

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Ordinance No. 747 – Amending Chapter 13.14 of the Shoreline Municipal Code – Solid Waste Code
DEPARTMENT:	Public Works
PRESENTED BY:	Lance Newkirk, Utility & Operations Manager Rika Cecil, Environmental Services Analyst
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

On May 2, 2016, Council approved the 2017 - 2027 Comprehensive Solid Waste Collection Services Contract with Recology CleanScapes (RCS), which includes mandatory solid waste collection services for single-family residents in Shoreline.

Since there are no regulations in the Shoreline Municipal Code which address mandatory solid waste collection, proposed code language has been developed for Council discussion, which includes amended definitions and exceptions to the mandatory code as shown in Exhibit A. Adoption of proposed Ordinance No. 747, which is attached as Attachment A, would adopt these regulations.

RESOURCE/FINANCIAL IMPACT:

While there is no financial impact to adopting mandatory solid waste regulations, implementation and enforcement of these regulations will require ongoing public outreach by RCS and the City’s Environmental Services staff, starting in August this year. To support these efforts, EnviroIssues has been contracted for approximately six months to monitor and respond to telephone and email questions received by the City at an estimated cost of \$48,000.

RECOMMENDATION

No action is required, as this item is for discussion purposes only. Staff does recommend however that Council adopt Ordinance No. 747 when it is brought back to Council for adoption on July 11, 2016.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

During the 2015-16 Request for Proposals (RFP) process to find the solid waste collection company that offered the best services at the lowest price, the option of mandatory collection for single-family residents was proposed. This service option was proposed in order to keep solid waste service rates low, to support King County's goal of 70% recycling, to reduce the number of complaints from neighbors living near solid waste self-haulers, to maintain property values, and to promote public and environmental health, safety, and general well-being.

Given these benefits, mandatory solid waste collection for single-family residents was included in the 2017 – 2027 Comprehensive Solid Waste Contract with RCS, which Council discussed on April 18, 2016 and approved on May 2, 2016. The staff reports for these two Council discussions can be found at the following links:

- <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport041816-8a.pdf>
- <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport050216-8a.pdf>

Proposed solid waste code was subsequently developed to define the parameters and exceptions of mandatory solid waste collection. This proposed code language, which includes amended definitions and exceptions to the mandatory code, is shown in Exhibit A to this report. Adoption of proposed Ordinance No. 747, which is attached as Attachment A, would adopt this code.

DISCUSSION

The City has broad authority under the State Constitution and statutes to enact regulations that the Council determines are necessary and appropriate to promote public health, safety, and the general welfare within the City. In Chapter 13.14 of the Shoreline Municipal Code, titled Solid Waste Code, the City establishes regulations for the proper handling of solid waste within the City, but gives residents the option of subscribing to solid waste service or disposing of it in some other way.

In order to promote the public health, safety, and the general welfare of Shoreline's residents, Council agreed that all solid waste materials should be properly collected and disposed of to prevent problems associated with the accumulation and improper disposal of solid waste, such as an increase in the numbers of vermin, the creation of odors, and litter spreading to adjacent properties, which can detrimentally effect neighborhood quality and impact the aesthetic values of the community.

To establish, clarify and legally support the implementation of mandatory solid waste collection for single-family residents, staff developed proposed language amending Chapter 13.14 of the Code (Exhibit A) to clearly define which single-family residences will be required to subscribe for solid waste collection services; to reflect the new services in code definitions; and to establish exceptions to the mandatory requirement, including fees. The following information highlights these proposed changes in the Code.

Definitions - Section 13.14.010

Three definitions were added to Chapter 13.14 and one definition was amended to allow for mandatory solid waste collection. The definition of 'Compostables' was added in order to be consistent with the use of the word in the 2017 – 2024 Comprehensive Solid Waste Contract; the definition of 'Residential Property' was added (single family dwelling, mobile home, or multi-family home up to a fourplex) to clarify which residential properties will be required to subscribe to solid waste collection services; and the definition of 'Solid Waste Collection Services' was added to clarify the meaning of the words 'solid waste collection services' in the code and in the contract. The definition of 'Garbage' was amended for clarity and to include 'sharps for personal use' if they are contained in a City-approved container, which is a new addition to the RCS contract.

Mandatory Collection – Residential Property – Section 13.14.035

This new section of the Code requires that Residential Property owners subscribe to solid waste collection services for their property, and it provides exemptions in certain common circumstances. Prior to developing the exemptions in this section, staff conducted research among regional cities with mandatory collection codes, in order to consider which exemptions might apply in Shoreline. Staff's goal was to provide a limited number of exemptions for common situations, such as vacations and occasional self-hauling, with limited or no verification of exempted properties, and no associated civil infractions, which would require staff costs and potential costs for collection services.

