

ORDINANCE NO. 780

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON; CREATING A NEW CHAPTER 12.20 OF THE LAKEWOOD MUNICIPAL CODE; RELATIVE TO THE USE OF LOCALLY SOURCED COMPOST MATERIALS FOR CITY OR CITY FUNDED LANDSCAPE, CONSTRUCTION, OR EROSION CONTROL PROJECTS.

WHEREAS, the CITY OF LAKEWOOD has a role in the collection of organics through its Refuse and Recycling Franchise Agreements; and

WHEREAS, the State of Washington intends to reduce food and yard waste in landfills by 75% by 2030, relative to 2015 levels; and

WHEREAS, the State of Washington passed a new law requiring cities with a population greater than 25,000 or cities that provide curbside organics collection to procure compost per RCW 43.19A.120 for City projects, or City funded projects related to landscaping, construction or erosion control; and

WHEREAS, the City is a proponent of finding various ways to reduce the amounts and types of waste going into landfills and increasing the reuse and repurposing of appropriate materials as described in its Solid and Hazardous Waste Management Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. New Chapter 12.20 of the Lakewood Municipal Code. A new chapter 12.20 of the Lakewood Municipal Code shall be adopted as set forth in the attached Exhibit A and incorporated by reference.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk or the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 3. Severability. If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall take effect thirty (30) days after publication.

ADOPTED by the City Council this 3rd day of January, 2023.

CITY OF LAKEWOOD

Attest:

B. Schumacher

Briana Schumacher, City Clerk

Jason Whalen, Mayor

Approved as to Form:

Heidi Ann Wachter
Heidi Ann Wachter, City Attorney

EXHIBIT A

Chapter 12.20 Lakewood Municipal Code LOCALLY SOURCED COMPOST MATERIALS

12.20.010	Compost for City Projects
12.20.020	Utilization of Compost Products
12.20.030	Compliance
12.20.040	Purchasing
12.20.050	No substantive rights granted.

12.20.010 Compost for City projects. When planning City-funded projects or soliciting and reviewing bids for such projects, the City shall consider whether compost products can be utilized in the project.

12.20.020 Utilization of compost products. If compost products can be utilized in the project, the City shall use compost products, except as follows:

- a) Compost products are not available within a reasonable period of time;
- b) Compost products that are available do not comply with existing purchasing standards;
- c) Compost products that are available do not comply with federal or state health, quality, and safety standards;
- d) Compost purchase prices are not reasonable or competitive;
- e) The total cost of using compost is financially prohibitive;
- f) Application of compost will have detrimental impacts on the physical characteristics and nutrient condition of the soil as it is used for a specific crop;
- g) The project consists of growing trees in a greenhouse setting, including seed orchard greenhouses; or
- h) The compost products that are available have not been certified as being free of crop-specific pests and pathogens, including pests and pathogens that could result in the denial of phytosanitary permits for shipping seedlings.

12.20.030 Compliance. In the utilization and procurement of composting products pursuant to this chapter, the City will ensure compliance with the Department of Agriculture pest control regulations provided in chapter 16-470 WAC.

12.20.040 Purchasing. The City may give priority to purchasing compost products from companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet the quality standards adopted by rule by the Department of Ecology. In the event of a conflict between this chapter and the City's purchasing policies, this chapter shall control.

12.20.050. No substantive rights granted. Nothing contained within this chapter is intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the CITY OF LAKEWOOD, its departments, agencies, or entities, its officers, employees, or agents, or any other person.