, Mayor

Attest:

Publication Date: July 22, 2019

  
Kathi Anderson, City Clerk

Approved as to Form:

  
Kevin Raymond, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. O-4695

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

SECTION 1. Repeals Section 16.04.220 of the Kirkland Municipal Code to eliminate the definition for excess waste generator.

SECTION 2. Amends Section 16.08.001 of the Kirkland Municipal Code regarding findings and policy related to refuse and garbage.

SECTION 3. Amends Section 16.08.002 Of the Kirkland Municipal Code to adopt the final 2019 King County Comprehensive Solid Waste Management Plan.

SECTION 4. Amends Section 16.08.012 of the Kirkland Municipal Code regarding the waste stream reduction plan.

SECTION 5. Provides a severability clause for the ordinance.

SECTION 6. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 16th day of July, 2019.

I certify that the foregoing is a summary of Ordinance O-4695 approved by the Kirkland City Council for summary publication.

  
Kathi Anderson, City Clerk

Publication Date: July 22, 2019