

SHORELINE

Solid Waste Collection Areas

	A-1, Feb 26, 2002
	A-2, Nov 27, 2005
	A-3, Aug 1, 2006

A-1, Feb 26, 2002

A-2, Nov 27, 2005

A-3, Aug 1, 2006

Initial Service Area

Park

Road

Interstate

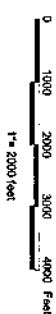
State Route

Principal Arterial

Minor Arterial

Collector Arterial

Residential Street



Project name: *PlasticBottleWaste* waste collection analysis
City of Stephanie GIS, Cincinnati, Ohio Proj. no.
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Print date: Oct 18, 2000; Solid Waste Service Area

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CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of Ordinance No. 251 Establishing Regulations Relating to the Disposition, Collection, and Transportation of Garbage.

DEPARTMENT: City Manager's Office

PRESENTED BY: Kristoff T. Bauer, Assistant to the City Manager

EXECUTIVE / COUNCIL SUMMARY

As discussed with your Council during the November 20, 2000 workshop, Ordinance No. 251 is part of the process of the City taking control of the regulation of garbage. This ordinance supports a proposed contract with Waste Management for solid waste collection services, which is also your Council's action agenda for consideration. If executed, that contract would create specific obligations between the parties. Some of the City's duties under that contract involve the regulation of third parties. The City's grant of an exclusive right to provide service to Waste Management, for example, requires that the City act to restrict other parties from providing those services within the City. The Ordinance before your Council for adoption consists of a variety of regulations related to garbage necessary for the City to meet its obligations under this contract. These regulations should be effective prior to the commencement of Waste Management's service obligation scheduled for March 1, 2000.

Other than incorporating state law by reference in a few areas, the City has not adopted regulations controlling the storage, accumulation, or disposal of garbage. We have instead relied on nuisance and public health regulations to address the worst cases of garbage accumulation. Regulations recently adopted to support code enforcement have provided more resources to address these issues and the proposed regulation has been designed to supplement those provisions.

Since the City has yet to actively regulate garbage collection services it has not had the opportunity to develop the basic information that will eventually support future policy decisions to be made in the development of this area of regulation. The proposed ordinance attempts simply to adopt the basic definitions and areas of regulation necessary to support the proposed contract.

Enforcement was a significant concern raised by your Council during the workshop discussion regarding this item. Your Council has reviewed administrative policies regarding the enforcement of public health regulations on a number of occasions. Those policies include a basic three-step process including notification, education, and assistance prior to the utilization of penalties. At the same time, the ability to move directly to penalties in extreme cases of willful or very dangerous conduct is preserved. Section 1.020(A) of the proposed ordinance has been changed to indicate that the enforcement of this new title will be consistent with those policies. This will allow your

Council to follow and make changes to policies in one area that will impact the enforcement of both existing public health regulations and this additional body of regulation particular to garbage.

RECOMMENDATION

Adoption of Ordinance No. 251 Establishing Regulations Relating to the Disposition, Collection, and Transportation of Garbage is recommended.

Approved By:

City Manager LB City Attorney 

BACKGROUND/ANALYSIS

As discussed with your Council, the proposed ordinance contains restrictions that are necessary to support the City's move into the regulation of garbage collection services and other restrictions that simply supplement existing regulations. Restrictions believed to be necessary to support the new contractual relationship are listed below each with a short supporting rationale:

<u>Restriction</u>	<u>Rationale</u>
1. Only the "Authorized Collection Company," i.e. Waste Management, can collect garbage.	This restriction supports the exclusive grant provided by the City Waste Management that is the most significant consideration provided by the City to support Waste Management's commitment to provide service at a specific price.
2. Only specific kinds of garbage can go into specific kinds of garbage receptacles, i.e. only recyclables in containers for recyclables and no hazardous waste in standard curbside garbage receptacles.	This restriction supports the contractor's responsibility to keep the waste streams separate, to ensure that recyclables and yard waste are not contaminated, and to keep some substances out of the standard disposal system altogether in compliance with state and county disposal regulations.
3. Where to and not to place garbage receptacles on collection day.	This is to keep cans from creating a nuisance to traffic by ending up in the lane of travel.
4. Clear transfer of ownership upon setting out garbage for collection and responsibility to remove refused items.	Ensures that the contractor has the authority and right to collect and dispose of items set out at the curb that may have value (bulky items, white goods, & recyclables for example), but keeps the customer on the hook for removing items that are inappropriately set out for collection (e.g. a tub of hazardous waste).
5. Garbage receptacle weight limits.	Disposal fees are based upon weight not volume, so weight is important both as a proxy to ensure that only appropriate materials are being placed in the garbage receptacles and to protect the rates quoted by the contractor, which are based upon standard ratios of weight to volume.

Optional Regulations:

The following are regulations, also included in the proposed ordinance that are not strictly necessary. However, they are standard regulations that have been adopted by other cities. While Shoreline has yet to consider these, they may be appropriate for the City to enact at this time.

<u>Restriction</u>	<u>Rationale</u>
1. Littering.	The proposed ordinance simply repeals the City's previous incorporation of state law and enacts those same prohibitions as City law. This makes the regulations stable, easier to find, and takes advantage of the enforcement mechanisms provided by the proposed ordinance.
2. Unlawful dumping or accumulation of garbage.	While dumping is not a significant problem, probably due to the proximity of the King County transfer station, the absence of an accumulation restriction has required the City to rely on nuisance and public health regulations that only reach the extreme cases.

The rest of the ordinance supports the above restrictions by providing definitions, creating administrative authority to further develop some areas of regulation, and creating enforcement mechanisms and a delegation of enforcement authority.

The severity of enforcement penalties varies significantly as does the potential seriousness of violations. Penalties vary from a \$25 fine for contaminating recyclable materials placed in a recycling container to a \$5,000 fine and/or a year imprisonment for a serious violation such as illegal dumping of a hazardous substance. Most infractions would be subject to a simple \$50 fine.

Staff examined the codes of several jurisdictions (Seattle, Bellingham, Federal Way, Bellevue, and others) in an effort to find a working example that would function well for the City. Unfortunately, the examples reviewed are quite diverse and include significant operational differences from the City's current position, e.g. mandatory collection and/or city billing. The proposed ordinance relies heavily on the Seattle Municipal Code and state law.

RECOMMENDATION

Adoption of Ordinance No. 251 Establishing Regulations Relating to the Disposition, Collection, and Transportation of Garbage is recommended.

ATTACHMENTS

Attachment A – Ordinance No. 251 Establishing Regulations Relating To The Disposition, Collection, and Transportation Of Garbage

ATTACHMENT A

ORDINANCE NO. 251

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ESTABLISHING REGULATIONS RELATING TO THE DISPOSITION, COLLECTION, AND TRANSPORTATION OF GARBAGE

WHEREAS, it is in the public interest for the City of Shoreline to regulate the storage, collection, and disposal of Garbage; and

WHEREAS, the City of Shoreline has executed a contract with Waste Management for the collection of Garbage; and

WHEREAS, it is necessary for the City of Shoreline to regulate certain activities in order to facilitate the implementation of the solid waste collection services contract with Waste Management; and

WHEREAS, it is in the public interest to implement the solid waste collection services contract with Waste Management; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. New Chapter: A new chapter, 13.14 *Garbage Code*, is added to Title 13 of the Shoreline Municipal Code to read as follows:

.010 Definitions

- A. **Asbestos Containing Material:** means any material containing at least one percent (1%) Asbestos as determined using the Method specified in Appendix A of Subpart F in 40 C.F.R. Part 763, Section 1 unless it can be demonstrated that the material does not release Asbestos fibers when crumbled, pulverized or otherwise disturbed.
- B. **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.
- C. **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 (8') 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.
- D. **City:** means the City of Shoreline.
- E. **City Manager:** means the City Manager of the City of Shoreline or designee.
- F. **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.
- G. **Composting:** means the controlled degradation of organic waste yielding a product for use as a soil conditioner.

- H. **Construction, Demolition and Landclearing Waste (CDL Waste):** means waste comprised primarily of the following materials:
- a. **Construction Waste:** waste from construction of building, 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:** Garbage, largely inert waste, resulting from the demolition or razing of buildings, roads and other man-made 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. **Landclearing Waste:** 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.
- I. **Contaminated Soils:** mean 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.
- J. **County:** means King County, a political subdivision of the State of Washington, its successors or assigns.
- K. **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.
- L. **Customer:** means resident, property owner, tenant, or business owner that is a customer of the Authorized Collection Company.
- M. **Detachable Container:** means a watertight, metal or plastic container, not less than one-half (1/2) cubic yard in capacity and equipped with a tight-fitting metal, plastic, or other City-approved cover. The term shall also apply to containers of other material of similar size when approved by the City Manager.
- N. **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.
- O. **Garbage:** means all biodegradable and non-biodegradable solid and semisolid wastes, including but not limited to Refuse, Yard Waste, ashes, industrial wastes, infectious wastes, swill, CDL Wastes, junk vehicles or parts thereof, and Recyclable Materials.
- P. **Garbage Receptacle:** includes Detachable Container, Mini-can, Garbage Can, and/or Mobile Toters, 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.
- Q. **Garbage Can:** means a container that is watertight galvanized sheet metal, or plastic container not exceeding four cubic feet or 32 gallons in capacity, weighing not over 15 pounds when empty, fitted with two sturdy handles, one on each side, and a tight cover equipped with a handle.
- R. **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.
- S. **Health Officer:** means the Director of the King County Department of Public Health or his/her designated representative.
- T. **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 state and federal regulation.
- U. **Interim Garbage Handling Site:** means any Garbage collection site that is not the final site of disposal. Community clean up and Yard Waste collection event locations are considered Interim Garbage Handling Sites.
- V. **Litter:** means Garbage in the amount of one (1) cubic foot or less which does not contain Hazardous Waste and is not an immediate threat to the health or safety of the Public.
- W. **Mini-can:** means a fifteen (15) to twenty (20) gallon container made of galvanized metal or plastic, which meets the approval of the City Manager.
- X. **Mobile Toter:** means a moveable receptacle that holds 32 to 96 gallons of Garbage with a tight fitting, hinged lid, thick-skinned, one-piece balanced weight body which sits on tires, which will be picked up at Curbside.
- Y. **Person:** means any governmental entity, or any public or private corporation, partnership or other form of association, as well as any individual.
- Z. **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.
- AA. **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.

