
Council Bill Number: 115727

Ordinance Number: 122258

AN ORDINANCE relating to recycling of waste materials; establishing license requirements for collectors and processors of recyclable materials; and amending the Seattle Municipal Code by creating a new Chapter 6.250.

Status: Passed

Note: Solid Waste Tonnage Taxes

Vote: 8-0 (Excused: Drago)

Date filed with the City Clerk: 2006/10/10

Date of Mayor's signature: 2006/10/03 ([about the signature date](#))

Date introduced/referred to committee: 2006/09/18

Committee: Environment, Emergency Management and Utilities

Sponsor: CONLIN

Committee Recommendation: Pass

Index Terms: LICENSES, FEES, RECYCLING, BUSINESS-ENTERPRISES

Fiscal Note: [Fiscal Note to Council Bill No. 115727](#)

Electronic Copy: [PDF scan of Ordinance No. 122258](#)

Reference: Amending: Ord 116770

Text:

ORDINANCE _____

AN ORDINANCE relating to recycling of waste materials; establishing license requirements for collectors and processors of recyclable materials; and amending the Seattle Municipal Code by creating a new Chapter 6.250.

WHEREAS, in August 1998, by Resolution 29805, the City of Seattle adopted the Comprehensive Solid Waste Management Plan: On the Path to Sustainability (1998 Plan), establishing a recycling goal of 60 percent; and

WHEREAS, in March 2005, by Resolution 30750, the City of Seattle adopted the 2004 Comprehensive Solid Waste Management Plan Amendment to the 1998 Plan (2004 Plan) reaffirming the recycling goal of 60 percent; and

WHEREAS, in response to the Mayor's plan to boost citywide recycling, in December 2003 the City of Seattle enacted Ordinance 121372, amending Chapter 21.36 of the Seattle Municipal Code to require commercial and residential recycling; and

WHEREAS, in July 2001, by Resolution 30316, the City of Seattle committed to reduce global warming by adopting greenhouse gas emission reduction goals and recognized the contribution that waste reduction and recycling make to lessening greenhouse gas production; and

WHEREAS, achieving waste Reduction and recycling goals in the most cost-effective manner requires timely and accurate data on the handling and disposition of all wastes and recyclable materials in the City; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective December 1, 2006, a new Chapter is added to Title 6, Subtitle IV, of the Seattle Municipal Code to read as follows:

Chapter 6.250. Collectors and Processors of Recyclable Materials.

SMC 6.250.010 Purpose.

The purpose of this chapter is to establish a recyclable materials collector/processor license for businesses engaged in collecting or processing recyclable materials and to require such licensees to provide the City with timely and accurate data on the quantities of

recycled materials they collect and/or process so that the City may achieve the most cost-effective system for collection, processing, disposal or recycling of all solid wastes, including construction, demolition and land-clearing wastes generated in the City.

SMC 6.250.020 Definitions.

In addition to the definitions generally applicable to this subtitle, as provided by section 6.202.050, and the definitions established by this section, the definitions contained in chapter 21.36, subchapter I, shall apply to this chapter, except as expressly stated to the contrary herein. Where a conflict exists between a definition generally applicable to this subtitle and a definition contained in chapter 21.36, subchapter I, the definition contained in chapter 21.36, subchapter I, shall govern.

For purposes of this chapter:

A. "Collector" means:

1. A person who operates one or more vehicles for the collection of recyclable materials from residential, commercial or industrial premises or construction sites in the City; or
2. A person engaged in construction, demolition or land clearing who hauls recyclable materials away from job sites in the City; or
3. A person who places drop boxes, kiosks, barrels or other containers in the City where the public may deposit recyclable materials; or
4. A person who maintains one or more business premises in the City where the public may bring recyclable materials, including but not limited to salvaged or surplus building materials and discarded household items and clothing; or
5. A person who, as part of regular business activities in the City, transports recyclable materials, including but not limited to product packaging, oils and food waste, directly from one or more business premises to a recyclable materials processor.

City contractors who pickup residential and commercial garbage, recyclable materials and yard waste are collectors under this definition.

B. "Processor" means a person who operates a facility that receives recyclable materials originating in the City from collectors or private individuals where such materials are sorted for marketability by type, quality or other criteria and then sold directly to the public for reuse or shipped to a recycling firm or facility for further processing. City contractors who operate transfer stations, materials recovery facilities (MRFs) or other facilities where waste materials are sorted for reshipment or disposal are processors under this definition.

