



# MODEL MUNICIPAL ORDINANCE ON ADVANCING COMMUNITY COMPOSTING\*

\*For a version with commentaries: *Model Municipal Ordinance on Advancing Community Composting, with Commentaries*.  
For background information and supplemental resources: *Model Municipal Ordinance on Advancing Community Composting: Background Memorandum*.

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## 1.0 FINDINGS

- 1.1 More than 30 percent of the food supply in the United States goes uneaten, and the most common destination for this food waste is a landfill, where it typically represents the largest component of disposed material.
- 1.2 The amount of food wasted in the United States is worth approximately \$382 billion per year. When food is wasted, water and other resources used to produce that food also are wasted.
- 1.3 Food waste disposed of in landfills emits methane, a greenhouse gas that contributes to climate change and is far more potent than carbon dioxide, especially in the near term. An estimated 58 percent of fugitive methane emissions from landfills comes from food waste.
- 1.4 Composting diverts food waste and other organic material from landfills and incinerators. This in turn can:
  - 1.4.1 Reduce greenhouse gas emissions from landfilled and incinerated organic material;
  - 1.4.2 Decrease the harmful public health and environmental impacts of landfills and incinerators;
  - 1.4.3 Lower municipal solid waste management costs associated with landfilling and incineration;
  - 1.4.4 Reduce the need to expand existing landfills and build new landfills and incinerators, which are costly and disproportionately sited in low-income communities and communities of color; and
  - 1.4.5 Provide green jobs and job training.
- 1.5 Composting produces a valuable soil amendment that can be used to enrich soil and plants. It provides other environmental and economic benefits as well, including sequestering carbon; preventing erosion; reducing stormwater runoff; and decreasing the need for chemical fertilizers, pesticides, and irrigation.
- 1.6 Community composting, with its community focus and relatively small size, can provide [Municipality] and its community members local environmental, economic, and social benefits, such as community engagement and education, local green job creation and training, and application of compost to local soil.
- 1.7 Community composting can provide needed green spaces, fill gaps in municipal waste service offerings, and offer numerous soil health benefits as well as immobilize contaminants in soil and groundwater through local application of compost.
- 1.8 Community composting, when used to support community gardens and urban farms, contributes to the local production of food and enhances knowledge of and participation in local food systems.
- 1.9 Community composters often encounter regulatory barriers at both the municipal and state levels that can hinder their ability to establish and sustain operations. [Municipality] can advance community composting by taking steps to eliminate or reduce unreasonable regulatory barriers to community composting.
- 1.10 Community composters' operations are often small and locally led; thus, they will benefit from [Municipality's] support through education initiatives, technical assistance, and financial assistance.

## 2.0 DECLARATION OF POLICY

- 2.1 It is the purpose of this ordinance both to reduce unreasonable regulatory barriers to community composting and to provide opportunities for advancing community composting.
- 2.2 It is the intention of [City Council] to:
  - 2.2.1 Advance the many environmental, public health, equity, waste management cost, and job benefits of community composting;
  - 2.2.2 Encourage community composting undertaken in compliance with the law by supporting community composters in navigating the regulatory framework for community composting;
  - 2.2.3 Encourage the production of high-quality compost;
  - 2.2.4 Amend [Municipality]'s municipal code and take other practical steps to eliminate or reduce unreasonable regulatory barriers to community composting;
  - 2.2.5 Consider supporting community composting through educational initiatives, technical assistance, and financial assistance;

- 2.2.6 Consider setting specific municipal targets related to community composting;
- 2.2.7 Encourage the use of locally generated compost as a community resource that contributes to erosion control, drought protection, stormwater management, improved soil health, and carbon sequestration; and
- 2.2.8 Encourage the integration of community composting into regional and municipality-wide solid waste management planning to support widespread access to compost programs.

2.3 It is the intent of [City Council] that [Municipality] shall implement this ordinance in a fair and equitable manner.

### 3.0 DEFINITIONS

- 3.1 **Community composting** means an approach to composting, using one or more basic configurations, that:
  - 3.1.1 Sources organic material locally, distributes most or all of the compost locally or uses most or all of the compost on local soils, and typically engages the community in the composting process;
  - 3.1.2 Occupies a smaller operational area and processes substantially less organic material than industrial composting; and
  - 3.1.3 Does not engage in on-farm composting (unless on an urban farm or in a community garden).
- 3.2 **Community composting operation** means all activities, whether conducted at a community composting site or off-site, necessary to support community composting. It may include collecting, receiving, storing, or transferring organic material; undertaking related hauling activities; generating and distributing compost; or a combination thereof.
- 3.3 **Compost** means the dark, crumbly, earthy-smelling, biologically stable soil amendment produced by composting.
- 3.4 **Composting** means the controlled, aerobic, biological decomposition of organic material.
- 3.5 **Hauler** means any person engaged in the transportation of organic material or solid waste.
- 3.6 **Organic material** means any compostable material used in the production of compost, including garden or landscaping waste and food scraps.
- 3.7 **Unreasonable regulatory barrier to community composting** means a non-zoning regulatory requirement, including a local permitting requirement or permit condition, that imposes on a community composting operation a burden that is unintended, unnecessary, or disproportionate to the expected benefit of applying the requirement.