- BB. **Recycling**: means transforming or remanufacturing waste material into usable or marketable materials for the use other than Incineration or other methods of disposal.
- CC. **Recyclable Materials**: means Garbage that is separated for Recycling or reuse, such as papers, metals, and glass, that are identified as Recyclable Materials through administrative action of the City Manager.
- DD. **Recycling Container**: means designated Garbage Receptacle in which Recyclable Materials can be stored and later placed at Curbside, or other location designated by the City Manager. This term also includes but is not limited to the designated commercial front load boxes, drop boxes and compactors at locations as may be specified by the City Manager.
- EE. **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.
- FF. **Special Category Wastes**: means wastes whose disposal is limited by certain restrictions and limitations, as identified in Section 1.170.
- GG. **Special Waste**: means Contaminated Soils, Asbestos, and/or other wastes that the County requires a Waste Clearance Decision prior to acceptance.
- HH. **Street**: means a public or private way used for public travel.
- II. **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.
- JJ. **White Goods**: mean large household appliances, such as refrigerators, iceboxes, stoves, washing machines, dryers, dishwashing machines and air conditioners. White Goods does not include motor vehicles or hulks; car parts and tires; commercial machinery or equipment; lumber and building materials; or hazardous wastes.
- KK. **Yard Waste**: means plant material (leaves, grass clippings, branches, brush, flowers, roots, wood waste, etc.); debris commonly thrown away in the course of maintaining yards and gardens, including sod and rocks not over two inches (2") in diameter; and biodegradable waste approved for the Yard Waste programs by the City Manager. It excludes loose soils, food waste; plastics and synthetic fibers; lumber; human or animal excrement; and soil contaminated with Hazardous Waste.

.020 Titles, Declarations, And Administrative Provisions.

- A. The Garbage Code is declared to be an exercise of the police power of the City to promote the public healthy, safety and general welfare, and its provisions shall be liberally construed for the accomplishment of that purpose. This Code is a Public Health Ordinance for the purpose of enforcement under SMC 20.30.750.
- B. The Garbage Code shall be enforced for the benefit of the health safety and welfare of the general public, and not for the benefit of any particular Person or class of Persons.

- C. Nothing in the Garbage Code is intended to be nor shall be construed to create or form the basis for any liability of the City or any of its officers, employees, or agent for any injury or damages resulting from the failure of any Person to comply with the provisions of this Code, or by reason of any inspection, notice, order, or other action or inaction by or of the City or any of its officers, employees or agents in connection with the implementation or enforcement of this Code.

.030 Enforcement Authority.

The City Manager is authorized and directed to supervise and manage the collection and disposal of Garbage under this chapter and to provide, designate, and supervise places for the disposal thereof, and shall have general charge of supervision over the administration and enforcement of this chapter; provided the Health Officer shall enforce the provisions of waste screening in Section 1.200.

.040 Garbage Receptacles - Nonresidential.

Every owner, tenant, occupant, and other Person responsible for the condition of private property that is not used as a residence or dwelling shall have and use Garbage Receptacle(s) of a number and size sufficient to contain all Garbage generated on the site and shall provide for lawful disposal of all such Garbage.

.050 Garbage Receptacles - Residential.

- A. It is unlawful for the owners or occupants of private property to deposit or accumulate, or to permit the deposit or accumulation of, Garbage upon such private property; provided however, that this shall not prohibit the storage of Garbage in private Garbage Receptacle(s), in accordance with health and safety regulations or when such Garbage Receptacle(s) are for immediate disposal; provided further that the use of a compost pile or bin shall not be prohibited if the use and maintenance thereof is in such a manner as to prevent the attraction, breeding and/or harboring of insects and rodents. Any such use permitted hereunder shall not be construed to permit a nuisance as defined by SMC 20.30.750 or State law.
- B. No Garbage shall be placed out for collection in bundles or otherwise outside of an approved Garbage Receptacle.

.060 Garbage Receptacle(s)-Maintenance.

- A. The owner and/or occupant of any premises shall be responsible for the safe and sanitary storage of all Garbage accumulated at that premises until it is removed to a Disposal Site or Interim Garbage Handling Site.
- B. All Garbage Receptacles shall be kept tightly covered and in good condition for Garbage storage and handling, and Garbage Receptacles that leak or have jagged edges or holes shall not be used. The City Manager shall have the authority to determine whether or not the condition of any Garbage Receptacle is satisfactory for use.

.070 Garbage Receptacles-Weight.

- A. Garbage Receptacles, when filled, shall not exceed the following limits:

20- gallon Mini-can	45 pounds
32-gallon Can or Toter	65 pounds
64-gallon Toter	200 pounds
96-gallon Toter	250 pounds
1 Yard	1,000 pounds
2 Yards	1,250 pounds
3 Yards	1,750 pounds
4 Yards	2,000 pounds
6 Yards	3,000 pounds
8 Yards	4,000 pounds
20 - 40 Yard Roll Off	16,000 pounds

- B. The contents of a container shall dump out readily when it is inverted.

.080 Placement of Garbage Receptacles.

- A. Garbage Receptacles shall be placed for collection by the occupants in a convenient, accessible location as near as practicable to the Curbside and collection shall be placed as follows:
- In the Planting Strip or driveway within five (5) feet of the Curb adjacent to properties with level Planting Strips; or
 - On the owner's property, within five (5) feet of the sidewalk, if level, adjacent to properties with sidewalks but no Planting Strips; or
 - When the foregoing locations slope at a grade making placement of a container difficult, a level area nearest to either of the previous locations; or
 - If the premise has no sidewalk or Planting Strip, dense shrubbery or extraordinary circumstances precluding such a location, at a location suitable to the customer and convenient to the Authorized Collection Company; or
 - At any location that is agreed to by the customer and the Authorized Collection Company that does not interfere with transportation or the use of the sidewalk.
- B. Receptacles for collection shall not be placed on the sidewalk or in the Planting Strip for collection until a reasonable time prior to collection. Containers shall be removed within a reasonable time thereafter.
- C. Detachable Containers may be stored within a building but shall be readily accessible for servicing without unnecessary delay or special collection equipment.

