

Ordinance No. 121372

Council Bill No. 114646

The City of Seattle  
Council Bill/Ordinance

AN ORDINANCE relating to Seattle Public Utilities; prohibiting certain recyclable materials from disposal in commercial, residential and self-haul garbage; establishing enforcement provisions; and amending the Seattle Municipal Code by creating two new sections in Chapter 21.36 and by amending section 21.36.922

12-15-03 Pass  
(EXCISE)

CF No. \_\_\_\_\_

Date introduced:	<u>7-28-03</u>	
Date 1st Referred:	To: (committee)	
<u>7-28-03</u>	<u>Water &amp; Health</u>	
Date Re - Referred:	To: (committee)	<u>moved New 2d TR</u>
<u>12-09-03</u>	<u>HCRA</u>	<u>passed 2-0 /</u>
Date Re - Referred:	To: (committee)	<u>HCRA</u>
Date of Final Passage:	Full Council Vote:	
<u>12-15-03</u>	<u>8-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>12-16-03</u>	<u>12/11/03</u>	
Date Returned to City Clerk:	Date Published:	T.O. _____ P.T. <input checked="" type="checkbox"/>
<u>12/22/03</u>	<u>6 pp</u>	
Date Vetted by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

LAW DEPARTMENT

Law Dept. Review

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

*Margaret Taylor*  
Councilmember

## Committee Action:

12-15-03 Passed BO

(Excused: McIver)

*MP*  
IN abstain  
(McIver)

This file is complete and ready for presentation to Full Council.

Committee: \_\_\_\_\_

(initial/date)

### LAW DEPARTMENT

Law Dept. Review

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Review

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ORDINANCE 121372

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2  
3 AN ORDINANCE relating to Seattle Public Utilities; prohibiting certain recyclable materials from  
4 disposal in commercial, residential and self-haul garbage; establishing enforcement provisions;  
5 and amending the Seattle Municipal Code by creating two new sections in Chapter 21.36 and by  
6 amending section 21.36.922.

7 WHEREAS, the City of Seattle adopted a recycling goal of 60% in 1989; and

8 WHEREAS, the City has been continually introducing innovative and convenient programs for residents  
9 to recycle on a voluntary basis and sponsoring educational outreach programs to businesses; and

10 WHEREAS, the City achieved a level of 44% recycling of the total City waste stream in 1995; and

11 WHEREAS, since 1995, however, the City's recycling rate has continuously declined to a 38% level in  
12 2001 with the greatest decline coming from commercial sector recycling; and

13 WHEREAS, businesses and residents continue to discard in the garbage significant quantities of  
14 recyclable paper, cardboard, glass and plastic bottles, aluminum and tin cans and yard waste for  
15 which markets are established and opportunities to recycle readily available either through City  
16 sponsored curbside and transfer station programs or private recycling services; and

17 WHEREAS, to reverse this downward trend in recycling rates, the City has decided to prohibit the  
18 disposal of certain recyclable materials in the garbage by businesses and residents effective  
19 January 1, 2005 with penalties to be imposed for non-compliance starting January 1, 2006; Now,  
20 Therefore,

21 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

22 Section 1. A new section is added to Chapter 21.36 of the Seattle Municipal Code to read as  
23 follows:

24 **21.36.082 Commercial Recycling Required**

**A. Recycling Required**

As of January 1, 2005, all commercial establishments, including those entities authorized to haul  
their own waste pursuant to SMC 21.36.030, shall separate paper, cardboard and yard waste for  
recycling, and no paper, cardboard or yard waste shall be deposited in garbage cans, detachable



1 containers, drop boxes or in the garbage disposal pit at the City's Recycling and Disposal  
2 Stations after that date.

3 **B. Enforcement**

- 4 1. As of March 31, 2004, the Director of Seattle Public Utilities shall begin a program of  
5 educational outreach regarding these new recycling requirements.
- 6 2. As of January 1, 2005, the Director of Seattle Public Utilities shall establish a program of  
7 placing educational notice tags on garbage cans, detachable containers and drop boxes  
8 with significant amounts of paper, cardboard or yard waste.
- 9 3. As of January 1, 2006, civil infractions shall apply to any violation of this section  
10 pursuant to SMC Section 21.36.922.

11 **C. Exceptions**

- 12 1. Existing structures: Existing commercial structures that do not have adequate storage  
13 space for recyclable materials may be exempt from all or portions of this ordinance if so  
14 determined by the Director of Seattle Public Utilities. The Director of Seattle Public  
15 Utilities, in cases where space constraints are determined to exist, shall also evaluate the  
16 feasibility of shared recycling containers by contiguous businesses or multifamily  
17 structures.
- 18 2. New or Expanded Structures: New structures permitted in commercial zones that have  
19 demonstrated difficulty in meeting the solid waste and recyclable materials storage space  
20 specifications required under SMC Section 23.47.029 Subsections A, B, C and D may be  
21 exempt from all or portions of this ordinance as determined by the Director of Seattle  
22 Public Utilities.



1 Section 2. A new section is added to Chapter 21.36 of the Seattle Municipal Code to read as  
2 follows:

3 **21.36.083 Residential Recycling Required**

4 A. Recycling Required

5 As of January 1, 2005, all residents living in single-family structures, multifamily structures and  
6 mixed-use buildings, including those entities authorized to haul their own waste pursuant to SMC  
7 21.36.030, shall separate paper, cardboard, glass and plastic bottles and jars and aluminum and  
8 tin cans for recycling, and no paper, cardboard, glass or plastic bottles and jars and aluminum or  
9 tin cans shall be deposited in a garbage can, detachable container, or drop box or in the garbage  
10 disposal pit at the City's Recycling and Disposal Stations after that date.

11 B. Enforcement

- 12 1. As of March 31, 2004, the Director of Seattle Public Utilities shall begin a program of  
13 educational outreach regarding these new recycling requirements.
- 14 2. As of January 1, 2005, the Director of Seattle Public Utilities shall establish a program of  
15 placing educational notice tags on garbage cans, detachable containers and drop boxes  
16 with significant amounts of paper, cardboard, glass and plastic bottles and jars and  
17 aluminum and tin cans.
- 18 3. As of January 1, 2006, residential customers that self-haul their garbage shall be  
19 prohibited from disposing of garbage with significant amounts of paper, cardboard, or  
20 glass or plastic bottles or jars or aluminum or tin cans at the City's Recycling and  
21 Disposal Stations.
- 22 4. As of January 1, 2006, any violation of this section by residential curbside or backyard  
23 customers shall result in refusal of curbside garbage collection services. Residential  
24

1 customers shall be required to remove these items from garbage containers before they  
2 will be collected.

- 3 5. As of January 1, 2006, any violation of this section by detachable container and drop box  
4 customers shall result in an additional collection rate of \$50 per detachable or drop box  
5 collection.

6 C. Exceptions

- 7 3. Existing structures: Existing multifamily structures that do not have adequate storage  
8 space for recyclable materials may be exempt from all or portions of this ordinance if so  
9 determined by the Director of Seattle Public Utilities. The Director of Seattle Public  
10 Utilities, in cases where space constraints are determined to exist, shall also evaluate the  
11 feasibility of shared recycling containers by contiguous businesses or multifamily  
12 structures.
- 13 4. New or Expanded Structures: New multifamily structures permitted in commercial zones  
14 or expanded multifamily structures that have demonstrated difficulty in meeting the solid  
15 waste and recyclable materials storage space specifications required under SMC Section  
16 23.47.029 Subsections A, B, C and D may be exempt from all or portions of this  
17 ordinance as determined by the Director of Seattle Public Utilities.

18  
19 Section 3. Seattle Municipal Code Section 21.36.922 is amended to read as follows:

20 **21.36.922 Civil infractions.**

21 A. The violation of or failure to comply with any section of this chapter identified in this  
22 section is designated as a civil infraction and shall be processed as contemplated by RCW  
23 Chapter 7.80.



1 B. The violation of or failure to comply with the following section shall be a civil infraction  
2 and subject as a Class 1 civil infraction under RCW 7.80.120 to a maximum monetary penalty and  
3 default amount of Two Hundred Fifty Dollars (\$250.00), not including statutory assessments:

4 SMC Section 21.36.420 (Unlawful dumping of solid waste)

5 C. The violation of or failure to comply with any of the following sections shall be a civil  
6 infraction and subject as a Class 3 civil infraction under RCW 7.80.120 to a maximum monetary  
7 penalty and default amount of Fifty Dollars (\$50.00), not including statutory assessments:

8 SMC Section 21.36.044 (Containers required -- Nonresidential)

9 SMC Section 21.36.082 (Commercial recycling required)

10 SMC Section 21.36.410 (Littering)

11 SMC Section 21.36.425 (Accumulation of solid waste)

12 SMC Section 21.36.430 (Unlawful use of City litter receptacles)

13 SMC Section 21.36.440 (Unlawful use of solid waste container on private property)

14 D. For purposes of RCW 7.80.040, the "enforcement officers" authorized to enforce the  
15 provisions of the Solid Waste Code are: (1) the Director of Seattle Public Utilities; (2) authorized  
16 representatives, assistants or designees of the Director of Seattle Public Utilities; and (3)  
17 commissioned officers of the Seattle Police Department and persons issued nonuniformed special  
18 police officer commissions by the Chief of Police with authority to enforce such provisions.