### 4.0 GOALS

[Municipality] shall establish and track progress toward an annual, measurable goal for increasing community composting operations located within [Municipality], with such goal stated in terms of:

- 4.1 Number of community composting operations within [Municipality];
- 4.2 Volume of organic material processed by community composting operations within [Municipality];
- 4.3 Volume of compost distributed by community composting operations within [Municipality]; or
- 4.4 Any other suitable metric.

### 5.0 IDENTIFICATION OF MUNICIPAL LAWS AND REDUCTION OF MUNICIPAL REGULATORY BARRIERS

- 5.1 **Identification of applicable municipal laws.** [Municipality] shall review, compile, and maintain an inventory of municipal ordinances and regulations that apply, or may apply, to a community composting operation, including any requirement to obtain a permit.
  - 5.1.1 These municipal ordinances and regulations may address the following topics, without limitation: zoning; nuisance requirements; requirements to protect floodplains and flood-prone areas; licensing of haulers and collection of organic material; regulation of the distribution and sale of compost; and regulation of the procurement of compost and composting services.
  - 5.1.2 [Municipality] shall publish, and periodically update, such inventory and make it available to the public free of charge in print and electronic formats.

- 5.2 **Reduction or elimination of municipal regulatory barriers—generally.** [Municipality] shall:
- 5.2.1 Determine whether any municipal ordinance or regulation identified pursuant to Section 5.1 presents an unreasonable barrier to community composting; and
  - 5.2.2 For any municipal ordinance or regulation that is determined to present such a barrier, and to the extent practicable, reduce or eliminate such barrier by amending the municipal ordinance or regulation with regard to community composting operations.
- 5.3 **Municipal nuisance requirements**
- 5.3.1 [Municipality] shall—
    - 5.3.1.1 Determine whether any municipal ordinance or regulation identified in the review pursuant to Section 5.1 may provide for a determination that a nuisance exists at a community composting site due to odors, rodents, or other pests in connection with composting; and
    - 5.3.1.2 To avoid an unreasonable regulatory barrier to community composting, consider amending such ordinance or regulation to ensure that a nuisance determination made with regard to a community composting site considers whether best management practices were and continue to be in use.
  - 5.3.2 For purposes of this Section, best management practices include, but are not limited to, the following:
    - 5.3.2.1 Nitrogen-rich feedstocks (such as food scraps) are:
      - 5.3.2.1.1 Contained at all times, such as in a fully enclosed, sealed barrel or bucket;
      - 5.3.2.1.2 Covered with at least three (3) inches of carbon-rich materials with no visible food scraps and in a rodent-resistant system;
      - 5.3.2.1.3 Mixed immediately with carbonaceous feedstocks and placed in a rodent-resistant system;
      - 5.3.2.1.4 Incorporated into active composting the same day as arrival on site and, if in an open pile, sealed with at least eight (8) inches of carbon-rich material; or
      - 5.3.2.1.5 Pre-processed, including through dehydration or fermentation methods such as bokashi, and contained at all times;
    - 5.3.2.2 Open compost piles are surrounded by a minimum of two feet of empty space at all times; and
    - 5.3.2.3 Acceptance of new food scraps is ceased when rodents or other vectors of public health concern are present in the vessels, bins, windrows, or piles, until the problem is resolved.
- 5.4 **Municipal requirements to protect floodplains and flood-prone areas.** Except as may be required by local conditions, [Municipality] shall not restrict the activities of a community composting operation under a municipal ordinance intended to protect floodplains or flood-prone areas more stringently than is necessary to satisfy the requirements of state or federal law.
- 5.5 **Municipal licensing of haulers and collection of organic material**
- 5.5.1 Except as may be required under state law, a person transporting organic material exclusively as part of a community composting operation is exempt from municipal licensing requirements applicable to waste haulers.
  - 5.5.2 [Municipality] shall not enter into or renew an exclusive franchise zone arrangement or other private contract for solid waste hauling that has the effect of prohibiting or unduly restricting the ability of a community composting operation to collect organic material.
  - 5.5.3 [Municipality] shall:
    - 5.5.3.1 Determine whether municipal residents subject to requirements imposed by homeowners' associations, condominium owners' associations, or owners of multifamily residential dwelling units are prohibited or unreasonably restricted from arranging with a community composting operation to collect organic material for community composting; and
    - 5.5.3.2 Where such prohibitions or unreasonable restrictions to community composting are determined to exist under Section 5.5.3.1, consider amending municipal ordinances and regulations to reduce or eliminate such prohibitions or restrictions with regard to community composting operations.

