

ORDINANCE O-4769

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO REPEALING ORDINANCE O-4477 AND ORDINANCE O-4576, REGARDING THE CITY OF KIRKLAND'S REGULATION ON THE PROVISION OF SINGLE-USE CARRYOUT BAGS BY RETAIL ESTABLISHMENTS.

1 WHEREAS, the City Council enacted an ordinance restricting
2 retailers' use of plastic bags and requiring customers to pay a five-cent
3 fee for paper bags, Ordinance O-4477; and
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5 WHEREAS, the City Council subsequently enacted an ordinance
6 exempting certain retail businesses from the requirement to charge the
7 five-cent fee for paper bags, Ordinance O-4576; and
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9 WHEREAS, in March 2020 the Washington state legislature
10 passed a law banning retailers from giving out single-use plastic
11 carryout bags and requiring an eight-cent charge for others; and
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13 WHEREAS, the Washington State bag ban was scheduled to go
14 into effect January 1, 2021 and would supersede all local ordinances:
15 and
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17 WHEREAS, the effective date of the state bag ban law was
18 delayed to October 1, 2021 because of the impacts from the COVID-19
19 pandemic;
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22 NOW, THEREFORE, the City Council of the City of Kirkland do
23 ordain as follows:
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25 Section 1. Section 16.04.045 of the Kirkland Municipal Code is
26 hereby repealed.
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28 Section 2. Section 16.04.085 of the Kirkland Municipal Code is
29 hereby repealed.
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31 Section 3. Section 16.04.126 of the Kirkland Municipal Code is
32 hereby repealed.
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34 Section 4. Section 16.04.127 of the Kirkland Municipal Code is
35 hereby repealed.
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37 Section 5. Section 16.04.143 of the Kirkland Municipal Code is
38 hereby repealed.
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40 Section 6. Section 16.04.146 of the Kirkland Municipal Code is
41 hereby repealed.
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43 Section 7. Section 16.04.240 of the Kirkland Municipal Code is
44 hereby repealed.

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Section 8. Chapter 16.05 of the Kirkland Municipal Code is hereby repealed.

Section 9. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 10. This ordinance shall be effective on October 1, 2021, at least 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 21 day of September, 2021.

Signed in authentication thereof this 21 day of September, 2021.


Penny Sweet, Mayor

Attest:


Kathi Anderson, City Clerk

Approved as to Form:


Kevin Raymond, City Attorney

DATE

Dear Kirkland Business,

Responding to growing plastic bag pollution, the Washington State Legislature in 2020 passed a statewide ban on single-use plastic bags. This policy is effective statewide October 1st, 2021. The City of Kirkland's policy is superseded by the new Washington State law. All businesses in Kirkland must now follow the Washington State Plastic Bag Ban. The Washington State Department of Ecology is now the authority for the policy.

Effective Oct. 1, 2021:

- All retail and grocery stores, restaurants, takeout establishments, festivals, and markets are prohibited from using single-use plastic carryout bags.
- All above businesses are required to charge 8-cents for all recycled content paper carryout bags and reusable carryout bags made of film plastic.
- The fee may not be collected from anyone using a voucher or electronic benefits card issued under the Supplemental Nutrition Assistance Program (SNAP), Women, Infants and Children (WIC), Temporary Assistance for Needy Families (TANF), or Food Assistance Program (FAP).
- All retail-provided paper bags are required to contain a minimum of 40 percent post-consumer recycled content and meet composting requirements.
- All reusable thick plastic bags must contain 20 percent post-consumer recycled content and be at least 2.25 mil thick.
- All compliant paper and reusable plastic film bags must be labeled with the above specifications.
- This policy and fees are in effect across the state.
- This ban does not apply to food banks and food assistance programs; however, those programs are encouraged to take actions to reduce the use of single-use plastic carryout bags.

The Department of Ecology has outreach materials, including posters and point of sale signage at www.ecology.wa.gov/bag-ban. All enforcement and questions should be directed to the Washington State Department of Ecology. Shannon Jones with the Department of Ecology is leading this project, and can be reached at shannon.jones@ecy.wa.gov or 360-742-9874

Sincerely,

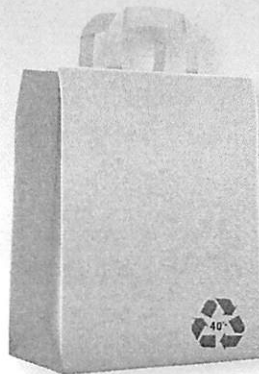
City of Kirkland Public Works

Washington State Bag Requirements

For Retailers, Grocers, Restaurants, and other Businesses



NO
Single-use Plastic Carryout Bags

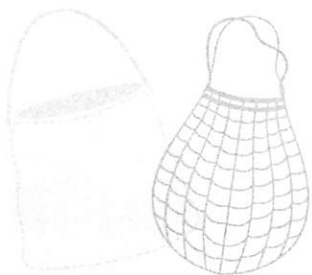


8¢ charge
Large Paper Carryout Bags
Made with 40% recycled content.
Charges must be retained by the business.

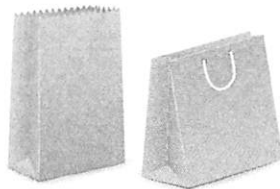


8¢ charge
Thick Reusable Plastic Carryout Bags
Made with 20% recycled content and a minimum of 2.25 mil thick film. Charges must be retained by the business

Other bags ALLOWED:



Durable Reusable Bags



Small Paper Bags



Produce, Meat, Bulk Foods, Bakery Goods, etc.



Flowers, Drycleaning, Newspaper Bags, etc.



(360) 407-6000 | bagban@ecy.wa.gov | [Ecology.wa.gov/Bag-Ban](https://ecology.wa.gov/Bag-Ban)

To request an ADA accommodation, contact Ecology by phone at 360-742-9874 or email at bagban@ecy.wa.gov, or visit <https://ecology.wa.gov/accessibility>. For Relay Service or TTY call 711 or 877-833-6341.

If you speak a non-English language, free language services are available. Call 360-742-9874.

Details of the Washington State Bag Law

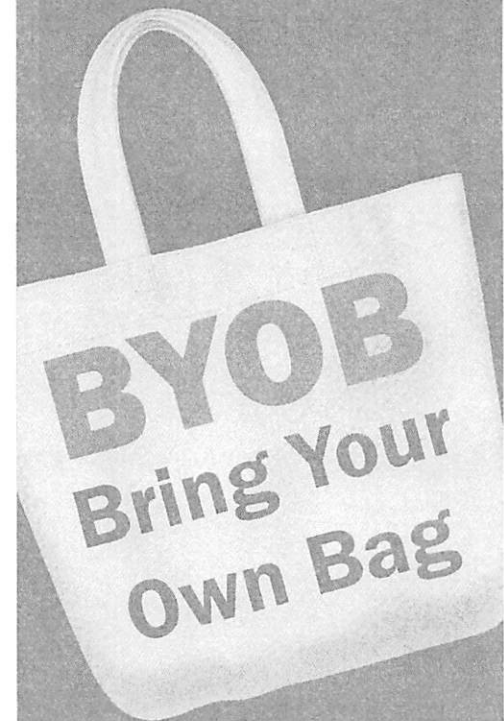
Grocery and Retail Notes

- Stores may not provide customers with single-use plastic carryout bags.
- The bag ban applies to restaurants, grocery stores, retail stores, convenience stores, farmers markets, food trucks, temporary stores, and home delivery services. Food banks are exempt.
- If you have questions about whether your business must comply with this ban, please contact bagban@ecy.wa.gov.
- Stores must charge a minimum charge of 8 cents for large paper bags. (1/8 barrel paper bags 882 cubic inches or larger) and reusable plastic bags (2.25 mil or thicker).
- The large paper bags for which customers are charged must contain at least 40% postconsumer recycled content with the bag's postconsumer recycled content printed on the outside of the bag.
- The reusable plastic film bags for which customers are charged must contain at least 20% postconsumer recycled content with the minimum percentage of postconsumer recycled content, the mil thickness, and the word "Reusable" printed on the outside of the bag.
- Stores may provide smaller paper bags. Charge is optional.
- The bag charge is a taxable retail sale and must be shown on a receipt provided to the customer. Stores must keep all revenue from bag charges.
- Stores may provide certified compostable carry-out bags. Charge is optional.
- Any green on brown tinted film bag must be compostable.
- Stores may not provide customers with bags with misleading labels such as "biodegradable," "degradable," "decomposable" or similar.
- Stores may provide customers with in-store plastic or compostable bags.
- Bags allowed for use by customers in stores include those used for bulk items, produce, meat, or other items such as: hardware, frozen foods, flowers and plants, unwrapped prepared foods, bakery goods, and prescription drugs.
- Individuals may report businesses that are not in compliance with the ban using an online form provided by Department of Ecology.
- Businesses may not charge the bag charge to customers using/showing a voucher or benefits card (SNAP, WIC, TANF, FAP).

Questions?

bagban@ecy.wa.gov or (360) 407-6000

**Help your
customers protect
the environment
and reduce plastic
litter.**



Visit the WA Ecology website to view, customize, and print educational BYOB items today.

ecology.wa.gov/bag-ban

Ecology.wa.gov/Bag-Ban

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