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**CITY OF FIRCREST
ORDINANCE NO. 1749**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON, ADOPTING A NEW CHAPTER 3.14 TO THE FIRCREST MUNICIPAL CODE RELATED TO COMPOST PROCUREMENT; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Washington State Legislature enacted House Bill 1799, which requires that cities and counties with populations greater than 25,000, or cities with existing organics collection services, shall adopt a compost procurement ordinance to implement [RCW 43.19A.120](#) for City projects, or City-funded projects related to landscaping, construction, or erosion control; and

WHEREAS, the City of Fircrest has a role in the collection of organics through its Refuse and Recycling Franchise Agreements; and

WHEREAS, the City is a proponent of exploring various ways to reduce the amount and types of waste entering landfills and increasing the reuse and repurposing of appropriate materials, as described in Pierce County's Solid and Hazardous Waste Management Plan;

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

Section 1. Fircrest Municipal Code Chapter 3.14 Adopted. A new Chapter 3.14 of the Fircrest Municipal Code ("FMC"), Compost Procurement, is hereby adopted to read as follows:

**Chapter 3.14
Compost Procurement**

Sections:

- 3.14.010 Compost for City Projects.
- 3.14.020 Utilization of Compost Products.
- 3.14.030 Compliance.
- 3.14.040 Purchasing.
- 3.14.050 No Substantive Rights Granted.

3.14.010 Compost for City Projects.

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

3.14.020 Utilization of Compost Products.

If compost products can be utilized, the City shall use compost products, except in the following circumstances:

- (a) Compost products are not available within a reasonable period of time;
- (b) Compost products available do not comply with existing purchasing standards;

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

8 **3.14.030 Compliance.**

9 In the utilization and procurement of compost products pursuant to this chapter, the
10 City shall ensure compliance with the Department of Agriculture pest control
regulations under Chapter 16-470 WAC.

11 **3.14.040 Purchasing.**

12 The City may give priority to purchasing compost products from companies that
13 produce compost products locally, are certified by a nationally recognized
14 organization, and produce compost products derived from municipal solid waste
15 compost programs that 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
16 policies, this chapter shall control

17 **3.14.050 No Substantive Rights Granted.**

18 Nothing in this chapter is intended to, nor shall it be construed to, create any right or
benefit, substantive or procedural, enforceable at law or in equity by any party
19 against the City of Fircrest, its departments, agencies, officers, employees, agents, or
any other person.

20 **Section 2. Corrections.** The City Clerk and codifiers of the ordinance are authorized to
21 make necessary corrections to this ordinance including, but not limited to, the correction
of scrivener/clerical errors, references, ordinance numbering, section/subsection
22 numbers, and any references thereto.

23 **Section 3. Severability.** If any section, subsection, paragraph, sentence, clause, or
24 phrase of this ordinance is declared unconstitutional or invalid for any reason, such
invalidity shall not affect the validity or effectiveness of the remaining portions of this
ordinance.

25 **Section 4. Publication and Effective Date.** A summary of this ordinance consisting of
26 its title shall be published in the official newspaper of the city. This ordinance shall be
effective five (5) days after such publication.

27 **PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,**
28 **WASHINGTON,** at a regular meeting thereof this 12th day of November, 2025.

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APPROVED:

S. Reynolds
Shannon Reynolds, Mayor

ATTEST:

Arlette Burkhardt
Arlette Burkhardt, City Clerk

APPROVED AS TO FORM:

Joanna Eide
Joanna Eide, City Attorney

Publication Date:
Effective Date: