



CITY OF KIRKLAND
Department of Public Works
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MEMORANDUM

To: Kurt Triplett, City Manager

From: John MacGillivray, Solid Waste Programs Lead
Ray Steiger, P.E., Public Works Director

Date: June 7, 2012

Subject: Cart Placement Code Revision

RECOMMENDATION

Council approves the attached Ordinance revising Title 16.08.070 of the Kirkland Municipal Code (KMC) pertaining to the placement of single family residential garbage, recycling, and yard waste carts. Council approves the addition of new Section 16.08.125 Enforcement and Penalties to impose enforcement potential to the revised Title 16.08.070 in accordance with Chapter 1.12 KMC, Code Enforcement.

The proposed code revision before the City Council has been reviewed and approved by the City Attorney's Office, the Planning Department (Code Enforcement), and the City's solid waste hauler, Waste Management, Inc. The proposed code revision was also submitted to Feet First and the Cascade Bicycle Club for their review and comment. The Cascade Bicycle Club submitted a letter endorsing the proposed code revision (attached). As of this writing, no comments have been received from Feet First.

BACKGROUND

The current KMC 16.08.070 was adopted by the Kirkland City Council in 1969 (Ordinance 2038). The code was last revised in 2004 concurrent with the City's execution of its new solid waste contract with Waste Management. The new contract required the use of contractor-provided carts in lieu of owner cans to facilitate automated collection and the code was updated to require specific cart placement provisions to accommodate automated collection.

The Public Works (Solid Waste) and Planning Department (Code Enforcement) respond to numerous complaints concerning the placement of garbage carts every year. The most typical complaints received involve issues with carts being placed out for service too early or left out too long after service and carts placed in such a manner as to block sidewalks, bicycle lanes, and other right-of-way appurtenances. Due to inconsistencies and ambiguities in the current code surrounding the placement of carts and the safe use of the public right-of-way, Solid Waste and Code Enforcement staff has been unable to authoritatively and sufficiently address citizen complaints. The most typical enforcement action currently taken is a courtesy letter sent to a resident (or residents) suggesting a reasonable cart removal or set out time and requesting that consideration be given to their neighbors, pedestrians, and/or bicyclists.

CODE REVISION DISCUSSION

The goal in revising the cart placement code is to improve it by making it objective, flexible, enforceable, and observant of the City Council Neighborhoods and Public Safety Goals. The revision process first included an identification of the current code's shortcomings; second, staff identified several core elements which are recommended to be included in the new code to specifically address the shortcomings. The recommendations are derived from complaints received and responded to by staff, citizen requests and suggestions, and general staff observations. Next, the process included an evaluation of codes from several other cities in King County as shown in *Attachment 2, King County City Cart Placement Codes*; and finally, staff reached out to local pedestrian (Feet First) and bicycle (Cascade Bicycle Club) advocacy groups to solicit their comments on the proposed code revision.

Current Code Shortcomings

The following is a presentation of the sections of the existing code identified as inconsistent, ambiguous, or archaic. The specific additions and deletions to the code pertaining to each revision are highlighted in the attached Ordinance.

- **Traffic Impediments:** No code provision specifically prevents the placement of carts in such a manner as to block vehicular, bicycle, or pedestrian traffic;
- **Sidewalk Use:** Sidewalks may be used for cart placement where there is no suitable alternative but carts may only be placed in the sidewalk a "reasonable time" before service and must be removed a "reasonable time" after service is provided. "Reasonable" is subjective and open to interpretation. Staff has historically interpreted "reasonable" to mean that carts may be placed out the day before service and should be removed by the end of the day on the service day;
- **Use of the Public Property:** One part of the code requires the placement carts "as near as practicable to the city street right of way" which implies that public property should not be used for carts. A second portion states that "street placement is preferred" for automated collection which implies that public property may be used for carts. Subsequent to the 2004 code revision, staff has consistently permitted the use of public property for cart placement due to the automated collection standard;
- **Outmoded Collection Requirements:** Sunken can collection is no longer a permitted or current mode of collection for single family residential customers due to the requirements for residents to use contractor-provided carts. Similarly, "sturdy racks" are no longer required for service.