.090 Paths To Garbage Storage Area.

All walks, paths, and driveways from the Garbage Receptacle set out location to the place of loading shall have an unrestricted overhead clearance of not less than eight feet (8').

.100 Unlawful Hauling Of City's Waste - Exceptions.

It is unlawful for anyone, except the following, to haul City's Waste and Recyclables through the Streets in the City:

- A. An Authorized Collection Company;
- B. Business concerns or residents, as to City's Waste originating within their own establishments or households; or
- C. Service providers where Garbage hauling is incidental to the performance of other labor-intensive services such as construction, land clearing, or landscaping services. This authorization specifically does not apply to any drop box or container related Garbage hauling services.

.110 Unlawful Disposal Within Garbage Receptacles.

- A. The following shall not be deposited or discarded into any commercial or residential Garbage Receptacle to be set out for collection by the Authorized Collection Company: Dead animals over fifteen (15) pounds; sewage; human or animal excrement that is not contained in a closed, leak-proof bag or container; hot ashes, Household Hazardous Waste, Small Quantity Generator Hazardous Waste; Asbestos Containing Material; tires; Hazardous Waste; radioactive wastes; and explosives.
 - a. Cold ashes, bagged or boxed to contain dust, may be placed in Garbage Receptacle(s).
- B. The following shall not be deposited or discarded at any Interim Garbage Handling Site, except as specifically provided in Section 1.170: Dead animals over fifteen (15) pounds; sewage; human or animal excrement; hot ashes; Household Hazardous Waste; Small Quantity Generator Hazardous Waste; Asbestos Containing Material; tires; Special Category Waste; Hazardous Waste; radioactive wastes; and explosives.
- C. Operators and/or attendants at Disposal Sites and/or Interim Garbage Handling Sites shall have the authority to refuse to accept any prohibited or restricted Garbage.

.120 Unlawful Use Of City Garbage Receptacles.

Except as authorized by the City Manager, it shall be unlawful to place in any Garbage Receptacle provided by the City any Garbage accumulated on private property or generated by any business, including but not limited to the materials excluded by Section 1.110(A) and dead animals; nor shall the contents of any such Garbage Receptacle be removed or disturbed by anyone except as authorized by the City Manager.

.130 Unlawful Use Of Garbage Receptacles On Private Property.

It is unlawful for anyone not authorized by the property owner or occupant to deposit any material in any Garbage Receptacle on private property or on a sidewalk or a Planting Strip abutting private property.

.140 Household Hazardous Wastes.

- A. Specific Household Hazardous Wastes which are prohibited from disposal as City's Waste include non-edible oils; flammable liquids and solids including fuels, solvents, paint thinners, and degreasers; pesticides, including herbicides, insecticides and wood preservatives; corrosive materials; PCB capacitors and ballasts; mercury (such as

thermometers and mercury switches); vehicle batteries; hobby chemicals and artists' paints; and liquid paints.

- B. Household Hazardous Wastes prohibited from disposal as City's Waste are also prohibited from disposal in places where disposal of Garbage is prohibited.
- C. Household Hazardous Wastes prohibited from City's Waste disposal shall be disposed of at special collection facilities, locations, and/or events designated by the City Manager.
- D. When empty, containers for household hazardous products may be disposed of as Garbage.

.150 Small Quantity Generator Hazardous Wastes.

Small Quantity Generator Hazardous Waste shall be managed according to the provisions of Chapter 173.303 WAC, except that small quantity generator wastes are prohibited from disposal as City's Waste.

.160 Asbestos Containing Material.

Asbestos Material shall be handled and disposed pursuant to 40 C.F.R. 61 Subpart M, WAC 173-303, and Article 10 of Regulation No. 1 Puget Sound Air Pollution Control Agency (PSAPCA).

.170 Tires And Special Category Wastes.

- A. Tires. The City Manager may authorize collection of tires at City of Shoreline special collection events according to reasonable restrictions articulated in notices for those events.
- B. Special Category Wastes. The City Manager may define special restrictions and limitations on the disposal of certain types of wastes, which cannot be handled safely through the City's Waste collection system. Restricted materials may include items over certain sizes or weights, and dust-producing materials.
- C. Polystyrene Packaging Pieces. The City Manager may set special restrictions and limitations on the disposal of polystyrene packaging pieces in Garbage to be collected by the designated Authorized Collection Company. Restrictions may include containment requirements for polystyrene packaging pieces or restrictions on disposal locations for the packaging pieces.

.180 Yard Waste Programs.

- A. Yard Waste for collection at the Curbside shall be set apart from other Garbage for pickup in a Garbage Receptacle that is readily identifiable by the collectors. Yard Waste shall be defined as set forth in Section 1.010(II), except that Yard Waste for Curbside collection shall not include wood or tree limbs over three feet (3') long, nor three inches (3") in diameter. Only Yard Waste generated at the dwelling until shall be collected at Curbside. Yard Waste may be set out for separate Curbside collection in a Garbage Receptacle clearly marked for that purpose or in biodegradable paper bags specifically marketed for such use. Plastic bags are not to be used for this purpose.
- B. Only Yard Waste shall be placed in a Garbage Receptacle marked for Yard Waste and set out for collection.

.190 White Goods And Bulky Items.

