

ORDINANCE 1510

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING A NEW CHAPTER OF THE GIG HARBOR MUNICIPAL CODE RELATED TO COMPOST PROCUREMENT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State of Washington found that landfills are a significant source of emissions of methane, a potent greenhouse gas, and in order to reduce methane emissions associated with organic materials there is a benefit to diverting organic materials from landfills to productive uses of organic material wastes; and

WHEREAS, as a result of these findings, the Washington State Legislature enacted Engrossed Second Substitute House Bill (ESSHB) 1799 in March 2022; and

WHEREAS, the goal of ESSHB 1799 is to increase the diversion of organic materials going to landfills by “encouraging cities and counties to procure more of the compost and finished products created from their organic material”; and

WHEREAS, ESSHB 1799 added a new section to Chapter 43.19A of the Revised Code of Washington (RCW), now codified as RCW 43.19A.150, which requires all cities, towns, and counties with populations of 25,000 or more or smaller jurisdictions where organic materials collections services are provided at least 26 weeks of the year to adopt a compost procurement ordinance to implement provisions of RCW 43.19A.120; and

WHEREAS, the City of Gig Harbor’s organic materials collections services are provided at least 26 weeks of the year and therefore required to implement such an ordinance.

NOW THEREFORE, the City Council of the City of Gig Harbor, Washington, do ordain as follows:

Section 1. A new chapter 14.50 is added to the City of Gig Harbor Municipal Code as follows:

Chapter 14.50 Compost Procurement

14.50.010 Purpose.

The purpose of this chapter is to substantially increase the procurement of recycled content products by the City of Gig Harbor by diverting methane-producing organic materials from landfills to productive uses of organic material wastes, including compost materials.

14.50.020 Definitions.

A. "Compost Products" shall have the meaning defined in RCW 43.19A.010, as now or hereinafter amended.

14.50.030 Procedures.

A. When planning government-funded projects or soliciting and reviewing bids for such projects, the City of Gig Harbor shall consider whether compost products, as described in RCW 43.19A, can be used in the project. If compost products can be used, they must be used for projects in at least the following categories:

1. Landscaping Projects.
2. Applications for Erosion prevention, Stormwater runoff filter, vegetative growth, or to improve the longevity of roads.
3. Construction and postconstruction soil amendments.
4. Low-impact development of green infrastructure to filter pollutants or to keep water onsite, or both.

B. Notwithstanding subsection A of this Section, the City of Gig Harbor is not required to procure, use, or require the use of compost or may use an alternate material if:

1. Compost products are not available to purchase.
2. Compost products are not available within a reasonable time or distance to the location where the work is being performed.
3. Available compost products do not comply with existing purchasing standards.
4. Available compost products do not comply with federal, state, or local health, quality, and safety standards.
5. Compost purchase prices are not reasonable or competitive.

C. City departments shall give priority to purchasing compost products from companies that:

1. Produce compost products locally;
2. Are certified by nationally recognized organization like the US Composting Council; and
3. Produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the department of transportation or adopted by rule by the department of ecology

D. The Public Works Department, or its successor department, is delegated the authority to provide any reporting to the State of Washington required by RCW 43.19A.150(5), as now or hereinafter amended.

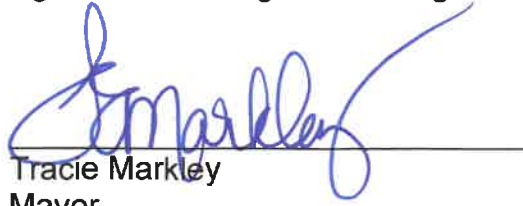
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

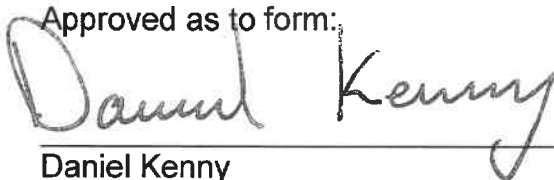
Section 3. Correction of Errors. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited

to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This ordinance shall be in full force and take effect April 1, 2023, which is at least five (5) days after its publication of an approved summary consisting of the title.

ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof, held this 13th day of March, 2023.


Tracie Markley
Mayor

Approved as to form:

Daniel Kenny
City Attorney

Attest:

Joshua Stecker, CMC
City Clerk