

**CITY OF MERCER ISLAND  
ORDINANCE NO. 22C-22**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND,  
WASHINGTON, AMENDING CHAPTER 4.04 OF THE  
MERCER ISLAND CITY CODE TO ADD A COMPOST  
PROCUREMENT REQUIREMENT IN COMPLIANCE WITH  
RCW 43.19A.150.**

**WHEREAS**, the Washington State Legislature recently enacted House Bill 1799, which requires that cities and counties with populations greater than 25,000, and with existing organics collection services, shall adopt a compost procurement ordinance to implement RCW 43.19A.120; and

**WHEREAS**, such ordinance must be adopted by January 1, 2023;

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

**Section 1. Chapter 4.04 MICC Amended.** Chapter 4.04 MICC is amended to add a new MICC 4.04.050 as provided below:

**4.04.050 – Compost procurement.**

- A. Definitions. For the purposes of this section, the definitions set forth in RCW 43.19A.010 shall apply, unless the context clearly requires otherwise.
- B. When planning city-funded projects or soliciting and reviewing bids for such projects, city departments shall identify whether compost can be utilized in a city project. In the event that compost can be utilized, city departments shall require purchase of compost for use in city projects.
- C. City departments shall plan for the use of compost in any of the following categories that are applicable to their operations and project types:
  - 1. Landscaping projects;
  - 2. Construction and postconstruction soil amendments;
  - 3. Applications to prevent erosion, filter stormwater runoff, promote vegetative growth, or improve the stability and longevity of roadways; and
  - 4. Low-impact development and green infrastructure to filter pollutants or to keep water onsite or both.
- D. Notwithstanding subsections B and C of this section, city departments are not required to use compost products if:
  - 1. Compost products are not available within a reasonable time or distance from the project;
  - 2. Compost products that are available do not comply with existing purchasing standards;
  - 3. Compost products that are available do not comply with federal, state or local health, quality and safety standards; or
  - 4. Compost purchase prices are not reasonable or competitive.
- E. 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.
- F. City departments that use compost shall report the following information to the public works department by each December 15:
1. The volume and cost of compost purchased by the city department in that year; and
  2. The source or sources of the compost purchased by the city department in that year.
- G. The public works department is responsible for:
1. Providing technical assistance and education regarding the use of food and yard waste compost to city departments and staff;
  2. Conducting educational outreach to inform residents and businesses about the value of food and yard waste compost and how the city uses compost in its operations each year; and
  3. Reporting the total estimated tons of organic material diverted from the city's waste stream because of compost use under this section.
- H. By December 31, 2024, and each December 31st of even-numbered years thereafter, the city shall submit a report covering the previous year's compost procurement activities to the department of ecology that contains the following information:
1. The total tons of organic material diverted throughout the year;
  2. The volume and cost of compost purchased throughout the year; and
  3. The source or sources of the compost.

**Section 2. Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this Ordinance or its application to any other person, property, or circumstance.

**Section 3. Publication and Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force on and after January 1, 2023, provided five days have passed since the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS MEETING ON DECEMBER 6, 2022.

CITY OF MERCER ISLAND

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Salim Nice, Mayor

ATTEST:

APPROVED AS TO FORM

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Andrea Larson, City Clerk

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Bio Park, City Attorney

Date of publication: