

TOWN OF WOODWAY

ORDINANCE 2022-647

AN ORDINANCE OF THE TOWN OF WOODWAY CREATING A NEW CHAPTER 2.46 RELATING TO THE USE OF LOCALLY SOURCED COMPOST MATERIALS FOR TOWN FUNDED LANDSCAPE, CONSTRUCTION, OR EROSION CONTROL PROJECTS; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, the State of Washington adopted RCW 43.19A.150, with the intent to increase the diversion of organic materials to productive uses, and to reduce methane emissions caused by landfills; and

WHEREAS, RCW 43.19A.150 requires certain cities, including the Town, to implement the new law by adopting a compost procurement ordinance by January 1, 2023.

NOW, THEREFORE, the Town Council of the Town of Woodway does hereby ordain as follows:

Section 1. A new Chapter 2.46 of the Woodway Municipal Code is hereby added to read as set forth in Exhibit A and is incorporated by reference.

Section 2. Upon approval of the Town Attorney, the Clerk-Treasurer is authorized to make necessary corrections to this ordinance, including the correction of scrivener's/clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance numbering and section/subsection numbering.

Section 3. If any part or portion of this Ordinance is declared invalid for any such reason, such declaration of invalidity shall not affect any remaining portion.

Section 4. This Ordinance shall take effect five days after date of publication by ordinance title only.

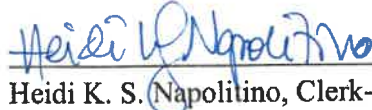
PASSED this 20th day of December 2022 by the Town Council of the Town of Woodway.

TOWN OF WOODWAY

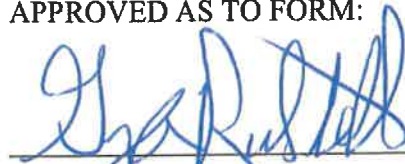


Michael S. Quinn, Mayor

ATTEST:


Heidi K. S. Napolitano, Clerk-Treasurer

APPROVED AS TO FORM:


Greg Rubstello, Town Attorney

Date Passed by the Town Council: 20 dec 2022

Date Published: 24 dec 2022

Effective Date: 29 dec 2022

TOWN OF WOODWAY

ORDINANCE 2022-647 | EXHIBIT A

WMC CHAPTER 2.46: LOCALLY SOURCED COMPOST MATERIALS

Sections:

- 2.46.010 Compost for Town Projects
- 2.46.020 Utilization of Compost Products
- 2.46.030 Compliance
- 2.46.040 Purchasing
- 2.46.050 No Substantive Rights Granted

2.46.010 COMPOST FOR TOWN PROJECTS.

When planning the following Town-funded projects or soliciting and reviewing bids for such projects, the Town shall consider whether compost products can be utilized in the project:

- A. Landscaping projects;
- B. Construction and postconstruction soil amendments;
- C. Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and
- D. Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.

2.46.020 UTILIZATION OF COMPOST PRODUCTS.

If compost products can be utilized in the project, the Town 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.

2.46.030 COMPLIANCE.

In the procurement and utilization of composting products pursuant to this chapter, the Town will ensure compliance with the Department of Agriculture’s pest control regulations provided in chapter 16-470 WAC and the Department’s reporting requirements established pursuant to RCW 43.19A.150(5). Additionally, to the extent required by RCW 43.19A.150(4), the Town will develop strategies to inform residents about the value of compost and how the Town uses compost in its operations.

2.46.040 PURCHASING.

The Town 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 Town’s purchasing policies, this chapter shall control.

2.46.050 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 Town, its departments, agencies, or entities, its officers, employees, or agents, or any other person.