Based on this, the following exemptions were considered, and the reasons for not including them in our code are noted in italics.

The City of Bonney Lake offers the following exemptions from mandatory collection:

1. When the collection contractor cannot access a property due to topography or other physical attributes.

This situation would not apply, based on the current ability of RCS to access homes in Shoreline with various sizes of trucks.

2. When a resident has a disability that prevents him/her from taking garbage to the curb for pick-up.

The RCS contract states that the contractor shall offer carry-out service to single-family customers lacking the ability to place containers at the curb, at no additional charge, provided there shall be no able-bodied person living or residing at the residence of the customer applying for Disabled Persons Service.

The City of Kent provides the following exemptions from mandatory collection:

1. If upon satisfactory evidence on an annual basis that a person or property produces no solid waste – requires Director approval.

Staff considered this exemption as likely to require intensive staff time in the field.

2. If the residential customer owns a business in the City of Kent and has a commercial solid waste collection service – requires Director approval.

Staff did not include this exemption, since it does not meet staff's criteria of a common situation.

The City of Covington includes the following exemption from mandatory collection:

1. If the collector is unable to provide service due to inadequate clearance for the disposal vehicle – requires collector approval and conditions of weekly disposal. *Staff considered this exemption as inapplicable in Shoreline, based on current single-family collection services.*

In the final analysis, staff agreed to include two exemptions in this section. One exemption allows customers to suspend solid waste collection services in one week increments for vacations and other situations, such as a death in the family. If the suspension is longer than two weeks, a fee may be charged, as specified in the City's annual fee schedule. The second exemption allows residents to haul their solid waste, recyclables and yard debris to an approved King County Transfer Station on an occasional and limited basis. However, it does not exempt them from participation in mandatory collection services and costs.

STAKEHOLDER OUTREACH

Although the staff-recommended Council action is to adopt Ordinance 747 on July 11, 2016, the definitions and standards will not go into effect until March 1, 2017. However, public education and outreach regarding mandatory solid waste collection for single-family residences began with Council approval of the 2017 – 2027 Comprehensive Solid Waste Contract with RCS on May 2, 2016, and will be on-going to and through the start of the new contract.

The effort to educate and reach out to our existing and new solid waste customers is a shared responsibility between RCS and the City. The City hired Envirolssues to provide assistance in this effort and will work closely with RCS during this initial phase of contract implementation. The education and outreach activities for mandatory solid waste collection implementation include:

- On-going customer communications – City Manager informational letters and Currents articles (Summer 2016 and Winter 2017), website and social media updates;
- Staffing at City-sponsored summer events – Council of Neighborhoods, SolarFest, Celebrate Shoreline, etc.;
- Fall Open House – Customer education on solid waste subscription choices including container display; and
- Customer subscription monitoring to track implementation of amended SMC Solid Waste Code.

COUNCIL GOALS ADDRESSED

The 2017 – 2027 Comprehensive Solid Waste Services Contract with mandatory solid waste collection will support Council's 2015 – 2017 Goal 1: to "strengthen Shoreline's economic base to maintain public services that the community expects;" and Goal 5, Action Step 6: to "engage and partner with businesses...to maintain a vibrant, healthy and safe community."

RESOURCE/FINANCIAL IMPACT

While there is no financial impact to adopting mandatory solid waste regulations, implementation and enforcement of these regulations will require ongoing public outreach by RCS and the City's Environmental Services staff, starting in August this year. To support these efforts, EnviroIssues has been contracted for approximately six months to monitor and respond to telephone and email questions received by the City at an estimated cost of \$48,000.

RECOMMENDATION

No action is required, as this item is for discussion purposes only. Staff does recommend however that Council adopt Ordinance No. 747 when it is brought back to Council for adoption on July 11, 2016.

ATTACHMENTS

Attachment A: Proposed Ordinance No. 747
Exhibit A: SMC Chapter 13.14 Solid Waste Code

CITY OF SHORELINE, WASHINGTON

ORDINANCE NO. 747

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING CHAPTER 13.14 SOLID WASTE CODE TO THE SHORELINE MUNICIPAL CODE TO ESTABLISH A MANDATORY SOLID WASTE COLLECTION SERVICE FOR RESIDENTIAL PROPERTY.