- A. White Goods and Bulky Items shall be collected from Persons who subscribe to Garbage collection services from the Authorized Collection Company at the same location utilized for standard Garbage collection. They shall not be placed for collection on any Public Place.
- B. Bulky Items may be disposed of as Garbage.
- C. White Goods shall be considered Recyclable Materials and shall be processed by the Authorized Collection Company for reuse or recovery, or delivered to a White Goods processor.
- D. By setting out or delivering possession to the Authorized Collection Company, the customer relinquishes title to the White Goods and Bulky Items picked-up.
- E. The Authorized Collection Company may refuse White Goods that contain Garbage unassociated with the White Good set out for collection. They may also refuse White Goods or Bulky Items that contain contraband, or hazardous wastes (with the exception of freon and other refrigerants) and shall place a notice on such refused items indicated the specific basis for refusal. The Person who set out any item refused hereunder shall be responsible for the removal of said item within a reasonable period not to exceed five (5) days.
- F. White Goods that represent a suffocation hazard shall only be set out in a safe conditions, that is with the door removed, latch disabled, or door secured in a closed position.

.200 Hazardous Waste Screening.

- A. Hazardous Waste. The Health Officer may screen any wastes that are being disposed, and that are suspected of being a regulated Hazardous Waste. The screening process may involve certified testing, a disclosure of the waste constituents and waste generation process, and other additional information. If the Health Officer determines that the waste is not a regulated Hazardous Waste but still poses a significant threat to the public health, safety or the environment, he/she may direct the generator or transporter to dispose of the waste at a specific type of Disposal Site. If the Health Officer determines that the waste is regulated Hazardous Wasted, he/she shall notify the Department of Ecology, which shall have full jurisdiction regarding handling and disposal. The Hazardous Waste Regulations, WAC 173-303, shall be considered when a screening and making waste determinations.
- B. Procedure. When such wastes are identified as being suspected Hazardous Wastes, the Health Officer may issue a notice for requirement of screening. This notice will specify requirements, which must be met to satisfy the screening process and schedule for compliance.

.210 Littering.

- A. No Person shall throw, discard, or deposit Litter on any Street, sidewalk, or other public property within the City, on any private property within the City and not owned by the Person, or in or upon any body of water within the jurisdiction of the City, whether from a vehicle or otherwise; except:

- a. When the property is designated by the State of Washington or any of its agencies or political subdivisions or by the City for the disposal of Litter or other Garbage and such Person is authorized to use the property in such manner; or
 - b. Into a Garbage Receptacle or other container in a manner in which the Litter will be prevented from being carried or deposited by the elements or otherwise on any Street, sidewalk, or other public or private property.
- B. No owner, tenant, or other Person responsible for the condition of a construction site shall cause or allow any Litter from the site to be deposited by the elements or otherwise on any other public or private property in the City. During such time as the site is not being used, all Litter shall be stored or deposited in Garbage Receptacles or other containers in such a manner as to prevent the Litter from being deposited on any other public or private property.
- C. No Person shall place or tack notices, handbills, literature, etc. on vehicles, utility or sign poles, or other features or improvements on public property. This provision does not prohibit the handing of notices, handbills, literature, etc. from one person into the hands of another or the posting of informational materials upon public kiosks designated for that purpose.

.220 Unlawful Dumping Of Garbage.

It is unlawful for anyone to dump, throw, or place Garbage on any property, public or private, or in any Public Place except, as authorized by city ordinance, in a Garbage Receptacle, or upon or at a Disposal Site or Interim Garbage Handling Site provided and/or designated by the City Manager. Anyone who dumps, throws, or places Garbage in violation of this section shall remove and properly dispose of it. This section does not apply to Litter.

.230 Accumulation Of Garbage.

- A. It shall be unlawful for any Person to keep Garbage or allow Garbage to accumulate on any property, or in any Public Place, except in a Garbage Receptacle, or as otherwise authorized by ordinance or by the City Manager. This subsection applies to any Garbage accumulation with the exclusion of Litter.
- B. It shall be unlawful for any owner or occupant of abutting private property, residential or nonresidential, to allow the accumulation of any Garbage on sidewalks or Planting Strips, whether the Garbage is deposited by such owner or occupant or not. Garbage that is prohibited to accumulate includes but is not limited to cigarette butts, burning or smoldering materials, or Garbage. This subsection does not apply to Litter. This provision shall not apply:
 - a. To the Sheriff when removing the contents of a building to a Public Place pursuant to an eviction order; provided, however, any contents remaining in a Public Place for greater than 24 hours shall be considered abandoned property by the tenant and a violation of this section by the landlord if not removed and disposed of pursuant to RCW 59.18.312;
 - b. To firefighters placing debris on the sidewalk or Planting Strip in the course of extinguishing a fire or explosion;
 - c. To the use of receptacles placed or authorized by the City for the collection of Garbage on sidewalks or Planting Strips; or

d. To accumulations temporarily authorized under a Street use permit.

.240 Violation - Penalty, Civil infractions.

