

ORDINANCE NO. 2904

AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, SUSPENDING THE PASS-THROUGH CHARGE ON RECYCLED PAPER CARRYOUT BAGS IMPOSED UNDER IMC 8.05 FOR THE DURATION OF THE EMERGENCY PROCLAIMED BY THE MAYOR; RATIFYING AND APPROVING THE MAYOR'S ACTIONS IN SUSPENDING THE CHARGE RETROACTIVE TO MARCH 19, 2020; DECLARING AN EMERGENCY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, IMC 8.05 encourages the use of reusable carryout bags by customers of groceries and other retail establishments. To accomplish this purpose, IMC 8.05 prohibits retail establishments from providing disposable plastic carryout bags to customers and requires that a pass-through charge of not less than \$0.05 be levied on each recycled paper carryout bag provided; and

WHEREAS, in order to slow the spread of the novel coronavirus (COVID-19), some grocery stores and other retailers in the City have curtailed the use of reusable carryout bags by customers in favor of providing recycled paper bags; and

WHEREAS, on March 6, 2020, the Mayor of the City of Issaquah issued a Proclamation of Emergency declaring that a state of civil emergency exists in the City of Issaquah due to the outbreak of COVID-19; and

WHEREAS, the Mayor's March 6, 2020 proclamation was preceded by emergency proclamations issued by Governor Inslee and King County Executive Constantine, and followed by an emergency declaration by the President of the United States; and

WHEREAS, on March 19, 2020, Mayor Pauly issued an additional emergency declaration suspending the provisions of IMC 8.05 imposing the \$0.05 pass-through charge on recycled paper carryout bags; and

WHEREAS, the Issaquah City Council concurs with the Mayor that this is a necessary measure in order to slow the spread of COVID-19 that might otherwise occur from retail employees handling reusable bags brought in by customers, and in order to provide relief to customers who would otherwise be required to pay the \$0.05 pass-through fee; and

WHEREAS, the Issaquah City Council has decided to take formal action to suspend the provisions of IMC 8.05 imposing the pass-through charge and to approve and ratify the actions of the Mayor; NOW, THEREFORE,

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

Section 1. Bag Fee Suspended. The provisions of IMC 8.05 imposing a pass-through charge of not less than \$0.05 on all recycled paper carryout bags provided to customers by groceries and other retailers are hereby suspended for the duration of the civil emergency proclaimed by the Mayor of the City of Issaquah on March 6, 2020. Grocers and other retailers shall not charge customers the pass-through charge during the period of suspension and shall not be required to remit fees for any recycled paper carryout bag supplied to a customer during the period of suspension for which no pass-through charge was collected.

Section 2. Ratification. To the extent required by law, the Issaquah City Council hereby ratifies and approves the emergency proclamation issued by the Mayor on March 19, 2020 suspending the pass-through charge on recycled paper carryout bags. This ratification and approval, and the suspension provided in this ordinance, is retroactive to March 19, 2020 at the time the Mayor issued the emergency proclamation.

Section 3. Duration of Suspension. The suspension provided for in this ordinance shall remain in effect for the duration of the civil emergency proclaimed by Mayor Pauly on March 6, 2020 and shall terminate upon the termination of that emergency proclamation.

Section 4. Declaration of Emergency – Immediate Effective Date. For the reasons set forth in this ordinance and in the emergency proclamations of Governor Inslee, King County Executive Constantine, Mayor Pauly, and President Trump, the Issaquah City Council finds and declares that a public emergency exists due to the outbreak of COVID-19 that makes this ordinance necessary for the immediate protection of the public health, public safety, public property, and public peace. This ordinance, having been declared an emergency and having received the affirmative votes of at least a majority plus one of the whole membership of the Issaquah City Council, is not subject to referendum and shall become effective immediately upon adoption. The City Clerk shall publish this ordinance or a summary thereof in the ordinary course of business.

Passed by the City Council of the City of Issaquah, the 23rd day of March, 2020.

Approved by the Mayor of the City of Issaquah, the 23rd day of March, 2020.



MARY LOU PAULY, MAYOR

ATTEST/AUTHENTICATED:



CHRISTINE L, EGGERS, CITY CLERK

APPROVED AS TO FORM:



JAMES E. HANEY, CITY ATTORNEY

PUBLISHED: March 27, 2020
EFFECTIVE DATE: March 23, 2020
ORDINANCE NO. 2904 / AB 7950