

ORDINANCE NO. 653

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
REGULATING THE DISTRIBUTION OF PLASTIC CARRYOUT BAGS
AND REQUIRING RETAIL ESTABLISHMENTS TO COLLECT A PASS-
THROUGH CHARGE FROM CUSTOMERS REQUESTING
RECYCLABLE PAPER CARRYOUT BAGS**

WHEREAS, the Washington State Legislature in RCW 70.95.010(8)(a) established waste reduction as the first priority for the collection, handling, and management of solid waste; and

WHEREAS, the Washington State Legislature in RCW 70.95.010(4) found that it is "necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility"; and

WHEREAS, the Washington State Legislature in RCW 70.95.010(6)(c) found that it is the responsibility of city and county governments "to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies"; and

WHEREAS, it is the City's desire to implement effective waste reduction strategies, conserve resources, reduce greenhouse gas emissions, waste, litter and marine litter and pollution and to protect the public health and welfare; and

WHEREAS, there is a need to conserve energy and natural resources and control litter, and less reliance on plastic carryout bags provided by retail establishments works toward those goals; and

WHEREAS, even though paper carryout bags are made from renewable resources and are less of a litter and particularly marine litter problem than plastic carryout bags, they nevertheless require significant resources to manufacture, transport and recycle or dispose of; and

WHEREAS, costs associated with the use, recycling and disposal of paper and plastic carryout bags in Shoreline creates burdens on the City's solid waste disposal system, including in the case of plastic carryout bags machine down time and contamination of recycled paper at the City's solid waste recycling and disposal facility; and

WHEREAS, to reduce the use of plastic and paper carryout bags in the City, it is necessary to regulate such use; and

WHEREAS, it is in the best interest of the health, safety and welfare of the people of the City of Shoreline that regulation require a pass-through charge on the use of recyclable paper carryout bags in order to encourage greater use of reusable bags, to reduce the cost of solid waste disposal by the City, and to protect the environment;

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

Section 1. New Chapter. A new chapter of the Shoreline Municipal Code, Chapter 9.25, *Retail Carryout Bag Regulations*, is hereby adopted to read as follows:

9.25.010 Chapter and purpose.

This chapter provides regulations for retail carryout bags provided by retail establishments for their customers' use. The purpose of these regulations is to help create an environmentally sustainable community and to protect the public health and welfare through implementing an effective waste reduction strategy, reducing greenhouse gas emissions, waste, litter and marine litter and pollution, and conserving energy and natural resources.

9.25.020 Definitions.

The definitions in this section apply throughout the chapter unless the context clearly requires otherwise.

A. "Carryout bag" means a bag that is provided by a retail establishment at the check stand, cash register, point of sale or other point of departure to a customer for the purpose of transporting food or merchandise out of the establishment. Carryout bags do not include:

1. Bags used by customers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items, such as nails and bolts, or to contain or wrap frozen foods, meat or fish, whether prepackaged or not, or to contain or wrap flowers or potted plants, or other items where dampness may be a problem, or to contain unwrapped prepared foods or bakery goods, or to contain prescription drugs, or to safeguard public health and safety during the transportation of prepared take-out foods and prepared liquids intended for consumption away from the retail establishment; or
2. Newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.

B. "Paper carryout bag" means any carryout bag made from paper.

C. "Pass-through charge" means a charge to be collected by retailers from their customers when providing recyclable paper bags, and retained by retailers to offset the cost of bags and other costs related to the pass-through charge.

D. "Plastic carryout bag" means any carryout bag made from plastic or any material marketed or labeled as "biodegradable" or "compostable" that is less than 2.25 mils thick.

E. "Recyclable Paper carryout bag" means any carryout bag made from paper that has a manufacturer's stated capacity of one-eighth barrel (882 cubic inches) or larger and meets the following requirements:

1. Contains a minimum average of 40 percent post-consumer recycled materials, and
2. Displays the minimum percent of post-consumer content on the outside of the bag.

F. "Retail establishment" means any person, corporation, partnership, business venture, entertainment facility, government agency, street vendor or vendor at public events or festivals or organizations that sell or provide merchandise, goods or materials including, without limitation, clothing, food, beverages, household goods, or personal items of any kind directly to a customer. Examples include but are not limited to clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, home decor stores, liquor stores, convenience stores, gas stations, restaurants, food vending trucks, farmers markets and temporary vendors of food and merchandise at street fairs and festivals. Food banks and other food assistance programs are not considered to be retail establishments for the purposes of this section.

9.25.030 Carryout Bag Regulations.

A. No retail establishment in the City shall provide a plastic carryout bag to any customer.

B. No retail establishment in the City shall provide a paper carryout bag with a manufacturer's stated capacity of one-eighth barrel (882 cubic inches) or larger that is not a recyclable paper carryout bag, and retail establishments shall collect a pass-through charge of not less than five-cents for each recyclable paper carryout bag provided.

C. It shall be a violation of this section for any retail establishment to pay or otherwise reimburse a customer for any portion of the recyclable paper carryout bag pass-through charge; provided that retail establishments may not collect a pass-through charge from anyone with a voucher or electronic benefits card issued under the Women, Infants and Children (WIC) or Temporary Assistance to Needy Families (TANF) support programs, or the federal Supplemental Nutrition Assistance Program (SNAP, also known as Basic Food), or the Washington State Food Assistance Program (FAP).

D. All retail establishments shall indicate on the customer transaction receipt the number of recyclable paper carryout bags provided to customers and the total amount of the pass-through charge.

9.25.040 Violation - Penalty.

A. It shall be a violation this ordinance for any retail establishment to fail to comply with any section of this ordinance.

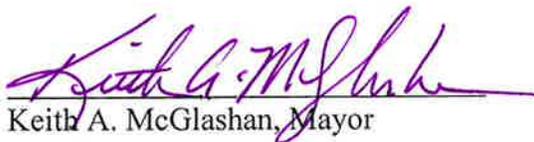
B. It shall be a violation of this ordinance for any retail establishment to penalize, discipline, or discriminate against any employee for performing any duty necessary to comply with this ordinance.

C. Violation of any provision of this chapter shall be a civil infraction.

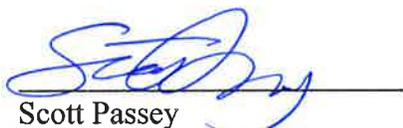
D. Any retail establishment found guilty of committing a civil infraction shall be assessed a monetary penalty of \$250.00.

Section 2. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force on February 1, 2014.

ADOPTED BY THE CITY COUNCIL ON APRIL 29, 2013.


Keith A. McGlashan, Mayor

ATTEST:



Scott Passey
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Publication Date: May 2, 2013
Effective Date: February 1, 2014