

ORDINANCE O-4515

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO RETAIL CARRYOUT BAGS ADDING NEW KIRKLAND MUNICIPAL CODE SECTION 16.05.050 SUSPENDING FOR A PERIOD OF ONE YEAR THE REQUIREMENT THAT CERTAIN RETAIL ESTABLISHMENTS IN THE CITY COLLECT A PASS-THROUGH CHARGE FOR RECYCLABLE PAPER CARRYOUT BAGS.

1           WHEREAS, the City Council adopted Ordinance 4477 in 2015,  
2 finding it in the best interest of the health, safety and welfare of the  
3 people of the city of Kirkland that regulations include a pass-through  
4 charge on the use of recycled paper carryout bags in order to allow  
5 retailers to recover the higher cost of providing recycled paper bags,  
6 encourage greater use of reusable bags, to reduce the cost of solid  
7 waste disposal by the City, and to protect the environment; and  
8

9           WHEREAS, Ordinance 4477 created Chapter 16.05 of the  
10 Kirkland Municipal Code (KMC) entitled "Retail Carryout Bags"; and  
11

12           WHEREAS, KMC Section 16.05.020 presently requires that all  
13 retail establishments in the city collect a pass-through charge of not less  
14 than \$0.05 for each recyclable paper carryout bag provided to  
15 customers; and  
16

17           WHEREAS, representatives of the Kirkland Downtown  
18 Association, small retail establishments in the city of Kirkland, and others  
19 have asked the City Council to reconsider the requirement that certain  
20 classifications of retail establishments be required to collect the pass-  
21 through charge from their customers, in part because such customers  
22 often do not plan to make such purchases and therefore have not  
23 considered bringing their own reusable bags as an alternative to the  
24 charge; and  
25

26           WHEREAS, the City Council wishes to suspend, for a period of  
27 one year, the requirement that such classifications of retail  
28 establishments collect the pass-through charge from their customers,  
29 while maintaining such requirement for other types of retail  
30 establishments whose customers generally plan to make purchases and  
31 are therefore more likely to have considered bringing their own reusable  
32 bags as an alternative to the charge; and  
33

34           WHEREAS, the City Council believes such one year suspension  
35 will provide opportunities for further education, outreach and study of  
36 ways to encourage greater use of reusable bags, reduce the cost of solid  
37 waste disposal by the City, and protect the environment.  
38

39           NOW, THEREFORE, the City Council of the City of Kirkland do  
40 ordain as follows:

41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67

Section 1. A new Section 16.05.050 of the KMC is adopted to read as follows:

**16.05.050 Suspension of Pass-through charge -- Applicability.**

Notwithstanding any provision of this chapter actually or seemingly to the contrary, the requirement that retail establishments in the city shall collect a pass-through charge of not less than five cents for each recyclable paper carryout bag provided to customers that has a manufacturer's stated capacity of one-eighth barrel (eight hundred eighty-two cubic inches) or larger shall be suspended until May 1, 2017; provided, however, that such suspension shall not apply to retail establishments in the city with the following North American Industry Classification System (NAICS) codes: 445110 (Supermarkets and Other Grocery (Except Convenience) Stores; 445120 (Convenience Stores); 446110 (Pharmacies and Drug Stores); 447110 (Gasoline Stations); 447190 (Other Gasoline Stations); and 452910 (Warehouse Clubs and Supercenters).

Section 2. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 19th day of April, 2016.

Signed in authentication thereof this 19th day of April, 2016.

  
DEPUTY MAYOR

Attest:

  
City Clerk

Publication Date: April 25, 2016

Approved as to Form:

  
City Attorney