Core Recommendations for the Revised Code

The core recommendations made by staff to be included in the revised code are presented below. Each recommendation was derived from complaints received, citizen requests and suggestions, and general staff observations. The collective recommendations below were used as a guide in drafting the new code.

Recommendation 1: Residents should be permitted to temporarily use public property for their carts. **(R1)**

Recommendation 2: Carts should not be allowed to be left on public property for indefinite periods of time. **(R2)**

Recommendation 3: Carts or extra materials should not be placed on public property too far in advance of the collection day nor should carts remain on public property too long after collection service is provided. Staff is recommending placement no more than 24 hours before collection and removal within 24 hours after collection. **(R3)**

Recommendation 4: Residents with long, steep driveways should continue to be allowed to stage their carts on private property adjacent to the ROW. **(R4)**

Recommendation 5: Carts placed on public property should not be allowed to block vehicular traffic, sidewalks, or bike lanes. **(R5)**

Recommendation 6: Planter strips, where available, should be the preferred cart placement location. **(R6)**

Recommendation 7: Carts should be accessible to automated collection vehicles. **(R7)**

Proposed Revision of KMC 16.08.070

The proposed and revised KMC 16.08.070 is provided below. Each sentence is annotated with how it relates to each of the aforementioned staff recommendations.

The proposed code revision takes a common sense approach by prioritizing where carts should be placed with the overriding stipulation that carts should not be placed in such a way as to block vehicular, bicycle, or pedestrian use of the right-of-way. This tiered code is similar in construction to the City of Shoreline's code as shown in *Attachment 2*.

The highest priority is given to the placement of carts in planting strips or driveways, where available. In the absence of a planting strip, residents should place their carts within five feet of the curb. In this case, a resident could position carts (1) on the sidewalk in a manner so as to not block pedestrian use or (2) place his carts behind the sidewalk (if space is available) if there is a designated bike lane, or (3) place his carts in the street adjacent to the curb in the absence of a designated bike lane. In the case where a steep slope makes placement in the planting strip, driveway, or another preferred location impossible, residents may find another suitable level location for their carts. In the rare instance where no suitable locations exist due to slope, shrubbery, or other extraordinary circumstances, Waste Management and City staff will assist the

resident identify a location suitable for cart placement that doesn't interfere with vehicles, bicycles, or pedestrians.

The final sentence (6) in the code is retained from the current code and is specific to residential customers with temporary large dumpsters or roll-off containers such as from a home remodel project or major property clean up.

16.08.070 Garbage, recycling, yard waste carts and ordinance units – Placement – Single Family Residential

Any single-family residence accumulating garbage, recyclables, and yard waste shall place their materials for collection no earlier than 24 hours prior to their collection day. (R1, R3) Likewise, all garbage, recycling yard waste carts and ordinance units must be removed from public property within 24 hours of being collected. (R1, R2, R3, R4) All carts and ordinance units shall be placed by the occupant in a convenient, accessible location where such placement does not block vehicular or bicycle use or use of the sidewalk. (R5) Carts and ordinance units shall be placed in the following manner:

(1) For properties with level planting strips between a curb and sidewalk, in either the planting strip or driveway within five feet of the curb; (R1, R6) or

(2) For properties with sidewalks but not planting strips within five feet of the curb; (R1) or

(3) When the foregoing locations slope at a grade making placement of a cart difficult, a level area that is nearest to either of the previous locations; (R1) or

(4) If the foregoing locations are not available due to dense shrubbery or extraordinary circumstances, then placement shall be at a location suitable to the occupant and approved by the hauler that does not interfere with vehicular or bicycle use or use of the sidewalk. (R1, R5)

(5) Carts shall be placed with two feet clearance between each cart and two feet from any other obstructions (i.e., mailbox, fence, car) so the hauler can access containers with automated truck arms and avoid contact with nearby obstructions. (R7)

(6) Detachable containers may be stored within a building but shall be readily accessible for servicing without unnecessary delay or special collection equipment.

