

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of Ordinance No. 415 amending the garbage regulations in Shoreline Municipal Code Chapter 13.14, by specifying placement of garbage receptacles and dumpsters, adding materials to household hazardous waste, and updating definitions and references
DEPARTMENT: City Attorney's Office, Public Works
PRESENTED BY: Flannary P. Collins, Assistant City Attorney

PROBLEM/ISSUE STATEMENT:

Staff has reviewed the Garbage Code for updates and clarification, and noticed several gaps in the code. Thus, staff proposes the following amendments:

- (1) Revise the section on placement of garbage receptacles to prohibit the receptacles from blocking sidewalks while being set out for garbage collection;
- (2) Add in a section addressing dumpsters, not addressed in the current code; and
- (3) Adopt miscellaneous amendments, including language/wording changes.

FINANCIAL IMPACT:

No financial impact.

RECOMMENDATION

Staff recommends that Council adopt Ordinance 415 amending the garbage regulations in Shoreline Municipal Code Chapter 13.14, by specifying placement of garbage receptacles and dumpsters, adding materials to household hazardous waste and updating definitions and references.

Approved By:

City Manager 

City Attorney 

INTRODUCTION

The proposed amendments to the Garbage Code tighten up the language in the code and will also aid enforcement. The amendments include preventing placements of garbage receptacles and dumpsters in such a manner so as to block pedestrian access to sidewalks, providing for safe disposal of hazardous goods, and updating outdated terminology.

DISCUSSION

Section 13.14.010, Definitions, is updated to reflect the changed or added definitions.

- (1) add "chlorofluorocarbons," or CFC's

CFCs are a commonly found type of hazardous waste, used in aerosol sprays, in solvents, and as refrigerants, and have the potential to deplete ozone.

- (2) add "dumpster;"

Dumpsters are not covered in the current code, although dumpsters are found throughout Shoreline, mostly at Shoreline businesses. This addition and the addition to SMC 13.14.080 provides specific direction to dumpster owners.

- (3) Replace "white goods" with "large household appliances."

"White goods" is an outdated term, and has been replaced by the broader term "large household appliances."

- (4) Add specific examples of household hazardous waste that were listed in repealed section 13.14.170.

Section 13.14.080, Placement of garbage receptacles, is amended to require that receptacles be placed in a manner that does not interfere with transportation or use of the sidewalk. The placement of the receptacles depends on the property: (1) properties with level planting strips place the receptacles in the planting strip or driveway within five feet of the curb; (2) properties with no planting strips but with sidewalks place the receptacle on the property within five feet of the sidewalk; and (3) other properties place the receptacle either on a level area nearest to either of the previous locations or on a mutually agreed upon location that does not interfere with the sidewalk. The section also adds a section on placement of dumpsters, which was not previously covered. Dumpsters are to be placed at an agreed upon location by the customer and the collections company, and, their placement, like that of regular garbage receptacles, cannot interfere with transportation or use of the sidewalk.

Section 13.14.110, Unlawful disposal within garbage receptacles, clarifies that certain waste/garbage cannot be disposed of in garbage receptacles or in interim garbage handling sites. The duplicative section (B) is also removed since it is covered under (A).

Section 13.14.140, Household hazardous wastes, is repealed, but most of the sections are placed into **Section 13.14.170**, which is renamed as **Household hazardous wastes, tires and other special category waste**. Examples are moved to the definition of household hazardous wastes

Section 13.14.190, White goods and bulky items, is updated to change the reference from “white goods,” which is outdated and inaccurate, to “large household appliances,” which is more encompassing. The section is also amended to clarify that large household items are collected at cost. Large household items have always been collected at cost, but the code has not stated this. The section is also being amended to clarify that bulky items cannot be disposed of as garbage if they contain hazardous waste. (State law outlines a special procedure for disposing of hazardous waste.)

Section 13.14.210, Littering, is amended to clarify that an individual can lawfully place litter into all garbage containers, including recycling containers and dumpsters.

Section 13.14.230, Accumulation of garbage, is amended to prohibit accumulation of litter.

Section 13.14.240, Violation – Penalty – Civil Infractions, adds incorrect placement of containers to the list of Class 4 civil infractions, and makes accumulation of garbage a Class 1 civil infraction. Littering of hazardous waste is a Class 2 civil infraction, just like unlawful disposal of hazardous waste. The section is also amended to clarify that criminal sanctions or abatement are also available as penalties.

RECOMMENDATION

Staff recommends that Council adopt Ordinance 415 amending the garbage regulations in Shoreline Municipal Code Chapter 13.14, by specifying placement of garbage receptacles and dumpsters, adding materials to household hazardous waste and updating definitions and references.

ATTACHMENTS

Ordinance 415

ORDINANCE NO. 415

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING GARBAGE REGULATIONS SPECIFYING PLACEMENT OF GARBAGE RECEPTACLES AND DUMPSTERS FOR COLLECTION; ADDING FLUORESCENT LIGHT BULBS, COMPUTERS, MONITORS AND LAPTOPS, CELLULAR PHONES; TELEVISIONS, AND APPLIANCES WITH CFCs AS HOUSEHOLD HAZARDOUS WASTE; UPDATING DEFINITIONS AND REFERENCES; AND AMENDING CHAPTER 13.14

WHEREAS, section 13.14.080 of the Shoreline Municipal Code does not adequately prohibit garbage receptacles placed for collection from blocking the sidewalk;

WHEREAS, fluorescent light bulbs, computer monitors, and appliances with CFCs contain material detrimental to the environment and should be disposed of as hazardous waste, rather than disposed of through the City's waste collection;

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

Section 1. Amendment. Shoreline Municipal Code section 13.14.010 *Definitions* is hereby amended by adding definitions for "CFCs", "Dumpster," "Large household appliances;" amending the definition of "Household hazardous wastes;" and repealing the definition of "White goods" to read as follows with subsections renumbered:

"CFCs" or "chlorofluorocarbons" means a compound consisting of chlorine, fluorine, and carbon, also known as fluorochlorocarbon (FCC).

"Dumpster" means any garbage receptacle with a capacity over one cubic yard.

"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 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.

"Large household appliances" includes appliances over 1 cubic feet in size but is not limited to refrigerators, iceboxes, stoves, washing machines, dryers, dishwashing machines, water heaters and air conditioners.

"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.

"White goods" means 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.

Section 2. Amendment. Shoreline Municipal Code section 13.14.080 is hereby amended to read as follows:

13.14.080 Placement of Garbage Receptacles

A. Garbage receptacles.

1. Garbage receptacles other than approved dumpsters shall be placed for collection by the occupants in a convenient, accessible location off the sidewalk as near as practicable to the curbside in a manner that does not interfere with transportation use or use of the sidewalk. and collection shall be placed as follows: Receptacles shall be placed in the following manner:

1. a. For properties with level planting strips, In in the planting strip or driveway within five feet of the curb adjacent to properties with level planting strips; or

2. b. For properties with sidewalks but no planting strips, On on the owner's property, within five feet of the sidewalk, if level, adjacent to properties with sidewalks but no planting strips; or

3. c. When the foregoing locations slope at a grade making placement of a container difficult, a level area that is nearest to either of the previous locations; or

4. d. If the premises has not sidewalk or planting strip, foregoing locations are not available due to dense shrubbery or extraordinary circumstances, precluding such location, then placement shall be at a location suitable to the customer and convenient to the authorized collection company that does not interfere with transportation or the use of the sidewalk. ;or

5. 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. 2. Receptacles for collection shall not be placed for collection 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. 3. Detachable containers may be stored within a building but shall be readily accessible for servicing without unnecessary delay or special collection equipment.

B. Dumpsters

1. Dumpsters shall be placed at a 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.

Section 3. Amendment. Shoreline Municipal Code section 13.14.110 is hereby amended to read as follows:

13.14.110 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 or into any interim garbage handling site, except as specifically provided by SMC 13.14.170: dead animals over 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.

1. 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 SMC 13.14.170: dead animals over 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. B.~~ 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.

Section 4. Repeal. Shoreline Municipal Code section 13.14.140 is hereby repealed.

Section 5. Amendment. Shoreline Municipal Code section 13.14.170 is amended to read as follows:

13.14.170 Household hazardous wastes, tires and other special category waste.

A. ~~Tires.~~ The city manager may authorize collection of household hazardous wastes and 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 sized or weight, ~~and dust-producing materials, and polystyrene packaging pieces.~~

C. ~~Polystyrene Packaging Pieces.~~ The city manager may set special restrictions and limitations on the disposal of polystyrene packaging pieces in ~~agabage 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.

