

December 1, 1993
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INTRODUCED BY

PAUL BARDEN

LARRY PHILLIPS

PROPOSED NO.

93-864

ORDINANCE NO. **11196**

An ordinance relating to the control of litter from vehicles and the establishment of a fee for vehicles transporting unsecured loads; amending Ordinance 8891, Section 3 as amended; K.C.C. 10.04.020; and adding a new section to K.C.C. Chapter 10.12.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY: (for ordinances)

Section 1. Ordinance 8891, Section 3, as amended, and K.C.C. 10.04.020 are hereby amended to read as follows:

Definitions. The following definitions shall apply in the interpretation and enforcement of this title:

A. "Agricultural wastes" means non-dangerous wastes on farms resulting from the production of agricultural products including but not limited to manures and carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

B. "Asbestos-containing waste material" means any waste that contains asbestos. This term includes, but is not limited to, asbestos waste from control devices, contaminated clothing, asbestos waste material, materials used to enclose the work area during an asbestos project, and bags, or containers that previously contained asbestos.

C. "Ashes" means the residue including any air pollution control equipment flue dusts from combustion or incineration of material including solid wastes.

D. "Bulky waste" means large items of refuse, such as appliances, furniture, and other oversize wastes which would typically not fit into reusable solid waste containers.

E. "Certified hauler or certificated hauler" means any person engaged in the business of solid waste handling having a certificate granted by the Washington Utilities and Transportation Commission for that purpose.

1 F. "Charitable organization" means any organization which
2 meets the following criteria: must be defined by the Internal
3 Revenue Service as a 501(c)3 charitable organization; must be
4 engaged as a primary form of business in the processing of
5 abandoned goods for resale or reuse; and must have an account
6 with the solid waste division.

7 G. "Clean soils and clean dredge spoils" means soils and
8 dredge spoils which are not dangerous wastes or problem wastes as
9 defined in this chapter.

10 H. "Commercial hauler" means any person, firm or
11 corporation including but not limited to "certified hauler," as
12 defined herein, collecting or transporting solid waste for hire
13 or consideration.

14 I. "Compacted waste" means any solid waste whose volume is
15 less than in the loose condition as a result of compression.

16 J. "Controlled solid waste" means all solid waste
17 generated, collected or disposed within the unincorporated areas
18 of King County and all solid waste generated, collected or
19 disposed within any other jurisdiction with which a solid waste
20 interlocal agreement, as defined herein, exists.

21 K. "Dangerous wastes" means any solid waste designated as
22 dangerous waste by the Washington State Department of Ecology
23 under chapter 173-303 WAC.

24 L. "Demolition wastes" means solid waste, largely inert
25 waste resulting from the demolition, razing or construction of
26 buildings, roads, and other man-made structures. Demolition
27 waste consists of, but is not limited to, concrete, brick,
28 bituminous concrete, wood and masonry, composition roofing and
29 roofing paper, steel, and minor amounts of other metals like
30 copper. Plaster (i.e., sheet rock or plaster board) or any other
31 material that is likely to produce gases or a leachate during the
32 decomposition process and asbestos wastes are not considered to
33 be demolition waste for the purposes of this chapter.

34 M. "Designated interlocal forum" means a group of
35 representatives of unincorporated King County and of incorporated
36 cities and towns within King County designated by the council of

1 King County and by interlocal agreement with the cities in King
2 County to discuss solid waste issues and facilitate regional
3 interlocal cooperation in solid waste management.

4 N. "Disposal" means the discharge, deposit, injection,
5 dumping, leaking, or placing of any solid waste into or on any
6 land or water.

7 O. "Disposal facility" is a disposal site or interim solid
8 waste handling facility. This includes, but is not limited to,
9 transfer stations included as part of the county disposal system,
10 landfills, incinerators, composting plants, and facilities for
11 the recycling or recovery of resources from solid wastes or the
12 conversion of the energy from such wastes to more useful forms or
13 combinations thereof.

14 P. "Disposal site" means a site or sites approved by the
15 council of King County where any final treatment, utilization,
16 processing or disposition of solid waste occurs.

17 Q. "Disposal system" means the system of disposal
18 facilities, rules and procedures established pursuant to this
19 title.

20 R. "Drop box facility" means a facility used for the
21 placement of a detachable solid waste container, i.e., drop
22 boxes, including the area adjacent for necessary entrance and
23 exit roads, unloading, and turnaround areas. Drop box facilities
24 normally serve the general public with loose loads and receive
25 waste from off-site. Drop box facilities may also include
26 containers for separated recyclables.

