

ORDINANCE O-4576

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO RETAIL CARRYOUT BAGS.

1 WHEREAS, the City Council adopted Ordinance O-4477 on
2 February 17, 2015 related to regulating the provision of single-use
3 carry-out bags by retail establishments in the city of Kirkland; and
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6 WHEREAS, such ordinance went into full effect in March 2016,
7 following a one-year education and outreach effort; and
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9 WHEREAS, such ordinance included a provision requiring all
10 retailers to collect a pass-through charge of not less than five cents per
11 bag to provide retailers with additional revenue to offset the cost of
12 more expensive paper bags and to serve as a nominal but consistent
13 reminder to residents, visitors, and tourists to bring reusable bags when
14 shopping in Kirkland; and
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16 WHEREAS, representatives of the Kirkland Downtown
17 Association, small retail establishments in the city and others asked the
18 Council to reconsider the requirement to collect a pass-through charge
19 from their customers for large paper bags, in part because such
20 customers often do not plan in advance to make such purchases and
21 therefore have not considered bringing their own reusable bags as an
22 alternative to the charge; and
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24 WHEREAS, the Council adopted Ordinance O-4515 on April 19,
25 2016, suspending until May 1, 2017 for certain classifications of small
26 retail establishments the requirement to collect the paper bag pass-
27 through charge to allow affected retailers more time to adjust to the
28 new regulation and provide outreach to their customers; and
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30 WHEREAS, at the Council's March 21, 2017 regular meeting,
31 representatives of the Kirkland Downtown Association and Greater
32 Kirkland Chamber of Commerce asked the Council to consider making
33 permanent the exemption of the paper bag pass-through charge for
34 certain classifications of smaller retail establishments; and
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36 WHEREAS, the matter was referred by the Council to its Public
37 Works, Parks and Human Services Committee, which met on April 5,
38 2017 and voted 2-1 in favor of recommending to the Council that such
39 exemption be made permanent.
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41 NOW, THEREFORE, the City Council of the City of Kirkland do ordain as
42 follows:
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44 Section 1. Kirkland Municipal Code Section 16.05.020 is
45 amended to read as follows:

46 **16.05.020 Recycled paper bag pass-through charge.**

47 (a) The provisions of this section related to pass-through charges
 48 shall apply only to retail establishments in the city with the following
 49 North American Industry Classification System (NAICS) codes: 445110
 50 (Supermarkets and Other Grocery (Except Convenience) Stores);
 51 445120 (Convenience Stores); 446110 (Pharmacies and Drug Stores);
 52 447110 (Gasoline Stations); 447190 (Other Gasoline Stations); and
 53 452910 (Warehouse Clubs and Supercenters).

54 (b) No retail establishment in the city shall provide a paper
 55 carryout bag with a manufacturer's stated capacity of one-eighth barrel
 56 (eight hundred eighty-two cubic inches) or larger that is not a recyclable
 57 paper bag. All retail establishments in the city and set forth in
 58 subsection (a) shall collect a pass-through charge of not less than five
 59 cents for each recyclable paper carryout bag provided to customers that
 60 has a manufacturer's stated capacity of one-eighth barrel (eight
 61 hundred eighty-two cubic inches) or larger. It shall be a violation of this
 62 section for any retail establishment set forth in subsection (a) to pay or
 63 otherwise reimburse a customer for any portion of the pass-through
 64 charge; provided, that the retail establishments shall not charge or
 65 collect a pass-through charge from anyone with a voucher or electronic
 66 benefits card issued under the Women, Infants and Children (WIC) or
 67 Temporary Assistance to Needy Families (TANF) support programs, or
 68 federal Supplemental Nutrition Assistance Program (SNAP, also known
 69 as Basic Food), or the Washington State Food Assistance Program
 70 (FAP).

71 (c) All retail establishments set forth in subsection (a) shall
 72 indicate on the customer transaction receipt the number of recyclable
 73 paper carryout bags provided and the amount of the pass-through
 74 charge.

75 ~~(e) Prior to the effective date of the ordinance codified in this~~
 76 ~~chapter, retail establishments may voluntarily implement the restrictions~~
 77 ~~on retail carryout bags allowed, as described herein, and may~~
 78 ~~concurrently implement a pass-through charge.~~

79 (d) Notwithstanding the requirements in subsection (a-b) of this
 80 section, nothing in this chapter shall restrict retail establishments from
 81 providing a discount to customers who use reusable bags.

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 83 Section 2. Kirkland Municipal Code Section 16.05.050 is
 84 repealed.

85
 86 Section 3. This ordinance shall be in force and effect five days
 87 from and after its passage by the Kirkland City Council and publication,
 88 as required by law.

89
 90 Passed by majority vote of the Kirkland City Council in open
 91 meeting this 18th day of April, 2017.

92
 93 Signed in authentication thereof this 18th day of April, 2017.


 MAYOR

Attest:

Debra Anderson
City Clerk

Publication Date: April 24, 2017

Approved as to Form:

Kevin Raymond
City Attorney