Proposed Addition of KMC 16.08.125

The following section is proposed to be added to Title 16 of the Kirkland Municipal Code and enables Code Enforcement staff to consider the issuance of civil violations of the revised Section 16.08.070 in accordance with Chapter 1.12 of the KMC. There is no enforcement provision in the current code. **If Council approves the ordinance an outreach and communication plan will be implemented that initially focuses on education rather than enforcement.**

16.08.125 Enforcement and Penalties

Upon determination that there has been a violation of any provision of this chapter, the City may pursue code enforcement and penalties in accordance with the provisions of Chapter 1.12 KMC, Code Enforcement.

May 29, 2012

John MacGillivray
Solid Waste Programs Lead
City of Kirkland | Public Works
(425) 587-3804
jmacgillivray@kirklandwa.gov

RE: Revision to Section 16.08.070 of Kirkland Municipal Code

Dear Mr. MacGillivray:

On behalf of Cascade Bicycle Club and our more than 14,000 members, I am writing in support for the proposed code revisions to section 16.80.070 of the Kirkland Municipal Code. Making the city right-of-way safer for those who choose to bicycle and walk is a commendable goal and aligns with similar work that Kirkland has been doing for many years.

Thank you for the opportunity to provide comments. We believe that the proposed revisions help Kirkland in its trajectory as an increasingly bikeable, walkable and livable city.

Sincerely,



John Mauro
Director of Policy, Planning & Government Affairs
Cascade Bicycle Club

KING COUNTY CITY CART PLACEMENT CODES**AUBURN: 8.08.100 Containers – Set out of containers – Anti-scavenging.**

A. All residential and commercial customer-generated solid waste shall be set out for collection in the approved container by the service provider's scheduled start time for the day for collection service, and such containers shall be removed and replaced to their appropriate storage location within a reasonable time following the established day for collection service, except when such established day for collection falls on a designated holiday, in which case collection will be conducted on the next succeeding workday, and the containers shall be removed and replaced to their appropriate storage location by the morning following collection.

BOTHELL: 8.20.160 Containers – Required – Specifications.

All garbage cans and/or units shall be placed by the customer in a convenient and easily accessible location, no further than 10 feet from the improved street or alley; provided, however, that where no suitable area is available, garbage cans and/or units may be placed on the sidewalk or in an area within 10 feet of the alley for collection, but shall not be so placed until a reasonable time prior to collection and shall be removed within a reasonable time thereafter.

DES MOINES: 7.08.020 Disposal of solid wastes.

Except as allowed in this chapter, it is unlawful and a civil offense with penalties as set forth in this chapter for any can, bundle, or other solid waste receptacle to be placed upon any sidewalk or street, all such cans and containers shall be so secured as to render them inaccessible to animals. Solid waste receptacles may be placed at or near the edge of the right-of-way during the specified day of collection when such placement does not obstruct vehicular or pedestrian traffic. [Ord. 923 § 2, 1992; Ord. 74 § 2, 1960.]

FEDERAL WAY: 11.20.040 Garbage containerization. Containers shall be stored behind the front building line, or screened from view from the street and behind the setback line of FWRC Title 19, Zoning and Development Code, except on the day of scheduled pickup. Containers shall be placed at curbside on a public street or private road prior to 7:00 a.m. on the scheduled collection day, and shall be removed to their proper storage location as soon as possible after collection, but no later than 8:00 p.m.

ISSAQUAH: 8.04.020 Containers – Required – Specifications.

B. All garbage cans and/or units shall be placed in a convenient and easily accessible location, at a distance from improved public or private streets or alleys as the collector shall designate, but shall not be so placed until a reasonable time prior to collection and shall be removed within a reasonable time thereafter. The collector shall have discretion, in the case of mobile home parks and trailer parks which accommodate transient trailers, to direct the location of cans and/or containers, either at 1 central location within such parks, or at each individual unit.

KENT: 7.03.050 Solid waste handling service.