- A. The violation of or failure to comply with the following sections shall be a civil infraction and subject as a Class 4 civil infraction under RCW 7.80.120 to maximum monetary penalty and default amount of Twenty Five Dollars (\$25.00), not including statutory assessments:
- Sections: 1.040 (Garbage Receptacles – Nonresidential)
 - 1.070 (Garbage Receptacles – Weight)
 - 1.110 (Unlawful Disposal Within Garbage Receptacles)
 - 1.120 (Unlawful Use Of City Garbage Receptacles)
 - 1.130 (Unlawful Use Of Garbage Receptacles On Private Property)
- B. The violation of or failure to comply with the following sections shall be a civil infraction and subject as a Class 3 civil infraction under RCW 7.80.120 to maximum monetary penalty and default amount of Fifty Dollars (\$50.00), not including statutory assessments:
- Sections: 1.050 (Garbage Receptacles – Residential)
 - 1.060 (Garbage Receptacle(s) – Maintenance)
 - 1.140 (Household Hazardous Wastes)
 - 1.170 (Tires And Special Category Wastes)
 - 1.210 (Littering)
- C. The violation of or failure to comply with the following sections shall be a civil infraction and subject as a Class 2 civil infraction under RCW 7.80.120 to maximum monetary penalty and default amount of One Hundred Twenty Five Dollars (\$125.00), not including statutory assessments:
- Sections: 1.100 (Unlawful Hauling Of City's Waste – Exceptions)
 - 1.150 (Small Quantity Generator Hazardous Wastes)
 - 1.230 (Accumulation Of Garbage)
- The following if Unacceptable Waste is involved in the violation:
- Sections: 1.110 (Unlawful Disposal Within Garbage Receptacles)
 - 1.120 (Unlawful Use Of City Garbage Receptacles)
 - 1.130 (Unlawful Us Of Garbage Receptacles On Private Property)
- D. The violation of or failure to comply with the following sections shall be a civil infraction and subject as a Class 1 civil infraction under RCW 7.80.120 to maximum monetary penalty and default amount of Two Hundred Fifty Dollars (\$250.00), not including statutory assessments:
- Sections: 1.160 (Asbestos Containing Material)
 - 1.220 (Unlawful Dumping Of Garbage)
- The following if Unacceptable Waste is involved in the violation:
- Section: 1.230 (Accumulation Of Garbage)
- E. The penalties provided in this section are in addition to any other sanction or remedial procedure, which may be available under SMC Chapters 20 & 30. The criminal or civil penalty, and the limitation on the amount of the penalty, does not including any amounts that may be recovered for restitution. Sums recovered for restitution shall be in addition to the penalty.

.250 Presumption That Violation Committed.

- A. Whenever Garbage deposited, thrown, placed or kept in violation of Section 1.210, 1.220 or 1.230 contains three (3) or more items bearing the name of one (1) individual, a junk vehicle's owner as identified by vehicle registration, or whenever an owner of a motor vehicle or trailer used in the activity is identified by its license plate or vehicle identification number, it shall be presumed that the individual whose name appears on the items or to whom the vehicle or the trailer is registered committed the unlawful act. The defendant shall have an opportunity to rebut the presumption or may show as full or partial mitigation of liability:
- B. That full compliance within the time specified was prevented by inability to obtain necessary labor, inability to gain access to the subject property, or other condition or circumstances beyond the control of the defendant.

Section 2. Repealer/Amendments.

- A. **SMC 9.10.460 Littering and pollution** is repealed.
- B. **SMC 20.20.022 G definitions** is amended as follows:
 ~~"Garbage All putrescible material including animal and vegetable waste that is not contained as functioning compost."~~
- C. **SMC 20.20.41 R definitions** is amended as follows:
 ~~"Refuse~~ Includes, but is not limited to, all abandoned and disabled vehicles ~~parts~~, 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, ~~Ggarbage~~ (as defined by SMC _____) or discarded material."
- D. **SMC 20.30.740 Enforcement provisions**, subsection A is amended as follows:
 "A. Whenever the Director has determined that a Code violation has occurred, the Director may issue a Class 1 civil infraction, or other class of infraction specified in the particular ordinance violated, to any responsible party, according to the provisions set forth in Chapter 7.80 RCW."
- E. **SMC 20.30.750 Declaration of public nuisance, enforcement**, subsection A, is amended as follows:
 "A. A public nuisance is any violation of any City land use and development ordinance, public health ordinance, or violations of this section including, but not limited to:
 - 1. Any accumulation of ~~garbage or~~ Refuse; except for such yard debris that is properly contained for the purpose of composting. This does not apply to material kept in gGarbage Receptacles ~~ears~~ or approved container maintained for regular collection;"

Section 3. Severability.

Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Directions to City Clerk/Effective Date.

A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED BY THE CITY COUNCIL ON DECEMBER _____, 2000

Mayor Scott Jepsen

ATTEST:

Sharon Mattioli, City Clerk

APPROVED AS TO FORM:

Ian Sievers, City Attorney

Date of Publication: , 2000

Effective Date: , 2000

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of Ordinance No. 258 Amending the Development Code For the Purposes of Further Defining and Clarifying Gambling Uses

DEPARTMENT: Planning and Development Services

PRESENTED BY: Tim Stewart, Director of Planning and Development Services;
Rachael Markle, Senior Planner *RM*

EXECUTIVE / COUNCIL SUMMARY

On January 10, 2000, your Council adopted Ordinance No. 223 after determining that gambling has a potential for significant secondary social and economic impacts on the community and business environment. This Ordinance prohibited any new eating and drinking establishments with social card rooms, and imposed increased parking requirements and a special use permit for expansion of existing card rooms.

On March 27, 2000 your Council passed Ordinance No. 233 creating a moratorium of up to six months on off-track horseracing betting in the City of Shoreline to study and adopt regulations for this unlisted use. Your Council adopted Ordinance No. 247 on September 18, 2000 upon the recommendation of the Planning Commission. Ordinance No. 247 further defined and regulated gambling and imposed increased parking requirements for a period of 90 days.

