

ORDINANCE NO. 3205

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SOLID WASTE COLLECTION, WASTE STREAM REDUCTION, RECYCLING OF RECYCLABLE WASTE MATERIALS, ADOPTING KING COUNTY SOLID WASTE MANAGEMENT PLAN AND DETERMINING THAT KING COUNTY SHALL NOT EXERCISE ANY POWERS REGARDING THE LEVELS AND TYPES OF SOLID WASTE SERVICE FOR ANY ASPECT OF SOLID WASTE HANDLING WITHIN THE CITY OF KIRKLAND AND AMENDING TITLE 16 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Statement of legislative findings and policy. The Kirkland City Council finds and declares:

a. Section 1(6) of Chapter 431 Laws of 1989, the Washington State Legislature found:

1. It is the responsibility of every person to minimize his or her production of waste and to separate recyclable or hazardous materials from mixed waste.

2. It is the responsibility of State, County and City Governments to provide for a waste management infrastructure to fully implement waste reduction and source separation strategies, and to process and dispose of remaining waste in a manner that is environmentally safe and economically sound. It is further the responsibility of State, County and City Governments to monitor the cost effectiveness and environmental safety of... mixed waste and recycling programs; and

b. The City of Kirkland and King County entered into an interlocal agreement whereby the parties agreed that they shall cooperate in the County's development of a Comprehensive Solid Waste Management Plan.

c. King County has prepared and proposed a draft Comprehensive Solid Waste Management Plan and submitted it to the City for approval and adoption.

d. The City through the Suburban Cities Association participates in the Solid Waste Interlocal Forum which through Resolution 89005 has recommended approval and adoption of the draft Comprehensive Solid Waste Management Plan with amendments and addenda.

e. Section 10 of Chapter 431 Laws of the State of Washington 1989 regular session amending RCW 70.95.160 authorizes the City to determine that King County shall not exercise any powers regarding the levels and type of service and rate structures for any aspect of solid waste handling within the City of Kirkland.

f. Kirkland has for years maintained and operated a solid waste (Garbage and Refuse) collection utility and program which for public health safety reasons, includes a curbside flat rate mandatory unlimited pick up of residential solid waste.

g. Said program has substantially reduced, if not eliminated, the occurrence of casual dumping of solid waste and other waste materials on public and private properties within the City of Kirkland, and has a high degree of public acceptance and support.

h. The City of Kirkland believes that effective waste stream reduction programs, including recycling, must be so structured as to be compatible with health and safety goal of elimination of dumping on public and private property.

i. RCW 70.95.080 and Chapter 431 Laws of 1989 require the City to establish in accordance with the time lines set forth therein, either on its own or through a joint City/County Solid Waste Comprehensive Program, policies and programs for waste stream reduction and recycling of recyclable waste materials.

Section 2. Waste Stream Reduction Plan.

There is hereby added to Chater 16.08 a new section 16.08.012 to read as follows:

16.08.012 Waste Stream Reduction Plan. The waste stream reduction plan applicable to the entire City of Kirkland is composed of the following elements:

a. Goal: The goal of the waste stream reduction plan is to deflect from the solid waste stream certain types or classes of materials and thereby reduce by at least 50 percent by 1995 the amount of solid waste delivered to the King County approved solid waste disposal sites, including Cedar Hills.

b. Program Elements:

(1). Effective January 1, 1990 the City established a local program for collection and disposal of household hazardous waste materials. (The program elements are contained in Exhibit A to Kirkland Resolution R3566.)

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

(3). Cooperate and jointly participate with the King County Solid Waste Division in programs for waste reduction, education and publicity, including programs supporting use by all segments of the community of products manufactured in whole or in part from recycled materials.

(4). Yard waste recycling. The City of Kirkland has determined there is within the King County area, a market for the recovery and utilization of yard waste. The City during 1989, conducted a pilot voluntary yard waste pick up collection recycling program, which resulted in a 37

percent diversion from and reduction in the Kirkland to Cedar Hills waste stream. Beginning in March 1990, the City has instituted a source separated yard waste curbside collection and recycling program on a voluntary basis for residential customers. (The program elements are contained in Exhibit A to Resolution R3466).

(5). Other recyclable materials. Subject to the then existence of economically viable markets for the following recyclable materials, establishment of programs either mandatory or voluntary within the implementation timelines, required by Chapter 431 Laws of 1989, (and where possible the earlier time-lines proposed by the King County Solid Waste Division) to include collection and disposal for recycling of the following:

A. Newspapers

B. Mixed Papers

C. Glass bottles, recyclable plastic bottles and aluminum cans.

D. The voluntary recycling by or for commercial customers of cardboard, newspapers, mixed, computer and office papers, yard waste, and construction waste. Depending on cost analysis and available markets, these recycling programs may be carried out through utilization of any of the following collection and disposal options: Utilizing the current City solid waste contract collector, a third party collector or drop box or recycling buy-back centers. Where drop box or recycling buy-back centers are not utilized recycling collection shall to the extent feasible be accomplished curbside.

