

ORDINANCE O-4841

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPOST PROCUREMENT, ADDING A NEW SECTION TO KIRKLAND MUNICIPAL CODE CHAPTER 3.85, PURCHASING, AND ADDING A COMPOST PRODUCTS DEFINITION TO KIRKLAND MUNICIPAL CODE CHAPTER 16.04, DEFINITIONS.

1           WHEREAS, Engrossed Second Substitute House Bill  
2 (ESSHB) 1799 related to organic materials management was  
3 enacted by the Legislature and signed by the Governor and  
4 became effective June 9, 2022; and  
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6           WHEREAS, the Legislature declared its intent through  
7 ESSHB 1799 to support the diversion of organic materials from  
8 landfills through a series of interventions to support productive  
9 uses of organic material wastes; and  
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11           WHEREAS, under the State of Washington's solid waste  
12 management laws, local governments are the primary  
13 governmental entities responsible for implementing solid waste  
14 management requirements; and  
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16           WHEREAS, ESSHB 1799 added new section RCW  
17 43.19A.150, which requires each city with a population greater  
18 than 25,000 residents to adopt a compost procurement ordinance  
19 to help implement RCW 43.19A.120; and  
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21           WHEREAS, the City of Kirkland (City) contracts with King  
22 County (County) for the provision of certain waste disposal  
23 services, including organic materials; and  
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25           WHEREAS, the County reports that in 2019 organic  
26 materials comprised approximately 35% of all materials sent to  
27 the Cedar Hills regional landfill; and  
28

29           WHEREAS, the County's 2019 Comprehensive Solid Waste  
30 Management Plan has a goal of achieving zero waste of resources  
31 by 2030, including through the use of composting and by  
32 maximizing the safe diversion of organic materials from disposal;  
33 and

34 WHEREAS, the City's Sustainability Master Plan has a goal,  
35 Goal SM-4, of achieving a local and countywide 70% recycling  
36 diversion rate by 2030, including through the increased diversion  
37 of organic materials from disposal; and

38  
39 WHEREAS, in addition to reducing the amount of materials  
40 going to landfills, the diversion of organic materials, as well as  
41 market support for the safe use of compost products, will help  
42 meet other environmental and sustainability goals, including  
43 improved soil health and reduced greenhouse gas emissions.

44  
45 NOW, THEREFORE, the City Council of the City of Kirkland  
46 do ordain as follows:

47  
48 Section 1. A new section is added to chapter 3.85 of the  
49 Kirkland Municipal Code, Purchasing, to read in its entirety as  
50 follows:

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52 **3.85.260 Compost Products Procurement.**

53 (a) Prior to the issuance of a solicitation for bids or proposals,  
54 affected departments shall consider whether compost products can be  
55 utilized in connection with a city project. When such products can be  
56 utilized, their procurement shall be a required element of any solicitation  
57 issued pursuant to this chapter and in accordance with its terms.

58 (b) Affected departments shall plan for the use of compost products  
59 in the following categories:

- 60 (1) Landscaping projects;  
61 (2) Construction and postconstruction soil amendments;  
62 (3) Applications to prevent erosion, filter stormwater runoff,  
63 promote vegetation growth, or improve the stability and  
64 longevity of roadways; and  
65 (4) Low-impact development and green infrastructure to filter  
66 pollutants or keep water on-site, or both.

67 (c) Notwithstanding subsections (a) and (b) of this section, the city  
68 is not required to use compost products if:

- 69 (1) Compost products are not available within a reasonable period  
70 of time;  
71 (2) Compost products that are available do not comply with  
72 existing procurement standards;  
73 (3) Compost products that are available do not comply with  
74 federal, state, or local health, quality, and safety standards; or  
75 (4) Compost product purchase prices are not reasonable or  
76 competitive.

77 (d) The city shall give priority to purchasing compost products that:

- 78 (1) Produce compost products locally;  
79 (2) Are certified by a nationally recognized organization, such as  
80 the United States Composting Council; and

81 (3) Produce compost products that are derived from municipal  
82 solid waste compost programs and meet quality standards  
83 adopted by the Washington departments of transportation or  
84 ecology.

85 (e) The city manager or designee shall develop and implement  
86 education and outreach strategies to inform community members about  
87 the value of compost products and how the city uses compost in its  
88 operations.

89 (f) By December 31, 2024, and each December 31<sup>st</sup> of even-  
90 numbered years thereafter, the city manager or designee shall submit  
91 a report covering the previous year's compost products procurement  
92 activities to the Washington department of ecology containing the  
93 following information:

- 94 (1) The total tons of organic materials diverted;
- 95 (2) The volume and costs of compost products purchased; and
- 96 (3) The source or sources of the compost products.

97 (g) Nothing in this section limit the ability to enter into collective  
98 purchasing agreements for compost products if doing so is more cost-  
99 effective or efficient.

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101 Section 2. A new section is added to the chapter 16.04  
102 of the Kirkland Municipal, Definitions, to read in its entirety as  
103 follows:

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105 **16.04.250 Compost products.**

106 "Compost products" means mulch, soil amendments, ground  
107 cover, or other landscaping material derived from the biological or  
108 mechanical conversion of biosolids or cellulose-containing waste  
109 materials or as otherwise may be defined in RCW 43.19A.010.

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111 Section 3. If any provision of this ordinance or its  
112 application to any person or circumstance is held invalid, the  
113 remainder of the ordinance or the application of the provision to  
114 other persons or circumstances is not affected.

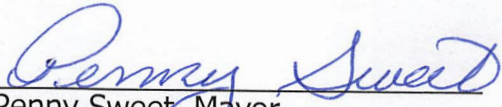
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116 Section 4. This ordinance shall be in force and effect five  
117 days from and after its passage by the Kirkland City Council and  
118 publication pursuant to Section 1.08.017, Kirkland Municipal Code  
119 in the summary form attached to the original of this ordinance and  
120 by this reference approved by the City Council.

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Passed by majority vote of the Kirkland City Council in open meeting this 17 day of January, 2023.

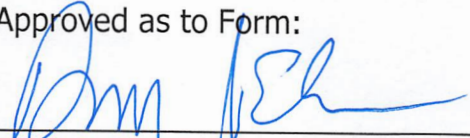
Signed in authentication thereof this 17 day of January, 2023.

  
Penny Sweet, Mayor

Attest:

  
Kathi Anderson, City Clerk

Approved as to Form:

  
Darcey Eilers, Assistant City Attorney

Publication Date: 01/23/2023

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4841

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPOST PROCUREMENT, ADDING A NEW SECTION TO KIRKLAND MUNICIPAL CODE CHAPTER 3.85, PURCHASING, AND ADDING A COMPOST PRODUCTS DEFINITION TO KIRKLAND MUNICIPAL CODE CHAPTER 16.04, DEFINITIONS.

SECTION 1. Adds a new Kirkland Municipal Code Section 3.85.260 relating to compost products procurement.


SECTION 2. Adds a new Kirkland Municipal Code Section 16.04.250 relating to the definition of compost products.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 17 day of January, 2023.

I certify that the foregoing is a summary of Ordinance 4841 approved by the Kirkland City Council for summary publication.

  
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Kathi Anderson, City Clerk