



# City of Tukwila

Washington

Ordinance No. 2619

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, REDUCING POLLUTION AND PROMOTING ENERGY CONSERVATION BY REGULATING THE USE OF BAGS AT RETAIL ESTABLISHMENTS, TO BE CODIFIED AT TUKWILA MUNICIPAL CODE CHAPTER 5.61; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Washington State Legislature in RCW 70.95.010(6)(c) found that it is the responsibility of city governments “to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies;” and

**WHEREAS**, plastic carryout bags are made of nonrenewable resources and can take hundreds of years to break down into toxic particles which can seep into the soil, waterways, lakes, and bays, posing a threat to animal life and the natural food chain; and

**WHEREAS**, while paper carryout bags are made of renewable resources, they require significant resources to manufacture, transport and recycle or dispose of; and

**WHEREAS**, less reliance on single-use plastic and paper carryout bags contributes toward the conservation of energy and natural resources while reducing greenhouse gases and litter; and

**WHEREAS**, alternatives to single-use plastic and paper carryout bags are convenient, functional, and widely available; and

**WHEREAS**, the City Council finds it to be in the best interest of the public health, safety, and welfare of its community members to conserve resources, reduce greenhouse gas emissions, waste, litter, and marine pollution, and to protect wildlife; and

**WHEREAS**, the City Council further finds it to be in the best interest of the public health, safety, and welfare of its community members to reduce the use of single-use plastic and paper carryout bags in the City of Tukwila;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:**

**Section 1. Regulations Established.** Tukwila Municipal Code Chapter 5.61, "Retail Carryout Bags," is hereby established to read as follows:

**CHAPTER 5.61  
RETAIL CARRYOUT BAGS**

Sections:

- 5.61.010 Definitions
- 5.61.020 Carryout Bag Regulations
- 5.61.030 Exemptions
- 5.61.040 Violation – Penalty

**Section 2. Regulations Established.** Tukwila Municipal Code (TMC) Section 5.61.010, "Definitions," is hereby established to read as follows:

**5.61.010 Definitions**

A. "Carryout bag" means any bag that is provided by a retail establishment at home delivery or at the check stand, cash register, point of sale, or other point of departure to a customer for use to transport or carry away purchases. Carryout bags do not include:

1. Bags used by consumers inside stores to:
  - a. Package bulk items, such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items such as nails, bolts, or screws;
  - b. Contain or wrap items where dampness or sanitation might be a problem including, but not limited to:
    - (1) Frozen foods;
    - (2) Meat;
    - (3) Fish;
    - (4) Flowers; and
    - (5) Potted plants;
  - c. Contain unwrapped prepared foods or bakery goods;
  - d. Contain prescription drugs; or
  - e. Protect a purchased item from damaging or contaminating other purchased items when placed in a recycled content paper carryout bag or reusable carryout bag; or
  - f. Newspaper bags, door hanger bags, laundry/dry cleaning bags, or bags sold in packages containing multiple bags for uses such as food storage, garbage, or pet waste.

B. "Recycled content paper bag" means a paper carryout bag that is:

1. Composed of a minimum of 40% post-consumer recycled material;
2. Accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs in the City;
3. Capable of composting, consistent with the timeline and specifications of the American Society of Testing and Material (ASTM) Standard D6400, as published in Master Environmental Assessment on Single Use and Reusable Bags, March 2010; and
4. Printed with an exterior label indicating the minimum percentage of post-consumer recycled content.

C. "Pass-through charge" means a charge to be collected by retailers from their customers when providing recyclable paper bags and reusable carryout bags made of film plastic, and retained by retailers to offset the cost of bags and other costs related to the pass-through charge.

D. "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual in the City of Tukwila that sells or provides merchandise, goods or materials directly to a consumer. Retail establishment includes, without limitation, any grocery store, supermarket, department store, hardware store, pharmacy, liquor store, restaurant, catering truck, home delivery, convenience store, gasoline station, temporary stores, and any other retail store or vendor, including temporary ones at farmers markets, street fairs, and festivals.

E. "Reusable bag" means a carryout bag made of cloth, or other durable material, with handles that is specifically designed and manufactured for long-term multiple reuse and meets the following requirements:

1. Has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet;
2. Is machine washable or made from a durable material that can be cleaned or disinfected; and
3. If made of film plastic, is a minimum of at least two and one-fourth mils thick.

F. "Single-use plastic bag" means any carryout bag that is less than two and one-fourth (2.25) mils thick and is designed and suitable only to be used once and disposed.