27 S. "Division" means the solid waste division of the King
28 County public works department.

29 T. "Energy resource recovery" means the recovery of energy
30 in a usable form from mass burning or refuse derived fuel
31 incineration, pyrolysis or any other means of using the heat of
32 combustion of solid waste that involves high temperature (above
33 1200 degrees Fahrenheit) processing.

34 U. "Garbage" means unwanted animal and vegetable wastes and
35 animal and vegetable wastes resulting from the handling,
36 preparation, cooking and consumption of food, swill, and

1 carcasses of dead animals and of such a character and proportion
2 as to be capable of attracting or providing food for vectors,
3 except sewage and sewage sludge.

4 V. "Hazardous wastes" means and includes, but is not
5 limited to explosives, medical wastes, radioactive wastes,
6 pesticides and chemicals which are potentially harmful to the
7 public health or the environment. Unless otherwise defined by
8 the King County board of health, such waste shall have the
9 meaning as defined by the Washington State Department of Ecology
10 and the Washington Administrative Code.

11 W. "Hazardous waste management plan" means a plan for
12 managing moderate risk wastes, pursuant to RCW 70.105.220.

13 X. "Health department" means the Seattle-King County health
14 department.

15 Y. "Health officer" means the King County director of
16 public health, or his authorized agent.

17 Z. "Industrial solid wastes" means waste by-products from
18 manufacturing and fabricating operations such as scraps,
19 trimmings, packing, and other discarded materials not otherwise
20 designated as dangerous waste under Chapter 173-303 WAC.

21 AA. "Interim solid waste handling facility" means any
22 interim treatment, utilization or processing site engaged in
23 solid waste handling which is not the final disposal site.
24 Transfer stations, drop boxes, baling and compaction sites,
25 source separation centers, intermediate processing facilities,
26 mixed waste processing facilities and treatment facilities are
27 considered interim solid waste handling sites.

28 BB. "Intermediate processing facility" means any facility
29 that sorts mixed recyclables from source separation programs to
30 divide them into individual component recyclable materials or to
31 process them for marketing.

32 CC. "King County Solid Waste Advisory Committee" means the
33 committee formed pursuant to King County Ordinance 6862 and RCW
34 Chapter 70.95 to advise the county on solid waste management
35 planning, assist in the development of programs and policies
36 concerning solid waste management, and review and comment on the

1 plan and other proposed solid waste management rules, policies or
2 ordinance prior to adoption.

3 DD. "Landclearing wastes" means solid wastes resulting from
4 the clearing of land for new construction and includes, but is
5 not limited to, stumps and other vegetation, rocks, mud and other
6 plant or mineral wastes.

7 EE. "Landfill" means a disposal site or part of a site at
8 which waste is placed in or on land and which is not a
9 landspreading disposal facility.

10 FF. "Landspreading disposal facility" means a facility that
11 applies sludge or other solid wastes onto or incorporates solid
12 waste into the soil surface at greater than vegetative
13 utilization and soil conditioners/immobilization rates.

14 GG. "Liquid" means a substance that flows readily and
15 assumes the form of its container but retains its independent
16 volume.

17 HH. "Littering" means to accumulate, or place, throw,
18 deposit, put into or in any land or water or otherwise dispose of
19 refuse including rubbish, ashes, garbage, dead animals,
20 industrial refuse, commercial waste and all other waste material
21 of every kind and description in any manner except as authorized
22 by this chapter.

23 II. "Manager" means the manager of the solid waste division
24 of the department of public works of King County.

25 JJ. "Medical waste" means all waste so defined by the King
26 County board of health rules and regulations.

27 KK. "Mixed municipal solid waste" means waste consisting of
28 solid waste generated by residences, stores, offices, and other
29 generators of wastes that are not industrial, agricultural, or
30 demolition wastes.

31 LL. "Mixed waste processing" means sorting of solid waste
32 after collection from the point of generation in order to remove
33 recyclables from the solid waste to be disposed.

34 MM. "Mobile yard waste facility" means a yard waste
35 facility requiring no above-grade construction and established on
36 a temporary basis. For the purposes of Section 10.12.020, a

1 mobile yard waste facility shall be considered to be a disposal
2 site without scales.

3 NN. "Moderate risk waste" means:

- 4 1. any waste that exhibits any of the properties of
5 hazardous waste but is exempt from regulation under RCW Chapter
6 70.105 solely because the waste is generated in quantities below
7 the threshold for regulation, and
- 8 2. any household wastes which are generated from the
9 disposal of substances identified by the department of ecology as
10 hazardous household substances.

11 OO. "Multi-family structure" means any residential
12 structure designed exclusively for occupancy by two or more
13 families living independently of each other receiving solid waste
14 collection service as an entire structure or complex and the
15 structure or complex is billed for solid waste collection service
16 as a whole and not by individual dwelling units.