Your Council considered the readopting of Ordinance No. 247 at the November 20, 2000 Workshop and provided staff with the direction needed to draft an Ordinance to meet the Council's intent on this issue. At the November 20, 2000 Workshop, Council agreed that the findings adopted by your Council on 1/10/00 with the passage of Ordinance No. 223, are applicable to all types of serious gambling including card rooms and pari-mutuel wagering. The findings are:

- Card rooms have the potential for significantly greater secondary social and economic impacts on the community and business environment than other classes of eating and drinking establishments;
- Card rooms are not consistent with those key provisions of the City of Shoreline Comprehensive Plan which establish framework goals supporting a diverse economy to assure economic development and to enhance the quality of life within the City of Shoreline;
- The City has the ability to prohibit such establishments under its police power to regulate land use under RCW Chapter 35A.64 and more particularly its power to regulate any or all forms of gambling licensed by the State under RCW 9.46.295; and

- The City believes it is necessary to prohibit new gambling establishments and restrict existing card rooms as non-conforming uses to preserve public safety and welfare.

Council directed staff to bring forward an Ordinance to readopt the regulations approved with the adoption of Ordinance No. 247. Ordinance No. 247 was only adopted for ninety days with the expiration of the Ordinance occurring on December 25, 2000. In response, staff drafted the attached Ordinance No. 258 (Attachment I). Ordinance No. 258 will clarify and amend the Development Code by broadening the scope of gambling uses from card rooms to include other serious types of gambling regulated by the State Gambling Commission and the State Horse Racing Commission. This Ordinance proposes to regulate all serious gambling uses. Therefore, all serious types of gambling would be prohibited. Expansion or intensification of legally established nonconforming serious gambling uses would be subject to approval and issuance of a Special Use Permit and would be required to provide a minimum number of parking spaces.

RECOMMENDATION

Motion to adopt Ordinance No. 258 to amend the Development Code to Further Define and Regulate Gambling Uses as amended by the Planning Commission.

Approved By:

City Manager



City Attorney



BACKGROUND/ANALYSIS

The Development Code, prior to adoption of Ord. No. 247, regulated card rooms in supplemental use criteria for eating and drinking establishments (SMC 20.40.350) as referenced in the land use tables for these establishments (SMC 20.40.130). These land use regulations were adopted with the intent to support the policies of the Comprehensive Plan and the purpose of the Development Code by prohibiting new gambling establishments; allowing for the expansion of existing card rooms only with a special use permit; and requiring additional parking for card room uses to account for the increased number of customers. The application of land use regulations for other types of gambling has therefore been a decision of the Director of Planning and Development Services.

At the November 20, 2000 Workshop Council concurred that other types of gambling as defined and regulated by the State Gambling Commission and State Horse Racing Commission have the same types of significant secondary social and economic impacts on the community and business environment. Therefore, the findings entered by your Council for Ordinance No. 223, although focused on card rooms, are applicable to other types of serious gambling in addition to card rooms.

It was the intent of Ordinance No. 247, and the intent of attached Ordinance No. 258 to further specifically define gambling uses including pari-mutuel wagering for the purpose of establishing land use regulations that support the policies of the Comprehensive Plan and the purpose of the Development Code. The land use regulations established by Ordinance No. 223 for card rooms are appropriate and should be applied to other types of serious gambling. Other forms of gambling that do not have the potential secondary impact of serious gambling are specifically exempt from the proposed regulations. The proposed Ordinance No. 258 continues the prohibition of serious gambling activities enacted in Ordinance 247, but adds that expansion or intensification of non-conforming gambling shall be subject to the approval and issuance of a Special Use Permit. Intensification is defined as the addition of a new gambling activity to an existing nonconforming gambling activity, but will not include scrutiny of how any particular gambling activity is conducted, which is an area of state regulation. This process requires the permit to be reviewed by the Planning Commission, which makes a recommendation to your Council for formal action.

In an effort to further anticipate potential traffic impacts associated with a variety of gambling and other uses simultaneously operating at the same location, staff recommends adding a provision to require additional off street parking. Required parking for card rooms is based on a ratio of five (5) spaces per card table plus one (1) space per 75 square feet in dining or lounge areas. Staff recommends clarifying the intent of this provision, which is intended to be cumulative by replacing "dining or lounge areas" with "net usable area excluding walls, corridors, lobbies, and bathrooms". Other gambling activities are not necessarily associated with a gaming/card table. For example, satellite pari-mutuel wagering activities are typically conducted with seating around one or more simulcasts with or without tables. Therefore, staff recommends addressing parking for gambling uses not associated with a gaming/card table by a ratio of 1 additional off street parking space for every 3 seats available for gambling or viewing gambling.

Example: AAA Mini Casino has a total of 10, 000 sq. ft. of net usable area (10,000 sq. ft. @ 1 space per 75 sq. ft. = 133 parking spaces; 10 card tables (5 spaces per card table = 50 parking spaces), and 100 seats available for gambling or viewing of gambling (100 seats @ 1 space per 3 seats = 33 parking spaces). Therefore AAA Mini Casino's off street parking requirement would be 216 off street parking spaces. It is important to remember that the Director of Planning and Development Services has the authority to waive any portion of these requirements that are shown by the applicant to be met by additional means such as a shared parking agreement or access to mass transit. However, if these parking requirements were not in the Ordinance it would be more difficult to require the applicant to provide additional parking when needed to protect adjacent neighborhoods and businesses.