All garbage, recycle, and yard waste containers and garbage units shall be placed at curbside or alley for collection before 7:00 a.m. or in convenient, accessible locations upon the ground level or ground floor and as near as practicable to the approximate rear of the building or near the alley, street, or road at which collection trucks are to be loaded as approved by the director or collection company. All containers shall be

removed from such locations as soon as possible after collection, but no later than the end of the collection day.

MERCER ISLAND: 8.04.030 Disposal of garbage, refuse, recyclables and yard and garden waste – Use of garbage cans.

I. No garbage cans or garbage units for residential garbage, refuse, recyclables or yard or garden waste shall be placed along a public street, on a public sidewalk, or on other public property any sooner than 24 hours before the time of collection. All residential garbage cans and garbage units shall be removed from public areas within 24 hours of the time of collection. (Ord. A-107 §§ 1, 2, 1993; Ord. A-81 § 1, 1990).

RENTON: 8-1-3 Garbage, Recyclables, and Solid Waste Collection.

Placement and Removal of Garbage Cans, Recycling Bins and Yard Waste Carts: Any single-family residence accumulating garbage, recyclables, and yard waste shall place their materials for collection at the curbside no earlier than 24 hours prior to their collection day. Likewise, all garbage cans, recycling bins and yard waste carts must be removed from the curbside within 24 hours of being collected and returned to a location adjacent to the residential structure or within a fully enclosed building or garage.

SHORELINE: 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. Receptacles shall be placed in the following manner:

a) For properties with level planting strips, in the planting strip or driveway within five feet of the curb;

b) For properties with sidewalks but no planting strips, on the owner's property within five feet of the sidewalk, if level;

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

d) If the foregoing locations are not available due to dense shrubbery or extraordinary circumstances, 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.

2. Receptacles shall not be placed for collection until a reasonable time prior to collection. Containers shall be removed within a reasonable time thereafter.

ORDINANCE O-4362

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO REFUSE AND GARBAGE.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 16.08.070 of the Kirkland Municipal Code is hereby amended to read as follows:

16.08.070 Garbage, recycling , yard waste carts and ordinance units—Placement – Single Family Residential

Any single-family residence accumulating garbage, recyclables, and yard waste shall place their materials for collection no earlier than 24 hours prior to their collection day. Likewise, all garbage, recycling yard waste carts and ordinance units must be removed from public property within 24 hours of being collected. All garbage carts and ordinance units shall be placed by the occupant in a convenient, accessible location as near as practicable to the city street right of way, upon the ground level or ground floor, or in a sturdy rack not over fourteen inches above such level or floor, except that sunken cans may be below the ground level. where such placement does not block vehicular or bicycle use or use of the sidewalk. With automated garbage and recycling trucks, street placement is preferred for the most efficient collection. Garbage Carts and ordinance units shall be placed in the following manner:

(1) For properties with level planting strips between a curb and sidewalk, in either the planting strip or driveway within five feet of the curb; or

(2) For properties with sidewalks but not planting strips within five feet of the curb; or

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

(4) If the foregoing locations are not available due to dense shrubbery or extraordinary circumstances, then placement shall be at a location suitable to the occupant and approved by the hauler that does not interfere with vehicular or bicycle use or use of the sidewalk.

(5) There Carts shall be placed with two feet clearance between each cart and two feet from any other obstructions (i.e., mailbox, fence, car) so the hauler can access containers with automated truck arms and avoid contact with nearby obstructions. Where no other suitable area is available, garbage carts or ordinance units may be placed in the sidewalk or in the alley for collection, but shall not be so placed until a reasonable time prior to collection and shall be removed within a reasonable time thereafter.

(6) Detachable containers may be stored within a building but shall be readily accessible for servicing without unnecessary delay or special collection equipment.

Section 2. A new Section 16.08.125 is added to the Kirkland Municipal Code to read as follows:

16.08.125 Enforcement and Penalties

Upon determination that there has been a violation of any provision of this chapter, the City may pursue code enforcement and penalties in accordance with the provisions of Chapter 1.12 KMC, Code Enforcement.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2012.

Signed in authentication thereof this _____ day of _____, 2012.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney