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ORDINANCE NO. 3749

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING CHAPTER 6.80, PLASTIC BAG REDUCTION IN THE EDMONDS CITY CODE TO PROMOTE THE USE OF RECYCLABLE PAPER AND/OR REUSABLE CHECKOUT BAGS BY RETAIL STORES LOCATED IN THE CITY, PROVIDING PENALTIES FOR VIOLATIONS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City of Edmonds (the "City") has a duty to protect the natural environment, the economy and the health of its citizens; and

WHEREAS, the Edmonds City Council unanimously agreed to promote and develop a sustainability agenda at its February 2009 retreat; and

WHEREAS, a ban on single-use plastic checkout bags was unanimously included within the sustainability agenda; and

WHEREAS, the use of single-use plastic checkout bags have been banned in cities and countries around the world, including the Republic of Ireland, which has achieved a 90% decrease in shopping bag usage; and

WHEREAS, single use plastic checkout bags have significant environmental impacts each year; and

WHEREAS, the post-consumer environmental effects of single-use plastic checkout bags are detrimental to marine life, wildlife, and public health; and

WHEREAS, Edmonds residents use an estimated eight million (8,000,000) single-use plastic checkout bags in a single year; and

WHEREAS, the goal is to encourage the use of reusable shopping bags; and

WHEREAS, the use of single-use plastic checkout bags has increased dramatically in recent years and many of these bags litter the landscape and contaminate creeks, bays, and oceans; and

WHEREAS, the Pacific Ocean contains a huge accumulation of plastic debris whose density is estimated by some scientists to be as great as one million pieces of plastic per square mile; and

WHEREAS, the land-based debris of the City, including litter (mostly bags, packaging and single-use disposable products) is conveyed through storm drains to local creeks, into Puget Sound, and into the Pacific Ocean, where the plastic debris does not completely biodegrade in the marine environment as paper does but instead breaks down into smaller and smaller pieces, absorbing toxins and forming high toxin concentrations, which in turn harm marine animals when the plastic debris is mistaken for food and ingested or when the marine animals become entangled in the plastic debris; and

WHEREAS, single-use plastic checkout bags represent an unnecessary use of a nonrenewable resource and reusable bags represent a sustainable alternative to single-use bags of all types; and

WHEREAS, recyclable paper bags degrade more rapidly and are therefore not as environmentally damaging as single-use plastic checkout bags; and

WHEREAS, because paper bags are more successfully recycled than plastic bags due to plastic bag handling and sorting difficulties, diverting paper bags from landfill disposal is more attainable than it is for plastic bags, given current technologies; and

WHEREAS, reusable bags are considered worldwide to be the best option to reduce waste and litter, protect wildlife, and conserve resources than single-use plastic checkout bags and are readily available and affordable for the customer; and

WHEREAS, the Edmonds City Council finds that a reduction in plastic bag use is in the best interest of public health, safety, and welfare, for the citizens of Edmonds and the environment; and

WHEREAS, it is the intent of the City to reduce the negative impacts noted above through the implementation of this Ordinance; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Adopted. Chapter 6.80 of the Edmonds City Code, entitled Plastic Bag Reduction. is hereby adopted to read as follows:

Chapter 6.80

Plastic Bag Reduction

Sections:

- 6.80.010 Definitions
- 6.80.020 Types of Checkout Bags Permitted at Retail Establishments
- 6.80.030 Operative Dates
- 6.80.040 Exemptions
- 6.80.050 Severability
- 6.80.060 Penalties

6.80.010 Definitions

A. "Checkout 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 for the purpose of transporting food or merchandise out of the establishment. Checkout Bags do not include bags provided solely for produce, bulk food or meat at a produce, bulk food or meat department within a grocery store, supermarket, produce or meat market, or other similar retail

establishment, or bags provided to carry out food cooked or prepared at a restaurant or other similar food and beverage establishment.

B. "Recyclable Paper Bag" or "Recyclable Paper Checkout Bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber, (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content, and (3) displays the word "Recyclable" on the outside of the bag.

C. "Retail Establishment" means any commercial business facility engaged in the sale of goods to consumers for ultimate consumption.

D. "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is either (1) made of cloth or other machine washable fabric, and/or (2) made of durable plastic that is at least 2.25 mils thick and is suitable for reuse.

E. "Single-Use Plastic Checkout Bag" means any Checkout Bag made from plastic, excluding Reusable Bags.

6.80.020 Types of Checkout Bags Permitted at Retail Establishments

A. All Retail Establishments within the City of Edmonds shall provide only the following as Checkout Bags to customers: Reusable Bags and/or Recyclable Paper Bags.