19 E. An action for a civil infraction shall be processed in the manner contemplated by RCW  
20 Chapter 7.80.

21 F. The City Attorney is authorized for and on behalf of The City of Seattle to initiate legal  
22 action to enforce this chapter as deemed necessary and appropriate.  
23  
24



1 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its  
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 15<sup>th</sup> day of December 2003, and signed by me in open  
5 session in authentication of its passage this 15<sup>th</sup> day of December, 2003.

6 Pete Starbuck  
7 President \_\_\_\_\_ of the City Council

8 Approved by me this 19 day of December, 2003.

9 Gregory J. Nickels  
10 Gregory J. Nickels, Mayor

11 Filed by me this 22<sup>nd</sup> day of December 2003.

12 Jessie E. Pappas  
City Clerk

13 (Seal)  
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# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

July 15, 2003

Honorable Peter Steinbrueck  
President  
Seattle City Council  
Municipal Building, 11<sup>th</sup> Floor

Dear Council President Steinbrueck:

The attached ordinance, "Prohibition of Recyclables in Garbage," is the initial implementing step of my "Plan to Reaffirm Seattle's Leadership in Recycling," which I submitted to the City Council in January of this year. This ordinance (and the companion administrative rule Seattle Public Utilities will adopt to implement it) will prohibit the disposal of certain recyclable materials in the garbage by businesses and residents effective January 1, 2005, with penalties to be imposed for non-compliance starting January 1, 2006. It will also require Seattle Public Utilities to begin a program of educational outreach about these new requirements by March 2004.

For the last 14 years, Seattle's recycling goal of 60% has been a cornerstone of the environmental ethic of its citizens and a foundation of our efforts to become a more sustainable city. Over the years, the City, in partnership with the private sector, has introduced innovative and convenient programs to reduce the amount of materials that are lost to the landfill each year. Despite this, there has been a continuing drop in our recycling performance from a high of 44.3% in 1995 to a 2001 level of 37.9%. Commercial sector recycling by itself has dropped from 48.2% in 1995 to 36.7% in 2001.

The attached briefing memorandum outlines several additional compelling arguments that this proposal is the right step and now is the right time to take it. But in summary, this proposal is a reasonable, practical, and cost-effective way for us to reverse the decline in Seattle's recycling leadership position while improving our overall sustainability.

I invite the City Council to join me in supporting this proposal.

Thank you for your consideration of this legislation. Should you have questions, please contact Timothy Croll of Seattle Public Utilities at 684-7934.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a horizontal line.

GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 12<sup>th</sup> Floor, Seattle, WA 98104-1873

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E-mail: [mayors.office@ci.seattle.wa.us](mailto:mayors.office@ci.seattle.wa.us)

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Chris Luboff  
 June 10, 2003  
 Ordinance prohibiting recyclables in garbage  
 Version #2.

Form revised January 17, 2003

**Fiscal Note**

Each piece of legislation that appropriates funds, creates position authority, or will create a financial impact through policy direction or otherwise, requires a fiscal note. The fiscal note should be drafted by department staff and should include all relevant financial information. After preparation by departmental staff, the Department of Finance will review and make necessary revisions before transmittal to Council.

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Seattle Public Utilities	Chris Luboff 4-7644 Gabriella Uhlar-Heffner 6-9772	Susan Cole 4-8894 Thomas Dunlap 6-9120

**Legislation Title:**

AN ORDINANCE relating to Seattle Public Utilities; prohibiting certain recyclable materials from disposal in commercial, residential and self-haul garbage; establishing enforcement provisions; and amending the Seattle Municipal Code by creating two new sections in Chapter 21.36 and by amending section 21.36.922.

**Summary of the Legislation:**

This Ordinance would prohibit garbage disposal of selected recyclable materials. Disposal of yard waste and paper products would be prohibited in the commercial sector, and disposal of paper products and containers (bottles and cans) would be prohibited in the residential sector. These bans are one element of the Mayor's 60% recycling proposal submitted to the City Council in January 2003. The bans would go into effect January 1, 2005.