RECOMMENDATION

Motion to adopt Ordinance No. 258 to amend the Development Code to Further Define and Regulate Gambling Uses as recommended by the Planning Commission.

ATTACHMENTS

Attachment I Ordinance No. 258

ORDINANCE NO. 258

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
FURTHER DEFINING AND REGULATING GAMBLING USES AND
AMENDING CHAPTERS 20.20 AND 20.40 OF THE DEVELOPMENT
CODE**

WHEREAS, Ordinance No. 247 defining gambling uses prohibited under the Development Code was adopted September 18, 2000 on an interim basis for additional study following public hearing and recommendation of the Planning Commission; and

WHEREAS, gambling has the potential for secondary social and economic impacts on the community and business environment; and

WHEREAS, the City has the ability to prohibit gambling uses under its police power to regulate land use under RCW Chapter 35A.64, RCW 9.46.295 and 67.16.200 (2); and

WHEREAS, it is necessary to prohibit new gambling uses for the preservation of public safety and welfare and that legally existing gambling uses be restricted as nonconforming uses; and

WHEREAS, regulations of Ordinance No. 247 should be readopted with minor amendments to clarify the intent to prohibit establishment of any new gambling activities under that ordinance unless expressly exempt; and

WHEREAS, new regulations should be adopted to allow establishments with existing nonconforming gambling uses to add new gambling activities only through a special use permit;

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

Section 1. Amendment. Shoreline Municipal Code 20.20.022 *Gambling* enacted by Ord. No. 247 is readopted with the following amendments to clarify the original intent of this section:

ATTACHMENT I

Gambling Use: One of those gambling activities regulated by the state which involve staking or risking something of value upon the outcome of a contest of chance or a future contingent event not under the person's control or influence, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome. Gambling Uses include those uses regulated by the Washington State Horse Racing Commission and the Washington State Gambling Commission with the following exceptions as these uses are defined in Chapter 9.46 RCW:

- Punch boards and pull tabs
- Bingo and Joint Bingo Games operated by bona fide not for profit organizations
- Commercial Amusement Games
- Raffles
- Fund Raising Events
- Business Promotional contests of chance
- Sports pools and turkey shoots
- Golfing and bowling sweepstakes
- Dice or Coin games for music, food, or beverages
- Fishing derbies
- Bona fide business transactions
- Activities regulated by the state lottery commission

Section 2. Amendment. Amendments to SMC 20.40.350 enacted by Ord. 247 are readopted as follows:

~~**Card Room** — Commercial eating and/or drinking establishment licensed by the State Gambling commission to conduct social card games.~~

Section 3. Amendment. Amendments to SMC 20.40.140 enacted by Ord. No. 247 are readopted with the following additional amendments to clarify the original intent of this section:

Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	NB & O	CB	RB & I
(I) EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION							
	Gambling Uses (expansion or intensification of existing nonconforming use only)				S-i	S-i	S-i

P = Permitted Use *S = Special Use*
C = Conditional Use *-i = Indexed Supplemental Criteria*

Section 4. Amendment. Amendments to SMC Chapter 20.40 enacted by Ord. No. 247 are readopted with the following amendments:

-G-

Gambling

1. Gambling Uses are not permitted.
2. Expansion or intensification of a nonconforming Gambling Use shall be subject to approval and issuance of a Special Use Permit. For the purposes of this section, intensification shall mean the addition of a new gambling activity to an existing nonconforming gambling activity.
3. Minimum off street parking for gambling establishments shall be at a minimum 1 parking space per 75 square feet of net useable area (excludes walls, corridors, lobbies, and bathrooms), plus five parking spaces per card table, plus one parking space per every three seats (not associated with a gaming/card table) available for gambling or viewing gambling activities.

Section 5. Amendment. Amendments to SMC 20.40.130 enacted by Ord. No. 247 are readopted with the following further amendments to clarify the original intent of this section:

Non-Residential Uses

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	NB & O	CB	RB & I
	Retail/service type						
722	Eating and Drinking Establishments (Excluding Card Rooms) (<u>Excluding Gambling Uses</u>)	C	C	C	P	P	P

P = Permitted Use

S = Special Use

C = Conditional Use

-i = Indexed Supplemental Criteria

Section 6. Amendment. Amendments to SMC 20.40.350 enacted by Ord. No. 247 are readopted with the following further amendments to clarify the original intent of this section:

-E-

Eating and Drinking Establishments

Eating and drinking establishments are permitted in residential zones R-4 through R-48 only by Conditional Use Permit and permitted in NB, O, CB, and RB zones, provided gambling uses as defined in this Code are not permitted.

~~A. Card rooms are not permitted.~~

~~B. Expansion of a nonconforming card room shall be subject to approval and issuance of a Special Use Permit;~~

~~C. Minimum off-street parking for commercial eating and/or drinking establishments licensed by the State Gambling Commission to conduct social card games (card rooms) shall be 1 parking space per 75 square feet in dining or lounge areas, plus 5 parking spaces per card table.~~

Section 7. Repealer. Ordinance No. 247 is repealed upon the effective date of this Ordinance.

Section 8. Severability. Should any section, paragraph, sentence, clause or phrase of this regulation, or its application to any person or circumstances, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this regulation be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this regulation or its application to other persons or circumstances.

Section 9. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON DECEMBER 11, 2000.

Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli
City Clerk

Ian Sievers
City Attorney

Date of Publication: December 13, 2000
Effective Date: December 18, 2000