B. Nothing in this Chapter shall be read to preclude Retail Establishments from making Reusable Bags available for sale to customers.

C. City of Edmonds shall work with retailers, retail associations, unions and other organizations to create educational elements about the benefits of reusable bags. This may include signage at store locations, informational literature, and employee training and will take place before and after the operative date. All Retail Establishments are strongly encouraged to educate their staff to promote Reusable Bags as the best option for Checkout Bags and to post signs encouraging customers to use Reusable Bags.

6.80.040 Operative Date

All Retail Establishments shall comply with the requirements of this Ordinance by the first anniversary of the effective date of this Ordinance, which is August 27, 2009. The purpose of this one year implementation period is to (1) allow time for affected retailers to prepare for and adapt to the provisions of this Ordinance; (2) allow time for the educational program to take effect and encourage the use of reusable bags; and (3) enable the City Council to work with members of the community and affected parties to evaluate alternatives or modifications needed to address issues regarding provisions or implementation of this Ordinance.

6.80.050 Exemptions

The Mayor, or his or her designee, may exempt a Retail Establishment from the requirements of this Chapter for a period of up to one additional year after the operative date of this Ordinance, upon sufficient showing by the applicant that the provisions of this Chapter would cause undue hardship. This request must be submitted in writing to the City within 30 days of the effective date of this Chapter. The phrase "undue hardship" may include, but is not limited to, the following:

A. Situations where there are no acceptable alternatives to Single-Use Plastic Checkout Bags for reasons which are unique to the applicant Retail Establishment.

B. Situations where compliance with the requirements of this Chapter would deprive a person of a legally protected right.

6.80.060 Severability

If any provision or clause of this Chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this Chapter, and clauses of this Chapter are declared to be severable.

6.80.070 Enforcement Officer and Penalties

A. Prior to the "comply by date" in ECC 6.80.040, the Mayor shall designate an existing department in the City as the department charged with enforcing the provisions of this Chapter. The head of the department and his or her designees shall be the enforcement officers with authority and powers to issue civil infractions for violations of provisions of this Chapter.

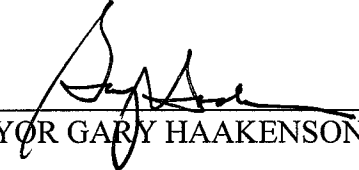
B. A violation of any provision of this Chapter shall constitute a Class I civil infraction pursuant to Chapter 7.80 RCW. Issuance and disposition of infractions issued for violations of this chapter shall be in accordance with Chapter 7.80 RCW. The penalty for violation of a provision of this Chapter shall be \$100.00. The penalty for a second or subsequent offense in violation of the provision of this Chapter within two years shall be \$250.00.

C. The remedies and penalties provided in this Section are cumulative and not exclusive.

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, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect thirty (30) days after the time of final passage.

APPROVED:




MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:



CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	07/24/2009
PASSED BY THE CITY COUNCIL:	07/28/2009
PUBLISHED:	08/02/2009
EFFECTIVE DATE:	08/27/2009
ORDINANCE NO. <u>3749</u>	

SUMMARY OF ORDINANCE NO. 3749

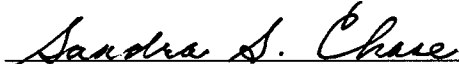
of the City of Edmonds, Washington

On the 28th day of July, 2009, the City Council of the City of Edmonds, passed Ordinance No. 3749 A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING CHAPTER 6.80, PLASTIC BAG REDUCTION IN THE EDMONDS CITY CODE TO PROMOTE THE USE OF RECYCLABLE PAPER AND/OR REUSABLE CHECKOUT BAGS BY RETAIL STORES LOCATED IN THE CITY, PROVIDING PENALTIES FOR VIOLATIONS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 29th day of July, 2009.


CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.

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of the City of Edmonds, Washington

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The full text of this Ordinance will be mailed upon request.
DATED this 29th day of July, 2009.

CITY CLERK, SANDRA S. CHASE

Published: August 2, 2009.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance NO. 3749

Adopting Chapter 6.80; Plastic Bag Reduction

in the Edmonds City Code

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

August 02, 2009

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Grohl

Principal Clerk

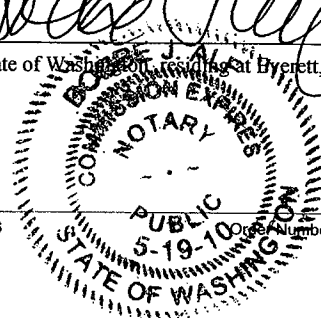
Subscribed and sworn to before me this

3rd

day of August, 2009

[Signature]

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.



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EDMONDS CITY CLERK