WHEREAS, the City of Shoreline has broad authority under the Washington State Constitution, Article XI, Section 11, and State statutes, including Title 35A RCW, to enact regulations that the City Council determines are necessary and appropriate to promote public health, safety, and the general welfare within the City; and

WHEREAS, in Chapter 13.14 of the Shoreline Municipal Code, the City established regulations for the proper handling of solid waste within the City but gives residents the option of subscribing to solid waste service or disposing of it in some other way; and

WHEREAS, for public health, safety, and the general welfare, all solid waste materials should be properly collected and disposed of so as to prevent the harms associated with the accumulation and improper disposal of solid waste such as the harboring of vermin, the creation of odors, the spread of litter to adjacent properties, and other health and safety problems; the detriment to neighborhood quality; and the impact to the aesthetic values of the community; and

WHEREAS, the City Council has determined that a mandatory solid waste collection service will promote the public health, safety, and general welfare, and will be in the best interests of the City and its residents by preventing the harms arising from the accumulation of solid waste on residential property, and

WHEREAS, the City is served by a solid waste collection service so as to efficiently and economically provide for mandatory solid waste collection; and

WHEREAS, existing regulations relating to solid waste are in need of an update to reflect the mandatory solid waste collection service for all residential properties within the City;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter SMC 13.14 Solid Waste Code. SMC 13.14 Solid Waste Code is amended as set forth in Exhibit A.

Section 2. Severability. If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

Section 3. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect on March 1, 2017.

PASSED BY THE CITY COUNCIL ON JULY 11, 2016.

Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: _____, 2016
Effective Date: _____, 2016

EXHIBIT A

ORDINANCE NO. 747

CHAPTER 13.14 - SOLID WASTE CODE

AMENDING SECTION 13.14.010 DEFINITIONS

1. “Asbestos-containing material” means any material containing at least one percent asbestos as determined using the method specified in Appendix A of Subpart F in 40 CFR Part 763, Section 1 unless it can be demonstrated that the material does not release asbestos fibers when crumbled, pulverized or otherwise disturbed.
2. “Authorized collection company” means the person(s) authorized by contract with the city, or by state law for wastes not included in such a contract, to collect garbage within the city consistent with the provisions of this chapter.
3. “Bulky items” include and are illustrated by such articles for household use as furniture, mattresses, box springs, television sets, stereos, and wardrobes not exceeding eight feet in length. Bulky items not used in households are not included, such as motor vehicles or hulks; car parts and tires; commercial machinery or equipment; lumber and building materials; or hazardous wastes.
4. “Cart” means a city contractor-provided 20-, 32-, 45-, 64- or 96-gallon wheeled cart suitable for household collection, storage and curbside placement of garbage, recyclable materials or yard debris.
5. “CFCs” or “chlorofluorocarbons” means a compound consisting of chlorine, fluorine, and carbon, also known as fluorochlorocarbon (FCC).
6. “City” means the city of Shoreline.
7. “City manager” means the city manager of the city of Shoreline or designee.
8. “City’s waste” means all residential and nonresidential garbage generated within the city, excluding unacceptable waste, hazardous waste, special waste, and materials intended for recycling.
9. “Compostables” means Yard Debris, including food scraps, separately or combined.
- 9 10. “Composting” means the controlled degradation of organic waste yielding a product for use as a soil conditioner.

~~10~~ 11. “Construction, demolition and land clearing waste (CDL waste)” means waste comprised primarily of the following materials:

a. “Construction waste” means waste from construction of buildings, roads, or other structures. This may include, but is not limited to scraps of wood, concrete, masonry, roofing, siding, structural metal, wire, fiberglass insulation, other building materials, plastics, Styrofoam, twine, baling and strapping materials, cans and buckets, and other packaging materials and containers.

b. “Demolition waste” means garbage, largely inert waste, resulting from the demolition or razing of buildings, roads and other manmade structures. “Demolition waste” consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of metals like copper. Plaster (i.e., sheet rock or plasterboard) or any other material, other than wood, that is likely to produce gases or leachate during its decomposition process and asbestos containing materials are not considered to be demolition waste.

c. “Land clearing waste” means natural vegetation and mineral from clearing and grubbing land for development, such as stumps, brush, blackberry vines, tree branches, tree bark, mud, dirt, sod and rocks.

~~11~~ 12. “Contaminated soils” means soils removed during the cleanup of a remedial action site, or a hazardous waste site closure or other cleanup efforts and actions, which contain contaminants, but not at levels to qualify as hazardous waste. “Contaminated soils” may include excavated soils surrounding underground storage tanks, vector wastes (street and sewer cleanings), and soil excavated from property underlying industrial activities.

~~12~~ 13. “County” means King County, a political subdivision of the state of Washington, its successors or assigns.