SMC 6.250.030 License - Required.

A. Commencing April 1, 2007, it shall be unlawful for any person to engage in business in the City as a collector or processor of recyclable materials originating in the City without first obtaining an annual recyclable materials collector/processor license issued in accordance with the provisions of the new license code. The annual license is required regardless of where processing takes place or the location of the business's offices, storage or transshipment facilities; except that a processor of recyclable materials who is wholly located outside the City shall be exempt from this requirement when not also engaged in business in the City as a collector of recyclable materials.

B. The license required pursuant to this chapter is separate from and in addition to any license required by any other chapter of the Seattle Municipal Code, including but not limited to the business license required pursuant to chapter 5.55.

SMC 6.250.035 License - Required, Exceptions.

A. Persons engaged in the businesses of hauling or shipping materials such as packaging, surplus materials generated in manufacturing processes, or products returned by consumers, directly back to a distributor, supplier or original manufacturer for reuse or reprocessing are deemed to be engaged in waste prevention and not required to obtain a recyclable materials collector/processor license for such activities.

B. Persons conducting recycling studies, waste-prevention studies, or test-marketing pilot programs with local governments which generate performance data to be reported to Seattle Public Utilities are not required to obtain a recyclable materials collector/processor license for those activities.

SMC 6.250.040 License - Expiration Date.

Recyclable materials collector/processor licenses expire annually on March 31st.

SMC 6.250.050 License -- Application

Application for the annual recyclable materials collector/processor license shall be on forms specified by the Director, and shall be accompanied by the license fee established by section 6.250.060 and the annual report form required by section 6.250.080.

SMC 6.250.060 License - Fee

The annual license fee for the recyclable materials collector/processor license is One Hundred Dollars (\$100.00).

SMC 6.250.070 License -- Not Transferable.

No license issued pursuant to this chapter shall be transferable unless in accordance with the provisions of chapter 6.202.

SMC 6.250.080 Annual Reports.

A. Every person submitting an application for a recyclable material collector/processor license shall include with the application an accurately completed report form identifying the

types and total quantities of recyclable materials the license applicant collected or processed during the previous calendar year.

B. Every person submitting an application for renewal of an existing license under this chapter shall submit to the City before March 31st an accurately completed report form

identifying the types and total quantities of recyclable materials the license applicant collected or processed during the

previous calendar year.

- C. Annual report forms shall be provided by the City and mailed to all existing licensees in conjunction with applications for license renewals.
- D. Failure to submit a complete and accurate annual report form, as required by this section, whether or not the City mailed an annual report form to the applicant, shall be grounds for the denial of a license application.
- E. Failure to submit a complete and accurate annual report form, as required by this section, and the submission of a materially inaccurate annual report form are each violations of this chapter.

SMC 6.250.090 Duty of licensee.

It shall be the duty of all persons licensed under this chapter to comply with all applicable provisions of the new license code. Failure of any licensee to do so shall be a violation of this chapter.

SMC 6.250.100 Denial, Suspension or Revocation.

The Director may deny, suspend or revoke any license issued under this chapter, in accordance with the provisions of chapter 6.202. Submission of a falsified or materially inaccurate application under section 6.250.050 or annual report form under section 6.250.080 are

sufficient grounds for the denial, suspension or revocation of the license. A license suspended or revoked may not be reinstated without prior payment of all outstanding fees and penalties.

SMC 6.250.110 Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter.

Section 2. The Director of Seattle Public Utilities shall assist the Director of Executive Administration in the administration of this chapter. The Director of Executive Administration shall have administrative responsibility for all typical and usual licensing procedures for the recyclable materials collector/processor license, including but not limited to maintaining a database of licensees and mailing applications for license renewals. The Director of Seattle Public Utilities shall be responsible for the review and analysis of the annual reports required by this chapter and for recommending that enforcement action be taken when licensees fail to submit timely, complete and accurate annual reports or license applications. By December 31, 2006, the Director of Executive Administration and the Director of Seattle Public Utilities shall develop an interdepartmental Memorandum of Agreement further defining their respective roles in the administration of this chapter.

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

Passed by the City Council the ____ day of _____, 2006, and signed by me in open session in authentication of its passage this ____ day of _____, 2006.

President _____ of the City Council

Approved by me this ____ day of _____, 2006.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2006.

City Clerk

(Seal)

Mel McDonald/gmh

SPURecyclablingDataORD

August 1, 2006

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7