



TEMPORARY EMERGENCY ORDER of the City Manager

COVID-19 Public Health Emergency Suspension of Prohibition on Plastic Retail Carryout Bags			Category: COVID-19
			Number: 5
			Classification: Environmental
Effective Date: 03/23/2020 – 5/31/2020	Waiver/ Suspends: SMC 9.25.030(A)	Policy Originator: City Manager	Approved By: City Manager <hr style="width: 100%; border: 0.5px solid black;"/> Debbie Tarry

1. PURPOSE:

The purpose of this Temporary Emergency Order is to provide a temporary suspension of certain provisions of SMC Chapter 9.25 Retail Carryout Bag Regulations to allow for retail establishments to provide plastic carryout bags to address the COVID-19 public health emergency.

2. ELIGIBILITY CRITERIA:

Any retail establishment as that term is defined in SMC 9.25.020(F).

3. ORDER:

On February 29, 2020, the Washington State Governor declared a State of Emergency in all counties. On March 4, 2020, the City Manager issued a Declaration of Local Public Health Emergency. During the first few weeks of March, Public Health – King County/Seattle and the Governor issued directions to close certain types of businesses to reduce the spread of COVID-19. On March 23, 2020, the Washington State Governor issued the “Stay Home Stay Safe” Proclamation, effectively closing all but businesses deemed to be essential until at least April 6, 2020. On March 29, 2020, the Federal Government announced that social distancing protocols should be followed until April 30, 2020. It is anticipated that Washington State will similarly extend the “Stay Home Stay Safe” date.

SMC Chapter 9.25 Retail Carryout Bag Regulations was enacted in 2013 to create an environmentally sustainable community and to protect the public health and welfare through implementing, among other things, an effective waste reduction strategy. SMC 9.25.030 prohibits retail establishments from providing a “plastic carryout bag”

to any customer. SMC 9.25.040 states that a violation of this prohibition is a civil enactment, with a monetary penalty of \$250.00.

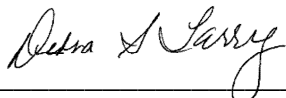
Grocery stores and restaurants providing take-out meals are considered essential businesses under the “Stay Home Stay Safe” Proclamation. Employees of these retail establishments, given their interaction with customers, are at a higher risk for community transmission of COVID-19. Public Health studies have stated that personal reusable cloth or denser plastic bags harbor bacteria, contagions, and viruses as customers rarely wash these bags between uses. A recent study published in the New England Journal of Medicine found that a viable COVID-19 virus was detected up to 72 hours after exposure on plastic surfaces.

Requiring Shoreline retail establishments to strictly comply with the plastic carryout bag prohibition could pose a risk to not only retail establishment employees but also the customers they serve by facilitating community transmission. In suspending the plastic carryout bag prohibition, retail establishments will be able to continue essential operations during the public health emergency without their employees or customers fearing transmittal of COVID-19, thereby serving the public health. In addition, during this time of public health emergency, the City’s resources are focused on essential functions with limited staff. Monitoring to ensure compliance with SMC 9.25.030 would direct these resources away from essential functions.

THEREFORE, for the reasons set forth above and pursuant to the authority granted to the City Manager by the City Council under Resolution No. 456, this Temporary Emergency Order is issued providing the following:

1. The prohibition on retail establishments providing a “plastic carryout bag” to any customer as set forth in SMC 9.25.030(A) is suspended until 11:59 pm Local Time on May 31, 2020.
2. The penalty required to be imposed pursuant to SMC 9.25.040 is suspended until 11:59 pm Local Time on May 31, 2020.
3. Nothing in this Temporary Emergency Order prohibits a retail establishment, at its sole discretion, from allowing a customer to utilize personal reusable cloth, paper, or plastic bags.

Dated this 31st day of March, 2020.



Debbie Tarry
City Manager