~~13~~ 14. “Curb” or “curbside” means the area on the customer’s property and within five feet of the public street within which garbage, recyclable, and yard waste must be left for collection without blocking sidewalks, driveways, or on-street parking. If extraordinary circumstances preclude such a location for purposes of the collection of garbage, recyclable materials and yard waste, curbside shall mean an alternate location suitable to the customers, convenient to the authorized collection company’s equipment, and mutually agreed to by the parties.

~~14~~ 15. “Customer” means resident, property owner, tenant, or business owner that is a customer of the authorized collection company.

~~15~~ 16. “Detachable container” means a watertight metal or plastic container, not less than one cubic yard in capacity nor greater than eight cubic yards in capacity, equipped with a tight-fitting metal, plastic, or other city-approved cover, and capable of being mechanically unloaded into a

collection vehicle. The term shall also apply to containers of other material of similar size when approved by the city manager.

~~16~~ 17. “Disposal site” means the areas or facilities where any final treatment, utilization, processing or deposition of garbage occurs. See also the definition of “interim garbage handling site.”

~~17~~ 18. “Drop-box container” means an all-metal container with 10 cubic yards or more capacity that is loaded onto a specialized collection vehicle, transported to a disposal or recycling site, emptied and transported back to customer’s site.

~~18~~ 19. “Garbage” means all biodegradable and nonbiodegradable solid and semisolid wastes, including but not limited to refuse (except for abandoned and disabled vehicles), yard debris, cold and bagged ashes, industrial wastes, swill, CDL wastes, and recyclable materials. The term “garbage” shall not include hazardous wastes (except sharps generated for personal use such as syringes, needles, and lancets, when contained in a City-approved container), infectious wastes, special category wastes, and special wastes.

~~19~~ 20. “Garbage receptacle” includes detachable container, micro-can, and garbage cart, which are rodent and insect proof. This may also include other forms of storage appropriate to the material in question that prevent seepage, contamination of soil, or surface or ground water, spreading due to animal or insect activity or weather conditions, odor, or any risk to public health or safety.

~~20~~ 21. “Hazardous waste” means any waste, material or substance that is:

a. Defined as hazardous by 40 CFR Part 261 and regulated as hazardous waste by the United States Environmental Protection Agency under Subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976, 42 USC & 6901 et seq., as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984; the Toxic Substances Control Act, 15 USC & 2601 et seq.; or any other federal statute or regulation governing the treatment, storage, handling or disposal of waste imposing special handling or disposal requirements similar to those required by Subtitle C or RCRA; and/or

b. Defined as dangerous or extremely hazardous by Chapter 173-303 WAC and regulated as dangerous waste or extremely hazardous waste by the Washington State Department of Ecology under the State Hazardous Waste Management Act, Chapter 70.105 RCW, or any other Washington State statute or regulation governing the treatment, storage, handling or disposal of wastes and imposing special handling requirements similar to those required by Chapter 70.105 RCW.

~~21~~ 22. “Health officer” means the director of the King County department of public health or his/her designated representative.

~~22~~ 23. “Household hazardous wastes” means any discarded liquid, solid, contained gas, or sludge, including any material, substance, product, commodity or waste used or generated in the household, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste set forth in Chapter 173-303 WAC, but is exempt according to federal, state, and county regulations. Specific household hazardous wastes which are prohibited from disposal as city waste include infectious wastes and sharps/syringes; nonedible oils; flammable liquids and solids including fuels, solvents, paint thinners, and degreasers; pesticides, including herbicides, insecticides and wood preservatives; fluorescent light bulbs; televisions; computers, monitors and laptops; cellular phones; appliances with CFCs; corrosive materials; PCB capacitors and ballasts; mercury (such as thermometers and mercury switches); vehicle batteries; hobby chemicals and artists’ paints; liquid paints; and any other material restricted by federal, state, and county regulations; provided, however, empty containers for household hazardous products may be disposed of as garbage.

~~23~~ 24. “Interim garbage handling site” means any garbage collection site that is not the final site of disposal. Community cleanup and yard waste collection event locations are considered interim garbage handling sites.

~~24~~ 25. “Large household appliances” includes appliances over one cubic foot in size but is not limited to refrigerators, iceboxes, stoves, washing machines, dryers, dishwashing machines, water heaters and air conditioners.

~~25~~ 26. “Litter” means garbage in the amount of one cubic foot or less which does not contain hazardous waste and is not an immediate threat to the health or safety of the public.

~~26~~ 27. “Micro-can” means a 10-gallon container made of plastic and supplied by the city’s solid waste provider.

~~27~~ 28. “Mixed paper” means magazines, junk mail, phone books, bond or ledger grade paper, cardboard, paperboard packaging and other fiber-based materials meeting industry standards. Paper packaging combined with plastic wax or foil, tissue paper, paper towels and food-contaminated paper are excluded from the definition of “mixed paper.”