Section 6. Amendment. Shoreline Municipal Code section 13.14.190 is hereby amended to read as follows:

13.14.190 Large household appliances ~~White goods~~ and bulky items.

A. ~~White goods~~ Large household appliances and bulky items shall be collected at a cost 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, unless they contain hazardous waste as defined under SMC 13.14.010.

C. ~~White goods~~ Large household appliances shall be considered recyclable materials and shall be processed by the authorized collection company for reuse or recovery, or delivered to a white goods large household appliances processor.

D. By setting out or delivering possession to the authorized collection company, the customer relinquishes title to the ~~white goods~~ large household appliances and bulky items picked up.

E. The authorized collection company may refuse ~~white goods large household appliances~~ that contain garbage unassociated with the ~~white goods large household appliances~~ set out for collection. They may also refuse ~~white goods that contain garbage unassociated with the white goods large household appliances~~ 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 indicating 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 days.

F. ~~White goods~~ Large household appliances that represent a suffocation hazard shall only be set out in a safe condition, that is, with the door removed, latch disabled, or door secured in a closed position.

Section 7. Amendment. Shoreline Municipal Code section 13.14.210 is hereby amended to read as follows:

13.14.210 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:

1. 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

2. Into a public garbage receptacle, or garbage receptacle or dumpster owned by or authorized for the person's use, in 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.

Section 8. Amendment. Shoreline Municipal Code section 13.14.220 is hereby amended to read as follows:

13.14.220 Unlawful dumping of garbage.

~~No person shall It is unlawful for anyone to dump, throw, or place garbage on any property, public or private, public or private property, or in any public place except as authorized by city ordinance in a garbage receptacle owned by or authorized for the person's use, or upon or at a disposal site, or interim garbage handling site provided and/or designated by the city manager, as authorized by city ordinance. 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.~~

Section 9. Amendment. Shoreline Municipal Code section 13.14.230 is hereby amended to read as follows:

13.14.230 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 ~~and, burning or smoldering materials, or garbage. This subsection does not apply to litter.~~ This provision shall not apply to:

1. 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;
2. Firefighters placing debris on the sidewalk or planting strip in the course of extinguishing a fire or explosion;
3. The use of receptacles placed or authorized by the city for the collection of garbage on sidewalks or planting strips; or
4. Accumulations temporarily authorized under a street use permit.

Section 10. Amendment. Shoreline Municipal Code section 13.14.240 is hereby amended to read as follows:

13.14.240 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 \$25.00, not including statutory assessments:

Sections:

- 13.14.040 Garbage receptacles – Nonresidential
- 13.14.070 Garbage receptacles – Weight
- 13.14.080 Placement of garbage receptacles
- 13.14.110 Unlawful disposal within garbage receptacles
- 13.14.120 Unlawful use of city garbage receptacles

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 \$50.00, not including statutory assessments:

Sections:

- 13.14.050 Garbage receptacles – Residential
- 13.14.060 Garbage receptacles – Maintenance
- 13.14.140 Household hazardous wastes
- 13.14.170 Tires and special category wastes
- 13.14.210 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 \$125.00, not including statutory assessments:

Sections:

- 13.14.100 Unlawful hauling of city's waste – Exceptions
- 13.14.150 Small quantity generator hazardous wastes
- ~~13.14.230 Accumulation of garbage~~

The following if Unacceptable Waste is involved in the violation:

Sections:

- 13.14.110 Unlawful disposal within garbage receptacles
- 13.14.120 Unlawful use of city garbage receptacles
- 13.14.130 Unlawful use of garbage receptacles on private property
- 13.14.210 Littering

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 \$250.00, not including statutory assessments:

Sections:

13.14.160 Asbestos-containing material

13.14.220 Unlawful dumping of garbage

13.14.230 Accumulation of garbage

~~The following if unacceptable waste is involved in the violation:~~

~~Section:~~

~~13.14.230 Accumulation of garbage~~

E. The penalties provided in this section are in addition to any criminal ~~other~~ sanction or abatement remedial procedure, which may be available under Chapter 20.30 SMC. 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.~~

Section 11. Effective date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and the ordinance shall take effect and be in full force five (5) days after the publication date.

Approved by the City Council this _____ day of May, 2006.

Robert L. Ransom, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: May ____, 2006

Effective Date: May ____, 2006