E. Other recyclable materials at such time as there exists for each such material an economically viable market.

(6). Penalty for Excessive Waste Generation. Whenever a solid waste customer receives notice from the solid waste collector of excessive waste generation, such customer shall make application to the City of Kirkland for an excessive waste generation permit.

The City shall upon request of the customer, issue an excessive waste generator permit and shall notify the solid waste collector of its issuance.

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

Section 3. The King County Comprehensive Solid Waste Management Plan with amendments and adenda set forth in Resolution 89005 of the Solid Waste Interlocal Forum shall become the Comprehensive Solid Waste Management Plan for the City of Kirkland to the extent that any provisions thereof are not specifically in conflict with the provisions of the this title [Title 16 Kirkland Municipal Code].

Section 4. Pursuant to RCW 70.95.160 the City of Kirkland hereby determines that King County shall not exercise any powers regarding the levels and types of service for any aspect of solid waste handling in the City of Kirkland. King County regulations and ordinances regarding levels and types of service for any aspect of solid waste handling shall not apply within the corporate limits of the City as may now or hereafter be determined by the City. The City of Kirkland shall determine solid waste and recycling collection rates by ordinance and not as set forth in the Comprehensive Solid Waste Management Plan.

Section 5. Chapter 16.04 - Definitions amended:

Chapter 16.04 of the Kirkland Municipal Code is hereby amended and supplemented by the addition of the following new Sections to read as follows:

16.04.152 Single Family Residence. The terms "single family residence" and "residential," unless otherwise qualified by the context in which they are used, mean a building or a structure containing a single dwelling unit.

16.04.155 Special Waste. Special waste means certain types of nonsingle family residential (i.e. commercial) wastes, including:

1. Containerized waste (e.g. a drum, portable tank, lugger box, roll-off box, paid, bulk tanker, etc.) listed in 2 - 7 below. Waste in drums, tanks, or other large containers - i.e. liquids, sludges, powders, grits, and other industrial wastes whose identity is not defined.

2. Waste containing free liquids. "Free liquids" means liquid that can run out of waste if put in filter.

3. Sludge waste. Sludge is defined as "a solid or semi-solid material containing less than 40% by weight solids, and is not a free liquid.

4. Waste from an industrial process. An industrial waste that is not office type or residential type waste can conceivably fit in this category.

5. Waste from a pollution control process. Wastes from water treatment processes, air pollution control process (such as baghouses, etc.) or other pollution control processes. Water and air are the most common.

6. Residue from a spill of a chemical substance or commercial product or a waste listed in 1 - 5 or 7.

7. Contaminated residuals from the cleanup of a facility generating, storing, treating, recycling, or disposing wastes, chemical substances or commercial products listed in 1 - 6.

8. Friable asbestos from building demolition or cleaning; wall board, wall spray coverings, pipe insulation, etc. Nonfriable asbestos is a special waste if it has been processed, handled, or used in such a way that asbestos fibers may be freely released.

9. Commercial products or chemicals which are off-specification, outdated, unused, or banned. Out-dated or off-specification uncontaminated food or beverage products in original containers are not special waste.

This category includes containers which once held commercial products or chemicals unless the container is empty. A container is empty when:

- a. All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, or aspirating, and
- b. An end has been removed (for containers in excess of 25 gallons), or
- c. No more than 1 inch of residue remains in the bottom of the container or inner liner, or
- d. No more than 3.0 percent by weight of the total capacity of the container remains in the container (for containers up to 110 gallons).
- e. No more than 0.3 percent by weight of the total capacity of the container remains in the container (for containers larger than 110 gallons).

Containers which once held acutely hazardous wastes (as defined under U.S. or Canadian Federal rules) must be triple rinsed with an appropriate solvent or cleaned by an equivalent method to be considered empty. Alternately, the container's lining may be removed and managed as a hazardous waste by Chemical Waste Management or other equivalent

company. Containers which held substances regulated under the Federal Insecticide, Fungicide and Rodenticide Act must be emptied according to label instructions or triple rinsed with an appropriate solvent.

Cylinders of compressed gas are empty when the pressure in the container is substantially equivalent to atmospheric pressure.

10. Untreated bio-medical waste - Any waste capable of inducing infection due to contamination with infectious agents from a bio-medical source including but not limited to a hospital, medical clinic, nursing home, medical practitioner, mortuary, taxidermist, veterinarian, veterinary hospital, animal testing laboratory, or university medical laboratory. Any sharps from these sources must be rendered harmless or placed in needle puncture-proof containers.

11. Treated bio-medical wastes - Any wastes from a bio-medical source including but not limited to a hospital, medical clinic, nursing home, medical practitioner, mortuary, taxidermist, veterinarian hospital, animal testing laboratory, or university medical laboratory which has been autoclaved or otherwise heat treated or sterilized so that it is no longer capable of inducing infection. Any sharps from these sources must be rendered harmless or placed in needle-proof containers.

