

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE SOLID WASTE MANAGEMENT PLAN.

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

Section 1. Section 16.08.001 of the Kirkland Municipal Code is hereby amended to read as follows:

16.08.001 Legislative findings and policy.

The Kirkland city council finds and declares:

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

(A) 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.

(B) 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 government to monitor the cost effectiveness and environmental safety of mixed waste and recycling programs.

(2) The city 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.

(3) King County has prepared and proposed a ~~1992~~ final 2001 comprehensive solid waste management plan and submitted it to the city for approval and adoption.

(4) The city through the Suburban Cities Association participates in the solid waste interlocal forum (King County Regional Policy Committee acting as solid waste interlocal forum) which through Resolution No. ~~1RPC 2001-0001A~~ adopted ~~June 16, 1993~~ October 25, 2001, has recommended approval and adoption of the ~~1992~~ final 2001 comprehensive solid waste management plan.

(5) 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 collection within the city.

~~(6) Kirkland has for years maintained and operated a solid waste (garbage and refuse) collection utility and program which for public health safety reasons, includes curbside flat rate mandatory unlimited pick up of residential solid waste.~~

~~(7) The 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, and has a high degree of public acceptance and support.~~

~~(8) The city believes that effective waste stream reduction programs, including recycling and "pay-as-you-throw" variable rate structure, must be so structured as to be compatible with the health and safety goal of elimination of dumping on public and private property.~~

~~(9) RCW 70.95.080 and Chapter 431 Laws of 1989 and the King County solid waste management plan as adopted in Section 16.08.002 of this chapter~~

require the city to establish in accordance with the time lines set forth therein, through a joint city/ county solid waste comprehensive program, policies and programs for waste stream reduction and recycling of recyclable waste materials.

Section 2. Section 16.08.002 of the Kirkland Municipal Code is hereby amended to read as follows:

16.08.002 Plan-Adopted.

The ~~1992~~ final 2001 King County comprehensive solid waste management plan is adopted.

Section 3. Section 16.08.012 of the Kirkland Municipal Code is hereby amended 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:

(1) Goal. The goal of the waste stream reduction plan is to ~~deflect~~ divert from the solid waste disposal stream certain types or classes of materials and thereby reduce by ~~at least fifty percent by 1995 and by sixty five percent by 2000~~ the amount of solid waste delivered to the King County approved solid waste disposal sites, including Cedar Hills. Performance goals related to waste diversion rate, tonnage of waste reduced and percentage of customers at each service level have been established to monitor progress.

(2) Program Elements.

(A) 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.)

(B) 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.)

(C) 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.

(D) 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 pickup collection recycling program, which resulted in a thirty-seven-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.)

(E) 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 timelines proposed by the King County solid waste division), to include collection and disposal for recycling of the following:

(i) Newspapers;

(ii) Mixed papers;
 (iii) Glass bottles, recyclable plastic bottles and aluminum cans;
 (iv) 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;

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

(F) 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.

(G) Multifamily Residential Recycling. Multifamily residential customers may choose and by the city are urged to choose to participate in separation and placement for collection for recycling the following materials: Newspapers, mixed papers, and recyclable bottles, cans and plastic containers. Recyclable materials will be collected on the same pickup schedule as solid waste collections. Recyclable materials shall be separated and placed in recycling bins or carts distributed by the city's solid waste collection contractor. Multifamily residential customers using garbage can collection service will receive three recycling bins for recyclable materials per residential unit. Multifamily residential customers using containers will receive two or more recycling carts as determined by the size of the solid waste container:

Container size	No. Recycling Carts
2 or fewer yards	2
3 or 4 yards	3
6 yards	5
8 yards	6
10 yards	8
20 yards	15
25 yards	19
30 yards	23
40 yards	30


Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting
this 19th day of February, 2002.

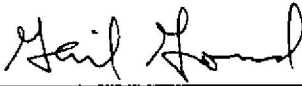
Signed in authentication thereof this 19th day of
February, 2002.


MAYOR

Attest:


Deputy City Clerk

Approved as to Form:


City Attorney
Ord\Garblegislative