

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. **2008 - 287**

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	Crawford	7/22/2008		7/22/2008	Introduced
Division Head:				8/05/2008	PW,
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:
Ordinance amending WCC 8.10.050, Residential Recycling Collection

ATTACHMENTS:
Ordinance

SEPA review required? () Yes () NO	Should Clerk schedule a hearing? () Yes (<input checked="" type="checkbox"/>) NO
SEPA review completed? () Yes () NO	Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

This ordinance removes mandatory curbside recycling requirements and establishes free drop off for recycling.

COMMITTEE ACTION:	COUNCIL ACTION: 8/05/2008: Introduced
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Related County Contract #:	Related File Numbers: AB2008-210	Ordinance or Resolution Number:
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Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

SPONSORED BY: Consent
PROPOSED BY: Crawford
INTRODUCTION DATE: July 22, 2008

ORDINANCE NO. _____

**AMENDING WHATCOM COUNTY CODE SECTION 8.10.050, RESIDENTIAL
RECYCLING COLLECTION**

WHEREAS, Whatcom County is a leader in recycling programs in the state of Washington; and

WHEREAS, Whatcom County encourages a system of recycling that is easy to use and convenient for its citizens; and

WHEREAS, Point Roberts has many homes that are seasonally used with owners not prone to utilize curbside recycling; and

WHEREAS, curbside recycling has been only marginally used in the Point Roberts portion of Whatcom County; and

WHEREAS, the unique geographic location of Point Roberts necessitates a significant volume of recyclables to make a recycling program cost effective; and

* **WHEREAS**, a "self-haul" central site for recyclables has been documented to receive more recycled materials than a curbside recycling program; and

* **WHEREAS**, there is significant support among the residents of Point Roberts to recycle materials by personally transferring them to a central site.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Section 8.10.050, Residential Recycling Collection, is hereby amended as outlined in Exhibit A to this ordinance.

ATTEST:

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Dana Brown-Davis, County Clerk

Carl Weimer, Council Chair

APPROVED AS TO FORM:

() Approved () Denied

Civil Deputy Prosecutor

Pete Kremen, County Executive

Date: _____

EXHIBIT A:

(ORDINANCE AMENDING WHATCOM COUNTY CODE SECTION 8.10.050)

8.10.050 Residential recycling collection.

A. Certificated haulers shall collect source separated recyclables from all residences in unincorporated portions of Whatcom County other than Point Roberts that receive regularly scheduled garbage collection, except as provided in subsection K of this section. All single-family residences other than those at Point Roberts shall be provided with recycling collection at least every other week and on the same day of the week as garbage collection. Service to multifamily residences shall be provided at least every other week. The hauler shall provide residents, who have completed the garbage exemption process, the opportunity to subscribe to recycling-only collection service without subscribing to garbage collection, other than at Point Roberts. Recycling-only customers will be charged the full cost of recycling collection service plus an appropriate administrative/billing fee. ~~In Point Roberts only, single-family residences are defined as permanently year-round occupied buildings and every other week recycling collection does not have to be on the same day as garbage pickup.~~

B. The hauler shall provide recycling containers to each residence at the customer's request. Container design and use shall be subject to the prior approval of the county. The cost to the hauler of the initial container set for each dwelling unit, of damaged containers, and of containers for new customers as necessary, shall be a cost incorporated into the collection rate. The cost of lost or stolen containers shall be borne by the customer. The hauler shall deliver all containers to the dwelling unit unless otherwise directed by the county.

- C. 1. Haulers shall collect, and recycling containers shall be designed to hold, the following materials:
- a. Newspaper;
 - b. Mixed waste paper;
 - c. Aluminum containers;
 - d. Tin-plated steel containers;
 - e. Glass containers;
 - f. All plastic bottles; all remaining plastic containers are eligible as approved by the county and the hauler;
 - g. Yard Waste. Collection of this material is deferred pending further amendments to this chapter.
2. The following materials shall also be collected when placed adjacent to set-out containers:
- a. Corrugated cardboard;
 - b. Scrap metal no longer than 24 inches in any dimension or heavier than 35 pounds per piece;
 - c. Lead-acid batteries that show no signs of leakage;
 - d. Used motor oil in sealed containers;
 - e. Other source separated materials designated by the county and the hauler and approved by the county council.

