

ORDINANCE NO. 4139

**AN ORDINANCE OF THE CITY OF EDMONDS,
WASHINGTON, ADOPTING A BAN ON THE USE OF NON-
COMPOSTABLE FOOD SERVICE CONTAINERS BY FOOD
SERVICE BUSINESSES WITHIN THE CITY**

WHEREAS, the City of Edmonds Climate Change Action Plan states our vision by 2050 as: “Edmonds is one of many flourishing communities in the Puget Sound region of Western Washington with our energy coming from nearly 100% renewable sources, our waste streams approaching zero, and nearly all our products and services obtained from sustainable sources,”; and

WHEREAS, item B.4 in Edmonds’ Comprehensive Plan states: “Promote a healthy community by seeking to protect and enhance the natural environment through a balanced program of education, regulation, and incentives. Environmental programs in Edmonds should be tailored to and reflect the unique opportunities and challenges embodied in a mature, sea-side community with a history of environmental protection and awareness,”; and

WHEREAS, the Edmonds City Council adopted Resolution 1357 on April 16, 2016 which adopts both Zero Waste Washington’s and the State of Washington’s “Beyond Waste Plan” as long-term goals to eliminate waste and pollution in the extraction, manufacture, transportation, storage, use, reuse and recycling of materials; and

WHEREAS, these goals can be supported through strategies, policies and action plans that significantly reduce waste and pollution; and

WHEREAS, non-compostable food service containers, including Expanded Polystyrene and other petroleum-based plastics, break down into smaller pieces but do not fully biodegrade, and are polluting the Puget Sound and other area waterways; and

WHEREAS, the City of Edmonds desires to protect the integrity of the natural environment, fish and wildlife from litter and pollution; and

WHEREAS, the City intends to improve the environment, in part, by prohibiting the use of non-compostable food service containers within the City; and

WHEREAS, this Ordinance will serve the interest of public health safety as well as the environment in an effort to reduce litter and pollutants onto the land and the waters of the city and beyond; and

WHEREAS, notifying the local food industry now of the non-compostable containers ban that will take effect in 2020 will provide the food industry a fair opportunity to use up their current supplies of non-compostable food service containers and order supplies of alternative products before the ordinance takes effect;

NOW, THEREFORE,

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

Section 1. A new chapter 6.90 of the Edmonds City Code, entitled “Non-compostable Food Service Containers Prohibition,” is hereby adopted to read as follows:

- 6.90.010** **Definitions.**
- 6.90.020** **Non-compostable Food Service Container Prohibition.**
- 6.90.030** **Violations.**

6.90.010 **Definitions.** For purposes of this chapter, the following definitions shall apply.

A. “Non-compostable” means that a product is not Compostable.

B. “Compostable” means a plant-based or plastic item that satisfies at least one of the following criteria:

1. has a BPI (Biodegradable Products Institute) certification;
 2. meets ASTM D6400, ASTM D6868 or EN13432 compostability standard specifications;
- or
3. is on the list of commercially accepted compostable products provided by regional composting facilities.

C. "Food service container" means all plates, trays, cups, lids, bowls, cartons, portion cups, condiment packets, deli rounds, and hinged or lidded containers (clamshells) on or in which any raw, prepared or cooked foods or beverages are placed or packaged or intended to be placed or packaged and designed for one-time use.

D. "Prepared food" means any food or beverage prepared for consumption using any cooking, packaging, or food preparation technique, including chopping, slicing, mixing, brewing, freezing, or squeezing, or otherwise prepared for consumption.

E. "Food service businesses" means full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, retail food vendors, home delivery services, non-profit food providers, vending trucks or carts, farmers markets, business or institutional cafeterias, or other businesses, selling or providing food within the City of Edmonds for consumption on or off the premises.

6.90.020 Non-compostable Food Service Container Prohibition.

A. The City shall not provide or use non-compostable food service containers at any City facility or City-sponsored event. No City department or facility shall purchase or acquire non-compostable food service containers. All parties who contract with the City for provision of public events shall be prohibited from using non-compostable food service containers in City facilities.

B. Effective January 1, 2020, food service businesses in the City of Edmonds shall be prohibited from selling or providing raw or prepared food in non-compostable food service containers; nor shall any food service business purchase, obtain, or possess any non-compostable food service containers, except as otherwise provided under subsection D.

C. Prepackaged soups and other prepackaged foods that food service businesses sell or otherwise provide to their customers in non-compostable food service products that have been filled and sealed prior to receipt by the food service business shall be exempt from the prohibition established in subsection B.

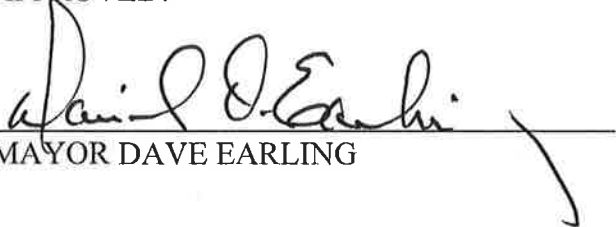
D. The Mayor or designee is authorized to provide renewable one-year waivers or other relief that apply to use of certain food service containers. Such waivers or relief shall be granted only for circumstances where commonly used composting technology cannot produce a suitable food service container such as containers for hot, greasy food (i.e., hot roasted chicken).

6.90.030 Violations. A violation of any provision of this chapter shall constitute a Class I civil infraction pursuant to Chapter 7.80 RCW. Issuance and disposition of infractions issued for violations of this chapter shall be in accordance with Chapter 7.80 RCW. The penalty for violation of a provision of this chapter shall be \$100.00. The penalty for a second or subsequent offense in violation of the provision of this chapter within two years of any previous offense shall be \$250.00.

Section 2. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance is subject to referendum and shall take effect thirty (30) days after final passage of this ordinance.

APPROVED:


MAYOR DAVE EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY



JEFF TARADAY

FILED WITH THE CITY CLERK:	January 11, 2019
PASSED BY THE CITY COUNCIL:	January 15, 2019
PUBLISHED:	January 18, 2019
EFFECTIVE DATE:	February 15, 2019
ORDINANCE NO.	4139

SUMMARY OF ORDINANCE NO. 4139

of the City of Edmonds, Washington

On the 15th day of January, 2019, the City Council of the City of Edmonds, passed Ordinance No. 4139. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS,
WASHINGTON, ADOPTING A BAN ON THE USE OF
NON-COMPOSTABLE FOOD SERVICE CONTAINERS
BY FOOD SERVICE BUSINESSES WITHIN THE CITY.

The full text of this Ordinance will be mailed upon request.

DATED this 16th day of January, 2019.


CITY CLERK, SCOTT PASSEY