17 PP. "Noncommercial user" means any person not engaged in the
18 business of solid waste handling.

19 QQ. "Operating hours" means those times during which
20 disposal facilities are normally open and available for the
21 delivery of solid wastes.

22 RR. "Person" means any individual, association, firm,
23 corporation, partnership, political subdivision, municipality,
24 government agency, industry, public or private corporation, or
25 any other entity.

26 SS. "Plan" means the coordinated comprehensive solid waste
27 management plan for the county as required by RCW Chapter 70.95.

28 TT. "Problem wastes" means:

- 29 1. soils removed during the cleanup of a remedial action
30 site, or a dangerous waste site closure or other cleanup efforts
31 and actions and which contain harmful substances but are not
32 designated dangerous wastes, or
- 33 2. dredge spoils resulting from the dredging of surface
34 waters of the state where contaminants are present in the dredge
35 spoils at concentrations not suitable for open water disposal and

1 the dredge spoils are not dangerous wastes and are not regulated
2 by the Federal Clean Water Act.

3 UU. "Procurement policy" means the development and
4 implementation of a policy which achieves the purchase of
5 products made from recycled and/or recyclable goods.

6 VV. "Receivers" means persons who will reuse recyclables
7 and to whom source separated recyclables for which a market does
8 not presently exist can be delivered at little or no cost in
9 order to avoid landfilling the materials pending development of
10 economic markets.

11 WW. "Reclamation site" means a location used for the
12 processing or the storage of recycled waste.

13 XX. "Recyclables" means any material that can be kept out
14 of or recovered from solid waste and the resources therein be
15 transformed and/or reused including, but not limited to, mixed
16 paper, newsprint, cardboard, aluminum, glass, plastics,
17 chemicals, oil, wood, compostable organics (food and yard
18 debris), ferrous metal, and inorganics (rubble and inert
19 material).

20 YY. "Recycling" means either source separation or the
21 processing of solid waste mechanically or by hand to segregate
22 materials for sale or reuse. Materials which can be removed
23 through recycling include but are not limited to mixed paper,
24 newsprint, cardboard, aluminum, glass, plastics, chemicals, oil,
25 wood, compostable organics (food and yard debris), ferrous metal,
26 and inorganics (rubble and inert material). Recycling does not
27 include combustion of solid waste or preparation of a fuel from
28 solid waste.

29 ZZ. "Refuse" means garbage, rubbish, ashes, swill and all
30 other putrescible and nonputrescible wastes, except sewage, from
31 all public and private establishments and residences.

32 AAA. "Regional approach" means the development and
33 implementation of a solid waste management program in cooperation
34 with municipalities in King County and with other counties within
35 the Puget Sound area.

1 BBB. "Regional direct" means any solid waste transported to
2 Cedar Hills disposal site by conventional long haul transfer
3 vehicles, transporting from solid waste transfer stations solid
4 waste generated and collected in King County.

5 CCC. "Reuse" means the return of a commodity into the
6 economic stream for use.

7 DDD. "Rubbish" means all nonputrescible wastes from all
8 public and private establishments and from all residences.

9 EEE. "Secured load" means a load of solid waste which has
10 been secured or covered in the vehicle in a manner that will
11 prevent any part of the solid waste from leaving the vehicle
12 while the vehicle is moving.

13 FFF. "Self-hauler" means all vehicles that are neither
14 passenger licensed vehicles nor vehicles used by solid waste
15 collection entities in their solid waste collection operations.

16 GGG. "Single family dwelling" means any residential unit
17 receiving solid waste collection service as an individual unit
18 and the dwelling is billed for solid waste collection service as
19 an individual dwelling.

20 HHH. "Solid waste" means all putrescible and nonputrescible
21 solid and semisolid wastes, except wastes identified in WAC
22 173-304-015, including but not limited to garbage, rubbish,
23 ashes, industrial wastes, swill, demolition and construction
24 wastes, abandoned vehicles or parts thereof, discarded
25 commodities, sludge from wastewater treatment plants and septage
26 from septic tanks, woodwaste, dangerous waste, and problem
27 wastes. This includes all liquid, solid and semisolid materials
28 which are not the primary products of public, private,
29 industrial, commercial, mining and agricultural operations.
30 Unrecovered residue from recycling operations shall be considered
31 solid waste.

32 III. "Solid waste collection entity" means every person or
33 his lessees, receivers, or trustees, owning, controlling,
34 operating or managing vehicles used in the business of
35 transporting solid waste for collection and/or disposal for
36 compensation including all certified haulers, or any city using

1 its own employees, or any company operating pursuant to a
2 contract with or franchise from a city performing solid waste
3 collection services within the city.