## 5.6 **Municipal regulation of distribution and sale of compost and of procurement of compost and composting services**

### 5.6.1 [Municipality] shall:

5.6.1.1 Determine whether any municipal ordinance or regulation identified in the review conducted pursuant to Section 5.1 governs the distribution and sale of compost—including, without limitation, requirements for testing and analysis of compost prior to off-site distribution and restrictions on public use of compost; and

5.6.1.2 For any such municipal ordinances and regulations that result in an unreasonable barrier to community composting, consider amending such municipal ordinances and regulations to reduce or eliminate these barriers with regard to community composting operations.

5.6.2 To remove unreasonable regulatory barriers and encourage the procurement of locally produced compost and food scrap composting services provided by community composters, [Municipality] shall review the municipal procurement code and any implementing regulations and policies and, to the extent appropriate and practicable, amend such codes, regulations, or policies.

## 6.0 **IDENTIFICATION OF STATE LAWS**

6.1 [Municipality] shall review, compile, and maintain an inventory of the state-level laws and regulations that apply, or may apply, to a community composting operation, including any requirement to obtain a state permit.

6.1.1 The inventory prepared under this Section may address the following topics, without limitation: proper solid waste management; protection of water and air resources; avoidance of nuisance impacts from pests and odors; and oversight of the distribution and sale of compost.

6.1.2 [Municipality] shall publish, and from time to time update, such inventory and make it available to the public free of charge in print and electronic formats.

6.2 [Municipality] may further:

6.2.1 Determine whether any state-level law or regulation identified pursuant to this Section presents an unreasonable barrier to community composting within [Municipality]; and

6.2.2 For any such state-level law or regulation, to the extent practicable, communicate this determination to the responsible state entity and, as appropriate, recommend options for ameliorating any unintended adverse effects of the state-level law or regulation on community composting.

## 7.0 **OPPORTUNITIES TO ADVANCE COMMUNITY COMPOSTING**

7.1 [Municipality] shall, to the extent practicable, pursue one or more of the following opportunities to promote public awareness and education about community composting:

7.1.1 Participating in existing awareness campaigns;

7.1.2 Partnering with community composters or other organizations on community-wide awareness and education campaigns; and

7.1.3 Working with local partners to develop community composting education and awareness initiatives tailored to specific audiences, including, but not limited to, students.

7.2 [Municipality] shall assess and, to the extent practicable, pursue opportunities to provide technical assistance to community composters, including, but not limited to:

7.2.1 Providing technical assistance directly through municipal staff or municipal programs;

7.2.2 Working with a third party (including private contractors and regional nonprofits) to provide technical assistance;

7.2.3 Providing community composters with technical resources on composting and community composting;

7.2.4 Endorsing or adopting a guide on community composting siting and operations that includes best management practices for avoiding rodents and other pests, as well as odors;

7.2.5 Developing education, training, and certification courses on community composting, or publicizing existing courses; and

7.2.6 Sponsoring or otherwise supporting demonstration projects.

7.3 [Municipality] shall assess and, to the extent practicable, pursue opportunities to provide financial assistance for community composting, including but not limited to:

7.3.1 Providing grant opportunities or direct funding for community composters;

7.3.2 Providing in-kind contributions, such as access to municipal land and composting bins, free of charge or at a discounted or subsidized rate;

7.3.3 Partnering with community composters to apply for federal and state funding; and

7.3.4 Providing assistance to community composters seeking external funding, through:

7.3.4.1 Supporting grant application efforts;

7.3.4.2 Compiling and publicizing grants offered by federal and state agencies, philanthropic organizations, and nongovernmental organizations; and

7.3.4.3 Directing community composters to banks and credit unions that may provide financing for their projects.

## **8.0 REPORTING**

[Municipal Department] shall issue an annual public report on the effectiveness of measures adopted pursuant to this ordinance in encouraging community composting measured against the goals established under Section 4.

## **9.0 SEVERABILITY**

This ordinance and the various parts thereof are hereby declared to be severable. If any provision, sentence, clause, phrase, or word contained in this ordinance, or any application of it, is held to be invalid by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this ordinance.

## **10.0 EFFECTIVE DATE**

This ordinance takes effect [number of days] after its [adoption/publication].