

ORDINANCE NO. 3210

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 COLLECTION WITHIN THE CITY OF KIRKLAND AND AMENDING CITY OF KIRKLAND ORDINANCE 3205.

Whereas, by Ordinance 3205 the City of Kirkland adopted the King County Solid Management Plan reserving to the City its powers and authority regarding the levels and types of solid waste collection service and rate authority, and

Whereas, the City desires to clarify that any deviation from the King County Solid Waste Management Plan as set forth in said Ordinance are limited to the methods, levels and rates for solid waste collection services within the City, now, therefore,

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Sections 1, 2, 3 and 4 of the Ordinance 3205 adopted February 20, 1990 are each hereby amended to read 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~~] collection 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 disposal stream certain types or classes of materials and thereby reduce by at least 50 percent by 1995 and by 60% by 2000 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 with respect to solid waste collection within the City [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] collection in the City of Kirkland. King County regulations and ordinances regarding levels and types of service for any aspect of solid waste [handling] collection 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 King County Comprehensive Solid Waste Management Plan.

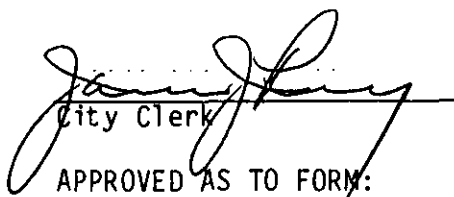
Section 2. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017 Kirkland Municipal Code in summary form attached to the original of this Ordinance and by this reference approved by the City Council, as required by law.

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

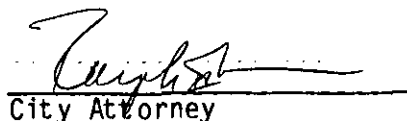
Signed in authentication thereof this 20th day of March, 1990.


MAYOR

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

PUBLICATION SUMMARY OF ORDINANCE NO. 3210

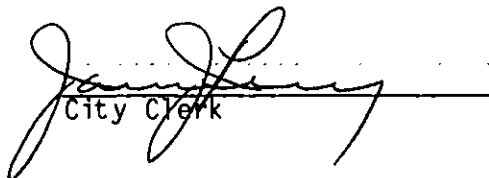
AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SOLID WASTE COLLECTION, WASTE STREAM REDUCTION, RECYCLING OF RECYCLABLE WASTE MATERIALS, ADOPTING KING COUNTY SOLID WASTE MANAGEMENT PLAN AND DETERMINING THAT KING COUNTY SHALL NOT EXERCISE ANY POWERS REGARDING THE LEVELS AND TYPES OF SOLID WASTE SERVICE FOR ANY ASPECT OF SOLID WASTE COLLECTION WITHIN THE CITY OF KIRKLAND AND AMENDING CITY OF KIRKLAND ORDINANCE 3205.

Section 1. Amends Sections 1 through 4 inclusive of Kirkland Ordinance 3205, adopted February 20, 1990, to clarify that in adopting the King County's Comprehensive Solid Waste Management Plan, the City of Kirkland is reserving to Kirkland its authority to exercise powers regarding the levels and types of solid waste collection service and the rates therefore.

Section 2. 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 regular meeting on the 20th day of March 1990.

I certify that the foregoing is a summary of Ordinance No. 3210 approved by the Kirkland City Council for summary publication.


City Clerk