~~28~~ 29. “Person” means any governmental entity, or any public or private corporation, partnership or other form of association, as well as any individual.

~~29~~ 30. “Planting strip” means that part of a street right-of-way between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

~~30~~ 31. “Public place” means all public property including, but not limited to streets, avenues, ways, boulevards, drives, places, alleys, sidewalks and planting (parking) strips, squares, triangles, parks, and rights-of-way, whether open to the use of the public or not, and the space above or beneath the surface of the same.

~~31~~ 32. “Recycling” means transforming or remanufacturing waste material into usable or marketable materials for the use other than incineration or other methods of disposal.

~~32~~ 33. “Recyclable materials” means aluminum and tin cans, corrugated cardboard, glass containers, mixed paper, newspaper, recyclable plastic containers that have contained nonhazardous products, plastic films, polycoated cartons, and scrap metals. The term “recyclable materials” shall include motor oil and fluorescent bulbs that are properly packaged, set out for collection separately and not commingled with other recyclable materials.

~~33~~ 34. “Refuse” includes, but is not limited to, all abandoned and disabled vehicles, all appliances or parts thereof, vehicle parts, broken or discarded furniture, mattresses, carpeting, all old iron or other scrap metal, glass, paper, wire, plastic, boxes, old lumber, old wood, and all other waste, or discarded material.

35. “Residential Property” for the purpose of this chapter means a single-family dwelling, a mobile home, or a multi-family residence containing no more than four (4) dwelling units such as duplexes, triplexes, and fourplexes located on a public or private road.

~~34~~ 36. “Small quantity generator hazardous waste” means any discarded liquid, solid, contained gas, or sludge, including any material substance, product, commodity or waste used or generated by businesses, that exhibits any of the characteristics or criteria of dangerous waste set forth in Chapter 173-303 WAC, but which is exempt from regulations as dangerous waste.

37. “Solid Waste Collection Services” means the collection by the City’s Authorized Collection Company of all garbage waste, recyclable materials, and compostables.

~~35~~ 38. “Special category wastes” means wastes whose disposal is limited by certain restrictions and limitations, as identified in SMC 13.14.170.

~~36~~ 39. “Special waste” means contaminated soils, asbestos, and/or other wastes that the county requires a waste clearance decision prior to acceptance.

~~37~~ 40. “Street” means a public or private way used for public travel.

~~38~~ 41. “Unacceptable waste” means all waste not authorized for disposal at the landfill or transfer station designated by the city, by those governmental entities having jurisdiction, or any waste the disposal of which would constitute a violation of any governmental requirement pertaining to the environment, health, or safety. “Unacceptable waste” includes any waste that is now or hereafter defined by federal or state law as radioactive, dangerous, hazardous or extremely hazardous waste.

~~39~~ 42. “Waste” means hazardous waste, household hazardous waste, small quantity generator hazardous waste, special category waste, special waste and unacceptable waste.

40 43. “Yard debris” means plant material (such as leaves, grass clippings, branches, brush, flowers, roots, wood waste, unflocked holiday trees) and debris commonly removed in the course of maintaining yards and gardens that do not exceed four inches in diameter and four feet in length. Bundles of debris shall not exceed two feet by two feet by four feet in dimension and shall be secured by degradable string or twine, not nylon or synthetic materials. Food scraps and compostable paper may be disposed of as yard debris. This term excludes rocks and loose soils; plastics and synthetic fibers; lumber; human or animal excrement; and soil contaminated with hazardous waste.

NEW SECTION SMC 13.14.035 Mandatory Collection – Residential Property.

Every person in possession, charge, or control of Residential Property shall be charged for a least the minimum level of Solid Waste Collection Service by the Authorized Collection Company at the rates specified in the Solid Waste Rate Schedule set forth in SMC 3.01.050 whether such person uses such service or not unless an exception applies as provided for in this chapter. Exceptions are as follows:

A. A Residential Property Customer may temporarily suspend Solid Waste Collection Service due to vacations or other reasons. Suspensions may be in one (1) week increments for an indefinite period of time. During the time of suspension, the Customer may be charged a standby fee as set forth in SMC 3.01.050 but only if the suspension period is greater than two (2) weeks.

B. Nothing in this section shall prohibit the limited and occasional hauling of solid waste, recyclable materials, or yard debris by a Residential Property Customer from its specific property to an approved King County collection site. However, such limited and occasional hauling does not exempt the Residential Property Customer from the mandatory solid waste collection service and payment requirements of this section.