D. Materials shall be collected on the improved public road nearest to the residence (or mutually agreed upon location) when properly set out on the designated collection day. The hauler is not required to collect materials at any particular hour. The collector is not required to enter private property to collect material while an animal considered or feared to be vicious is loose. The resident shall confine such an animal on collection day.

E. In case of missed collection, the hauler shall investigate and, if the missed collection is verified, shall arrange for the collection of the uncollected recyclable material within one business day after the complaint is received, unless otherwise agreed by the hauler and customer. All haulers shall add staff as needed to answer questions and respond to complaints from 8:00 a.m. to 5:00 p.m. on collection days.

F. Each hauler shall charge the same recycling collection rates to each residential dwelling unit that receives garbage collection service from that hauler.

G. Haulers and recycling companies shall take reasonable actions in marketing recyclable materials to implement the county's policies regarding local processing and priorities of use. All materials collected shall be processed and marketed such that no recyclable material is landfilled, incinerated, or disposed of in any way other than recycling. Haulers shall adopt collection procedures and technologies to minimize the cross-contamination or nonrecyclability of collected materials.

H. The county, in consultation with certificated haulers and purchasers of recyclable materials, shall establish promotional strategies by which the haulers shall inform the public about recycling collection service. The county may adopt, and pay for, additional promotional strategies if they wish. Any hauler that wishes to adopt additional promotional strategies shall obtain the prior approval from the county. Requirements imposed by the WUTC are not promotional strategies for purposes of this section.

I. It is unlawful for any person, other than the collectors as authorized by this chapter, to collect, remove, haul, or dispose of recyclable materials set out for collection pursuant to this section without first obtaining the consent of the occupant or owner of the premises. Any violation of this subsection shall constitute a misdemeanor and, upon conviction, violators shall be punished by a fine of not less than \$500.00. Each day of such violation, and violation at each dwelling unit, shall be deemed a separate and independent offense.

J. The business name and telephone number of the collector shall be clearly visible on each side of each vehicle used to provide residential recycling service. The collector shall contain, tie, or enclose all collected materials to prevent leaking, spilling, or littering.

K. If the county executive determines that a certificated hauler has materially failed to comply with the requirements or policies of this chapter, the county executive shall provide the hauler with a written notice specifying the noncompliance and affording the hauler 60 days to cure the noncompliance; provided, however, that the hauler shall not be required to cure any noncompliance that is caused by an event or condition, including a threat to the public health or safety, that is beyond the hauler's control. At the discretion of the county executive, the period for cure may be extended. If the hauler fails to cure, the county may contract for the provision of residential recycling service pursuant to RCW 36.58.040 in the area served by the hauler. All single-family residences located in Point Roberts, meeting the definition of seasonal vacation or weekend homes as defined under WCC 8.10.030(H), are exempt from curbside recycling collection.

L. Should the county or the hauler determine that there is no reasonable market for a material and/or the cost of recycling that material is unreasonable, they can petition the executive to eliminate the requirement for that material to be collected as a recyclable. The executive has full discretion whether to accept or deny the request. The executive must state the period of time the exemption will be allowed.

M. The certificated hauler for the Point Roberts portion of Whatcom County shall provide and maintain a transfer station accessible to the public for recyclable materials as described in WCC 8.10.050.C.1. and 8.10.050.C.2. The use of the transfer station shall be at no cost to the residents of Point Roberts, and the certificated hauler shall process these materials in accordance with 8.10.050.G. The certificated hauler shall promote the use of the transfer station by Point Roberts residents in accordance with 8.10.050.H.