**Section 3. Regulations Established.** TMC Section 5.61.020, "Carryout Bag Regulations" is hereby established to read as follows:

### **5.61.020 Carryout Bag Regulations**

A. Except as provided in TMC Sections 5.61.020 and 5.61.030, a retail establishment may not provide to a customer:

1. A single-use plastic bag; or
2. A paper carryout bag with a manufacturer's stated capacity of one-eighth barrel (882 cubic inches) or larger that is not a recycled content paper bag.

B. A retail establishment may provide a recycled content paper carryout bag or reusable carryout bag of any size to a customer at the point of sale.

1. Any retail establishment that provides a customer with a recycled content paper carryout bag or a reusable carryout bag made of film plastic shall collect and retain a pass-through charge of not less than \$0.08 for each bag provided. This is a taxable retail sale that must be shown on all receipts provided to customers.

2. A retail establishment may make reusable bags available to customers through sale or otherwise.

**Section 4. Regulations Established.** TMC Section 5.61.030, "Exemptions," is hereby established to read as follows:

### **5.61.030 Exemptions**

A. No retail establishment may collect a pass-through charge from anyone using a voucher or electronic benefits card issued under programs including, but not limited to, Women Infants and Children (WIC); Temporary Assistance to Needy Families (TANF); Federal Supplemental Nutrition Assistance Program (SNAP), also known as Basic Food; and the Washington State Food Assistance Program (FAP).

B. Food banks and other food assistance programs are exempt from the requirements of this chapter but are encouraged to take actions to reduce the use of single-use plastic carryout bags.

**Section 5. Regulations Established.** TMC Section 5.61.030, "Violation – Penalty," is hereby established to read as follows:

### **5.61.040 Violation – Penalty**

A. Violations of the provisions of this chapter constitute a Class I civil infraction pursuant to Chapter 7.80 RCW. Each day of any violation is a separate civil infraction.

B. Issuance and disposition of infractions for violations of this chapter are subject to enforcement as prescribed in TMC Chapter 8.45.

C. It shall be a violation of this chapter for any retail establishment to penalize, discipline, or discriminate against any employee for performing any duty necessary to comply with this chapter.

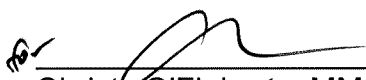
**Section 6. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**Section 7. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

**Section 8. Effective Date.** This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force September 1, 2020, after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this 18<sup>th</sup> day of November, 2019.

ATTEST/AUTHENTICATED:

  
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Christy O'Flaherty, MMC, City Clerk

  
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Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

  
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Rachel B. Turpin, City Attorney

Filed with the City Clerk: 11-13-19  
Passed by the City Council: 11-18-19  
Published: 11-21-19  
Effective Date: 11-26-19  
Ordinance Number: 2619

City of Tukwila Public Notice of Ordinance Adoption for Ordinances 2617-2619.

On November 18, 2019 the City Council of the City of Tukwila, Washington, adopted the following ordinances, the main points of which are summarized by title as follows:

**Ordinance 2617**: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, INCREASING THE CITY OF TUKWILA REGULAR LEVY FROM THE PREVIOUS YEAR, COMMENCING JANUARY 1, 2020, ON ALL PROPERTY, BOTH REAL AND PERSONAL, IN COMPLIANCE WITH RCW 84.55.120; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

**Ordinance 2618**: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, LEVYING THE GENERAL TAXES FOR THE CITY OF TUKWILA IN KING COUNTY FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2020, ON ALL PROPERTY, BOTH REAL AND PERSONAL, IN SAID CITY, THAT IS SUBJECT TO TAXATION FOR THE PURPOSE OF PAYING SUFFICIENT REVENUE TO CARRY ON THE SERVICES OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE ENSUING YEAR, WITH AN EXCESS PROPERTY TAX LEVY FOR THE PURPOSE OF PAYING DEBT SERVICE ON THE CITY'S UNLIMITED TAX GENERAL OBLIGATION BONDS ISSUED IN 2016 AND 2019, AS REQUIRED BY LAW; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

**Ordinance 2619**: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, REDUCING POLLUTION AND PROMOTING ENERGY CONSERVATION BY REGULATING THE USE OF BAGS AT RETAIL ESTABLISHMENTS, TO BE CODIFIED AT TUKWILA MUNICIPAL CODE CHAPTER 5.61; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be provided upon request.

Christy O'Flaherty, MMC, City Clerk

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