

ORDINANCE NO. 2200

ORDINANCE ENACTING NEW CHAPTER 3.05, "COMPOST PROCUREMENT", OF THE SELAH MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AUTHORIZING CORRECTIONS; AND DIRECTING PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, RCW 43.19A.150 requires the City of Selah to adopt a Compost Procurement Ordinance, because the City's solid waste contractor – Basin Disposal, Inc. – provides, among other things, collection services for organic materials (*i.e.*, solid waste that is a biological substance of plant or animal origin capable of microbial degradation) for customers in the City; and

WHEREAS, the City Council finds that good cause exists;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Enactment of New SMC Chapter. A new chapter of the Selah Municipal Code, specifically numbered as Chapter 3.05 and labeled as "Compost Procurement", is hereby enacted to read as follows:

**Chapter 3.05
COMPOST PROCUREMENT**

Sections:

3.05.010	Definitions
3.05.020	General Policy
3.05.030	Planning
3.05.040	Local Purchasing
3.05.050	Education
3.05.060	Reporting

3.05.010 Definitions.

The following definitions are applicable to this chapter:

"Compost" means a product created with "composted material". "Compost" includes, but is not limited to, one hundred percent finished compost or blends that include compost as a primary ingredient. Mulch is "compost" if it contains a minimum of sixty percent composted material. Bark is not "compost".

"Composted material" has the definition specified in RCW 70A.205.015, in its now-existing form and, also, each and ever future form of the statute following any amendment, addition or recodification that the state government enacts or effectuates.

3.05.020 General Policy.

- a. The city shall purchase finished compost products for use in public projects when the use of a compost product is appropriate for a project and for use on city property, provided that the cost or costs to acquire, transport, use and/or maintain the product is not deemed cost-unreasonable by the city either in comparison to an alternate product or an alternate scope of work or application on the project.
- b. The city is not required to use compost products if:
 1. They are not available within a reasonable period of time;
 2. Acquiring those that are available would not comply with existing purchasing standards;
 3. Acquiring those that are available would not comply with federal or state health, quality or safety standards; or
 4. They are deemed cost-unreasonable by the city.

3.05.030 Planning.

Consistent with the general policy, the city shall endeavor to use compost products when possible and reasonable for the following projects and applications:

- a. Landscaping;
- b. Soil amendments during or following construction;
- c. To prevent or mitigate soil erosion;
- d. To filter stormwater;
- e. To promote vegetative growth;
- f. To improve stability and longevity of roadways; and
- g. For low-impact development of green infrastructure to filter pollutants, keep water onsite, or both.

3.05.040 Local Purchasing.

The city will acquire compost products from suppliers that are:

- a. Operating from a local location;
- b. Certified by a nationally recognized organization, such as the U.S. Composting Council or its equivalent; and
- c. Creates compost products that are derived from municipal solid waste compost programs under RCW 43.19A.130 and that meet quality standards comparable to the standards adopted by the Washington State Department of Transportation or by rule of the Washington State Department of Ecology including compliance with apple maggot boundaries and rules set by the United States Department of Agriculture.

3.05.050 Education.

The city shall be responsible for educating residents and businesses about the value of food and yard waste compost, and how the city uses compost in its operations. This may include communications made directly by the city's contracted solid waste collection company, offered on the city's behalf.

3.05.060 Reporting.

The Public Works Department shall be responsible for submitting a report to the Washington State Department of Ecology every two years, with the first such report due on or to December 31, 2024, and successive reports due on or prior to December 31st of even-numbered calendar years, which report shall at a minimum recite the following information for the applicable two-year reporting period:

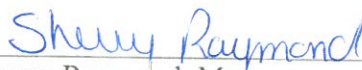
- a. The total weight tonnage, if any, of organic material diverted from the City of Selah's waste stream due to the city's compost procurement under this chapter;
- b. The volume, if any, of compost acquired by the city pursuant to the city's compost procurement under this chapter;
- c. The aggregate financial costs, if any, for compost acquired by the city pursuant to the city's compost procurement under this chapter; and
- d. The name and location of each supplier, if any, from which the city acquired compost pursuant to the city's compost procurement under this chapter.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or other portion of this Ordinance or the application of this Ordinance to any person, entity, situation or circumstance is for any reason declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity or applicability of the reading portions hereof.

Section 3. Corrections. The City Attorney and the codifiers of the Selah Municipal Code are authorized to make any necessary or desirable clerical or formatting changes – including but not limited to correcting scrivener errors, changing formatting, changing numbering and correcting references – when publishing or republishing the official text of the Selah Municipal Code due to any amendment, addition or enactment effectuated by this Ordinance.

Section 4. Publishing & Effective Date. Consistent with RCW 35A.12.130 (3rd ¶) and .160 (1st and 2nd ¶¶), this Ordinance or a summary of it shall be published at least once in the City's official newspaper prior to the Ordinance taking effect. This Ordinance shall take effect as of August 1, 2023.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 11th day of July, 2023.


Sherry Raymond, Mayor

ATTEST:


Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:


Rob Case, City Attorney