12. Liquids and sludges from septic tanks, food service grease traps, or washwaters and wastewaters from commercial laundries, laundromats and car washes unless these wastes are managed at public or commercial wastewater treatment works;

13. Chemical-containing equipment removed from service. (Examples: filters, cathode ray tubes, lab equipment, acetylene tanks, fluorescent light tubes, etc.)

14. Waste produced from the demolition or dismantling of industrial process equipment of facilities contaminated with chemicals from the industrial process.

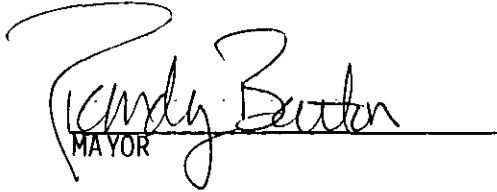
16.04.220 Excess Waste Generator. "Excess Waste Generator" means a solid waste utility residential customer who regularly (as distinguished from on an occasional basis) places for weekly collection solid waste materials (exclusive of recycling materials) in excess of 180 gallons.

Section 6. Severability. if any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Kirkland declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrase or part or portions be declared invalid or unconstitutional.

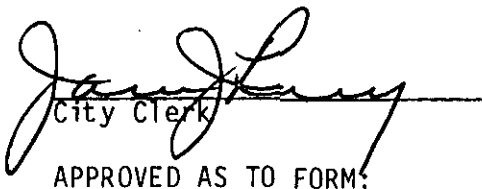
Section 7. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code, in the publication summary form attached to the original of this ordinance and by this reference approved by the City Council for publication, all as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 20th day of February, 1990.

Signed in authentication thereof this 20th day of February, 1990.


MAYOR

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

PUBLICATION SUMMARY OF ORDINANCE NO. 3205

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SOLID WASTE COLLECTION, WASTE STREAM REDUCTION, RECYCLING OF RECYCLABLE WASTE MATERIALS, ADOPTING KING COUNTY SOLID WASTE MANAGEMENT PLAN AND DETERMINING THAT KING COUNTY SHALL NOT EXERCISE ANY POWERS REGARDING THE LEVELS AND TYPES OF SOLID WASTE SERVICE FOR ANY ASPECT OF SOLID WASTE HANDLING WITHIN THE CITY OF KIRKLAND AND AMENDING TITLE 16 OF THE KIRKLAND MUNICIPAL CODE.

Section 1. Contains legislative findings and declarations relating to the adoption of the Solid Waste Management Plan, including waste stream reduction and recycling programs, and providing that King County shall not exercise within the City of Kirkland any powers regarding the levels and types of solid waste collection and disposal service, including the rates therefore.

Section 2. Establishes a Waste Stream Reduction Plan consistent with the time lines and goals of Chapter 431 Laws of 1989. The plan is composed of the following elements:

- a. A local household hazardous waste roundup program.
- b. Provision for alternative collection and/or handling of special commercial waste (as defined in Section 6).
- c. Joint participation with King County Solid Waste Division in publicity and educational programs for utilization of recycled material products by all segments of the community.
- d. Establishment of a voluntary residential curb side yard waste recycling program.
- e. Establish curb side and/or drop off collection center recyclable materials collection programs for other recyclable materials, including newspapers, mixed papers, glass bottles, recyclable plastic bottles and aluminum cans as markets therefore become economically viable.
- f. Provide for future voluntary recycling programs for commercial enterprises as to

cardboard, newspapers, mixed computer and office papers, yard waste and construction waste recyclable materials.

g. Provide for a program of identification and sanctions, where appropriate as to solid waste customers who are "excessive waste generators".

Section 3. Adopt by reference the King County Comprehensive Solid Waste Plan with amendments and adenda, all as set forth in Resolution 89005 of the Solid Waste Interlocal Forum.

Section 4. Provides that Kirkland reserves and King County shall not exercise any powers regarding the levels and types of service for any aspect of solid waste handling within the City. Provides that the City shall determine the solid waste and recycling collection rates by ordinance, rather than as set forth in the King County Comprehensive Solid Waste Plan.

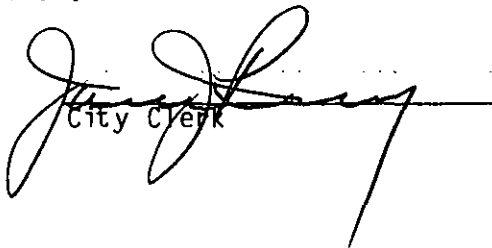
Section 5. Adopts definitions relating to "special waste" and "excessive waste generator".

Section 6. Contains a severability clause.

Section 7. Provides for publication of the ordinance by this summary, which was approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date of the ordinance as five days after the publication of this 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 regular meeting on the 20th day of February 1990.

I certify that the foregoing is a summary of Ordinance No. 3205 approved by the Kirkland City Council for summary publication.


City Clerk