4 JJJ. "Solid waste interlocal agreement" means an agreement
5 between a city and the county for use of King County disposal
6 system for solid waste generated or collected within the city.

7 KKK. "Solid waste management" means the systematic
8 administration of activities which provide for the reduction in
9 generated volume, source separation, collection, storage,
10 transportation, transfer, recycling, processing, treatment and
11 disposal of solid waste. This includes public education and
12 marketing activities.

13 LLL. "Source separation" means the process of separating
14 recyclable materials from material which will become solid waste
15 at its source.

16 MMM. "Suspect waste" means any waste the manager suspects
17 may be unauthorized waste.

18 NNN. "Swill" means every refuse accumulation of animal,
19 fruit or vegetable matter, liquid or otherwise, that attend the
20 preparation, use, cooking, dealing in or storing of meat, fish,
21 fowl, fruit and vegetables, except coffee grounds.

22 OOO. "Transfer station" means a staffed, fixed,
23 supplemental collection and transportation facility used by
24 persons and route collection vehicles to deposit collected solid
25 waste from off-site into a larger transfer vehicle for transport
26 to a permanent disposal site. It may also include recycling
27 facilities.

28 PPP. "Unauthorized waste" means waste which is waste not
29 acceptable for disposal at any or a specific disposal facility
30 according to applicable rules and regulations or a determination
31 of the manager.

32 QQQ. "Uncompacted waste" means any solid waste in an
33 uncompressed or loose condition.

34 RRR. "Unincorporated urban service area" means a
35 geographical area of urban unincorporated King County designated

1 to receive solid waste, recyclables, and yard waste collection
2 services.

3 SSS. "Unsecured load" means a load on a vehicle that is not
4 securely fastened and protected by safety chains or other
5 fastening devices, covered, tied down or otherwise secured so as
6 to prevent the material from spilling, escaping, or being
7 deposited outside the vehicle while vehicle is in motion.

8 ((SSS)) TTT. "Waste reduction" means reducing the amount or
9 type of waste generated.

10 ((TTT)) UUU. "Woodwaste" means solid waste consisting of
11 wood pieces or particles generated as a by-product resulting from
12 the handling and processing of wood, including, but not limited
13 to, hog fuel, sawdust, shavings, chips, bark, small pieces of
14 wood, stumps, limbs and any other material composed largely of
15 wood which has no significant commercial value at the time in
16 question, (but shall not include slash developed from logging
17 operations unless disposed of on a different site), and does not
18 include wood pieces or particles containing chemical
19 preservatives such as creosote, pentachlorophenol, or
20 copper-chrome-arsenate.

21 ((UUU)) VVV. "Yard waste" means a compostable organic
22 material generated in yards or gardens, including but not limited
23 to, leaves, grass, branches, prunings, and clippings of woody and
24 fleshy plants and unflocked Christmas trees, but shall not
25 include rocks, dirt or sod, concrete, asphalt, bricks,
26 landclearing wastes, demolition wastes, woodwaste or food waste.

27 ((VVV)) WWW. "Yard waste facility" means a facility used by
28 county residents to deposit source separated yard waste.

29 NEW SECTION SECTION 2. A new section is hereby added to
30 Chapter 10.12 of the King County Code:

31 Unsecured load penalties. A. Pursuant to Washington State
32 Senate House Bill 1100, a fee shall be charged to all vehicles
33 with unsecured loads arriving at any staffed public or private
34 transfer station or landfill in the jurisdiction of King County.
35 The operator of the vehicle containing the unsecured load, unless
36 exempted by the provision of subsection B of this section, shall

1 be required to pay a fee. Effective July 1, 1994, the
2 unsecured load fee shall be:

3 Passenger licensed vehicles \$ 3.00

4 Trucks

5 - less than or equal to 8000 pounds
6 licensed gross vehicle weight \$ 5.00

7 - greater than 8000 pounds
8 licensed gross vehicle weight \$10.00

9 B. A vehicle transporting sand, dirt or gravel in
10 compliance with the provisions of RCW 46.61.655 shall not be
11 required to secure or cover a load pursuant to this section.

12 C. The fee collected under subsection A of this section
13 shall be deposited, no less often than quarterly, in the King
14 County Solid Waste Division's Operating Fund.

15 INTRODUCED AND READ for the first time this 29th day
16 of November, 1993.

17 PASSED this 18th day of January, 1994.

18 KING COUNTY COUNCIL
19 KING COUNTY, WASHINGTON

20 Kent Pullen
21 Chair

22 ATTEST:

23 Gerald A. Peterson
24 Clerk of the Council

25 APPROVED this 20th day of January, 1994

26 Ray Lohr
27 King County Executive

28 Attachments:
29 None

PASSED BY A VOTE OF 11 to 1