The Ordinance also establishes penalty provisions, and delegates the details of monitoring and enforcement activities to Administrative Rulemaking.

**Appropriations (in \$1,000's):**

<b>Fund Name and Number</b>	<b>Department</b>	<b>Budget Control Level*</b>	<b>2003 Appropriation</b>	<b>2004 Anticipated Appropriation</b>
Solid Waste Fund 45010	SPU		0	0
<b>TOTAL</b>				

*\* This is line of business for operating budgets, and program or project for capital improvements*

**Notes:**



**Expenditures (in \$1,000's):**

Fund Name and Number	Department	Budget Control Level*	2003 Expenditures	2004 Anticipated Expenditures
Solid Waste Fund 45010	SPU		0	748
<b>TOTAL</b>				<b>748</b>

*\* This is line of business for operating budgets, and program or project for capital improvements*

*Notes: These costs cover costs of education about the upcoming ban, plus costs for collecting additional tons of residential recycling.*

*These costs are offset by a projected \$530,000 in disposal cost savings from recyclables diverted from the landfill. The net cost in 2004 is projected to be \$218,000. This amount is included in the Department's 2004 budget submittal.*

*The City has proposed a companion program to support the commercial paper ban: City-provided curbside recycling available for all businesses. This program is projected to cost an additional \$54,000 in 2004 for promotion and account set up. This amount is also included in the Department's 2004 budget submittal.*

**Anticipated Revenue/Reimbursement (in \$1,000's):**

Fund Name and Number	Department	Revenue Source	2003 Revenue	2004 Revenue
Solid Waste Fund 45010	SPU		0	0
<b>TOTAL</b>				

**Notes:**

**Total Permanent Positions Created Or Abrogated Through Legislation, Including FTE Impact; Estimated FTE Impact for Temporary Positions:**

Fund Name and Number	Department	Position Title*	2003 FTE	2004 FTE
Solid Waste Fund 45010	SPU			
<b>TOTAL</b>				

\* List each position separately

**Do positions sunset in the future? (If yes, identify sunset date):**

The bans will require on-going dedicated staff for enforcement in 2005 and beyond. It will also require additional customer service support during the start up phase (2005-2007). The exact



level and duration of staff support necessary cannot be finally determined until the program is underway, nor can we currently say whether the Department will be able to reallocate existing FTEs to these tasks.

**Background** (Include brief description which states the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

The City established a goal of recycling 60% in its adopted Comprehensive Solid Waste Management Plans in 1998 and 1998. The 1998 Plan was adopted by Resolution 29805.

In 1995 the City was on its way to achieving this goal with a 44% overall recycling rate. Since then, however, the overall recycling rate has declined to 38% (2001) – primarily due to a decline in commercial sector recycling. At the same time, about a third of the waste going to the landfill is recyclable paper.

In January 2003, the Mayor submitted a proposal to the City Council identifying a list of programs which were projected to achieve 60% waste reduction and recycling. The document was entitled “Sustaining our Commitment: Mayor Nickels’ Plan to Reaffirm Seattle’s Leadership in Recycling”. The commercial paper and yard waste disposal bans and residential recyclables disposal ban were three of the 10 programs proposed.

The City Council requested that an Ordinance designed to implement the disposal bans be presented to them in July 2003. This fiscal note supports such an Ordinance.

**The financial cost of not implementing the legislation** (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):

For materials that are currently recycled (including all the materials proposed in these bans) diversion from garbage collection and landfilling to recycling collection and processing results in a net savings over time. These cost savings are reflected in savings in our collection and disposal contracts.

In 2004 savings of approximately \$530,000 are projected from increased residential recycling and commercial yard waste diversion. As mentioned above, the net costs in 2004 are projected to be \$218,000. As the programs ramp up, additional avoided disposal cost savings are projected. By 2007 a net savings of over \$2 million is projected.

There are no regulatory issues related to the Ordinance.

**Possible alternatives to the legislation which could achieve the same or similar objectives** (Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):

Disposal bans are by far the cheapest way of diverting significant amounts of waste to

recycling. Voluntary recycling -- combined with educational outreach and technical assistance - have been in place since 1989 and still significant quantities of readily recyclable materials are going in the garbage.

Some increased recycling could be achieved by a significantly increased education and technical assistance program, but these costs would be more than the bans, and the results less.

**Is the legislation subject to public hearing requirements** (If yes, what public hearings have been held to date):

No.

**Other Issues** (including long-term implications of the legislation):

The long term implications of the legislation are an on-going increase in recycling, which results in long-term cost savings to the City and businesses, as well as environmental benefits such as energy and water savings, reduction in greenhouse gas emissions, and raw material conservation.

**FOR CAPITAL PROJECTS ONLY**

**Background** (Include brief description that states the purpose and context of legislation, the expected useful life, anticipated customers/users, assumed level of LEED or other sustainable design elements. Also include record of previous legislation and funding history, if applicable):

N/A

**Project Name:**                      **Project Location:**                      **Start Date:**                      **End Date:**

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**Spending Plan and Future Appropriations for Capital Projects** (Estimate cost of legislation over time; list timing of anticipated appropriation authority requests and expected spending plan. Please identify your cost estimate methodology including inflation assumptions and key assumptions related to the timing of appropriation requests and expected expenditures. In addition, include the projected costs of meeting the LEED Silver standard in all facilities and buildings with over 5,000 gross square feet of occupied space. Also, be sure to include percent for art and percent for design as appropriate):

Spending Plan and Budget	2003	2004	2005	2006	2007	2008	Total
Spending Plan							
Current Year Appropriation							
Future Appropriations							

Key Assumptions:

--



Chris Luboff  
June 10, 2003  
Ordinance prohibiting recyclables in garbage  
Version #2.

**Funding source** (Identify funding sources including revenue generated from the project and the expected level of funding from each source):

<b>Funding Source</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>Total</b>
<b>TOTAL</b>							



Chris Luboff  
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**Bond Financing Required** (If the project or program requires financing, please list type of financing, amount, interest rate, term and annual debt service or payment amount. Please include issuance costs of 3% in listed amount):

Type	Amount	Assumed Interest Rate	Term	Timing	Expected Annual Debt Service/Payment
<b>TOTAL</b>					

**Uses and Sources for Operation and Maintenance Costs for the Project** (Estimate cost of one-time startup, operating and maintaining the project over a six year period and identify each fund source available. Estimate the annual savings of implementing the LEED Silver standard. Identify key assumptions such as staffing required, assumed utility usage and rates and other potential drivers of the facility's cost):

O&M	2003	2004	2005	2006	2007	2008	Total
<b>Uses</b>							
Start Up							
On-going							
<b>Sources (itemize)</b>							

Key Assumptions:

--

**Periodic Major Maintenance costs for the project** (Estimate capital cost of performing periodic maintenance over life of facility. Please identify major work items, frequency):

Major Maintenance Item	Frequency	Cost	Likely Funding Source
<b>TOTAL</b>			

**Funding sources for replacement of project** (Identify possible and/or recommended method of financing the project replacement costs):

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STATE OF WASHINGTON – KING COUNTY

--SS.

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166781  
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

**Affidavit of Publication**

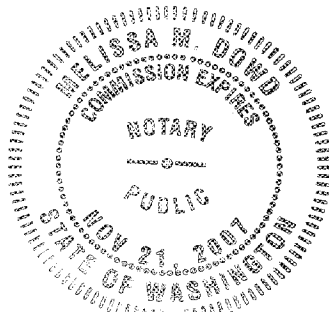
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121379 ORD IN FULL

was published on

12/30/2003



Affidavit of Publication

*Jennifer Pitzer*  
Subscribed and sworn to before me on

12/30/2003

*Melissa Dowd*  
Notary public for the State of Washington,  
residing in Seattle



State of Washington, K



City of Seattle

ORDINANCE

AN ORDINANCE of the City of Seattle, Washington, prohibiting the use of public utilities to dispose of hazardous waste...

WHEREAS, the City of Seattle has a recycling goal of 60%...

WHEREAS, the City of Seattle is introducing new programs for residential recycling...

WHEREAS, the City of Seattle is introducing new programs for residential recycling...

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF KING, JUVENILE DEPARTMENT, IN RE THE DEPENDENCY MATTER OF EHEM, T.N. HOUDA SMITH ALZ SMITH ALZ SAHAH DOB: 05/13/87

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF KING, JUVENILE DEPARTMENT, IN RE THE DEPENDENCY MATTER OF BARBARA MINER Dated December 15, 2003.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF KING, JUVENILE DEPARTMENT, IN RE THE DEPENDENCY MATTER OF AUSTIN FRANKLIN BLACKWELL DOB: 08/10/02

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF KING, JUVENILE DEPARTMENT, IN RE THE DEPENDENCY MATTER OF AUSTIN FRANKLIN BLACKWELL DOB: 08/10/02