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ORDINANCE NO. 2059

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, RELATED TO EXCLUSIVE SOLID WASTE COLLECTION, AMENDING SECTIONS 6.30.020 AND 6.30.030 OF THE REDMOND MUNICIPAL CODE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City enacted Ordinance No. 1952 in 1997; and

WHEREAS, said Ordinance, codified as Chapter 6.30 of the Redmond Municipal Code, generally provides that no person other than the City-contracted solid waste collector may collect solid waste within the City; and

WHEREAS, the City Council desires to amend the terms of said Chapter to reflect that RCW 35A.14.900 requires the City to grant franchises to incumbent solid waste collectors when annexing new territory to the City and to clarify several of the exemptions thereto, NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Section 6.30.020 of the Redmond Municipal Code is hereby amended to read as follows:

6.30.020 Definitions. Where used in this chapter, the following words and terms shall have the meanings as defined in this section, unless, from the context, a more limited or different meaning is clearly defined or apparent:

(1) “Ancillary disposal providers” are those persons that offer delivery, maintenance or clean-up services that, by their nature, include a disposal function. Ancillary disposal providers

must provide a legitimate service other than garbage collection and disposal services equivalent to those provided by a City-contracted solid waste collector. Example of ancillary disposal providers include, but are not limited to: businesses that deliver new appliances, carpets or other furnishings and remove and dispose of the replaced item; contractors that self-haul construction and demolition wastes that they produce during the course of their regular business activities; and clean-up services that include a container or truck loading function in addition to hauling and disposal.

(2) "Business of solid waste collection" means every person or his lessees, receivers, or trustees, that own, control, operate, or manage vehicles used in the business of collection, compaction, transportation, processing, and/or disposal of solid waste for compensation over any public street, highway, or right-of-way in the City. Provided, however, that persons offering (a) solid waste compaction services through the use of vehicles which do not travel upon the public streets, highways, and/or rights-of-way of the City while such vehicles contain solid waste, or (b) ancillary disposal services, shall not be considered to be in the business of solid waste collection.

(3) "City-contracted collector" means any person that has entered into a contract with the City for collection of solid waste from commercial and residential properties within the City.

(4) "City-franchised collector" means any person that formerly operated a Washington Utility and Transportation Commission-certificated solid waste collection company in areas which are now under City authority, and is now or will be operating under a transitional franchise contract with the City.

(5) "Person" means every natural person, firm, partnership, association, institution and corporation.

(6) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes. For the purposes of this chapter, "solid waste" includes, but is not limited to: garbage, rubbish, ashes, industrial wastes, materials placed in residential recycling and yard waste containers, demolition and construction wastes, and swill. Provided, however, that "solid waste" does not include recognized industrial by-products, commercial recyclable materials, sewage sludge, septage or abandoned vehicles or parts thereof.

(7) "Commercial recyclable materials" means materials otherwise considered to be solid waste which are separated from disposed wastes by the generator for recycling or reuse, including, but not limited to papers, metals, glass, plastics, and other materials. Commingled commercial recyclables must be processed through a recycling facility possessing all local and state permits and contaminants or residual materials remaining after processing must be disposed through the King County disposal system.

Section 2. Section 6.30.030 of the Redmond Municipal Code is hereby amended to read as follows:

6.30.030 Exclusive Collection.

Except as otherwise provided in this chapter, no person, other than a City-contracted or City-franchised collector, may engage in the business of solid waste collection within the City.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND
/S/ MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:
/S/ CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:
/S. JAMES E. HANEY

FILED WITH THE CITY CLERK: December 29, 1999

PASSED BY THE CITY COUNCIL:	January 4, 2000
SIGNED BY THE MAYOR:	January 6, 2000
PUBLISHED:	January 8, 2000
EFFECTIVE DATE:	January 13, 2000
ORDINANCE NO.:	<u>2059</u>