ORDINANCE NO. 5368

AN ORDINANCE of the City Council of the City of Bremerton, Washington, adding a new chapter to the Bremerton Municipal Code, Chapter 6.20 BMC, regulating the distribution of single-use plastic and biodegradable carryout bags.

WHEREAS, the Washington State Legislature in chapters 70.93 and 70.95 RCW has established that waste reduction as a priority in the collection, handling, and managing of solid waste for the benefit of public health and for a healthful, clean and beautiful environment; and

WHEREAS, the City of Bremerton ("City") desires to conserve resources, reduce greenhouse gas emissions, waste, litter, and marine pollution, and to protect the public health and welfare, including wildlife, all of which increase the quality of life for the residents of the City; and

WHEREAS, the Department of Ecology’s litter survey states that plastic bags and film are one of the ten most littered items in Washington State, by weight; and

WHEREAS, the United States Environmental Protection Agency estimates that 380 billion plastic bags and wraps are consumed in the United States, annually; and

WHEREAS, The City’s plastic bag consumption is estimated to be approximately 12 million, annually; and

WHEREAS, only approximately 0.5% of plastic bags and wraps are recycled; and

WHEREAS, decreased reliance on single-use carryout bags contributes toward the goals of conserving energy and natural resources while reducing greenhouse gases and litter; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The recitals set forth above are hereby adopted and incorporated as if set forth herein in full.

SECTION 2. A new chapter, Chapter 6.20 entitled “Carryout Bags”, is hereby added to Title 6 of the Bremerton Municipal Code to read as follows:

Chapter 6.20
CARRYOUT BAGS

6.20.010 DEFINITIONS.
The following definitions shall apply in the interpretation and enforcement of the
ordinance codified in this chapter:

(a) "Compostable" means that the product will break down into, or otherwise become part, of usable compost in a safe and timely manner in an appropriate composting facility, or in a home compost pile or device, and has been certified as compostable by the Biodegradable Products Institute or similar national or international certification authority.

(b) “Carryout bag” means any bag that is provided by a retail establishment 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 such as merchandise, goods or food from the retail establishment. Carryout bags do not include:

1. Bags used by consumers inside stores to package bulk items, such as fruit, vegetables, nuts, grains, candy, greeting cards or small hardware items such as nails, bolts or screws; to contain or wrap frozen foods, meat or fish regardless of whether they are prepackaged; to contain or wrap flowers, potted plants or other items where dampness may be a problem; to contain unwrapped prepared foods or bakery goods; or to contain prescription drugs; or

2. A bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recyclable paper bag or reusable bag, such as prepared take-out foods or prepared liquids intended for consumption away from the retail establishment; or

3. Newspaper bags, door-hanger bags, tire bags, laundry-dry cleaning bags or bags sold in packages containing multiple bags for uses such as food storage, garbage, pet waste or yard waste.

4. Paper bags with a capacity of eight pounds or less, that contain at least 20% postconsumer recycled material.

(c) “Recycled paper carryout bag” means a paper carryout bag provided by a store to a customer at the point-of-sale that meets all of the following requirements:

1. Has a material weight of larger than eight-pounds and contains an average of 40% postconsumer recycled materials;

2. Is accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs in the City;

3. Is capable of composting in a commercial composting facility; and

4. Is clearly labeled with the minimum percentage of postconsumer content.

(d) “Retail establishment” means any person, corporation, partnership, business, facility, vendor, organization or individual that sells or provides food, merchandise, goods, or materials, directly to a customer including home delivery, temporary stores, or vendors at farmers markets, street fairs, and festivals.

(e) “Reusable carryout bag” means a bag made of cloth or other material with handles that is specifically designed and manufactured for long term multiple reuse and meets all of the following requirements:

1. Has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capacity 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 material that can be cleaned or disinfected, and

3. If made of film plastic, is a minimum of at least 2.25 mils thick.

(f) “Single-use plastic carryout bag” means any bag that is less than 2.25 mils thick and is made from plastic or any nonrenewable resource.

(g) “Pass-through charge” means a charge collected by retailers from their customers
when providing plastic or recycled paper carryout bags, and retained by retailers to offset the cost of bags and other costs related to the pass-through charge.

6.20.020 REGULATIONS.

Except as provided by Section 6.20.030 below, all retail establishments within the City must comply with the following regulations:

(a) Plastic Carryout Bags.
   (1) Single-use Plastic Carryout Bags. Retail establishments shall not provide a single-use plastic carryout bag to any customer.
   (2) Reusable Plastic Carryout Bags. Retail establishments may provide to any customer at the point-of-sale a reusable plastic carryout bag as defined in Section 6.20.010(e)(3) above. For each reusable plastic carryout bag provided by the retail establishment, it shall collect a pass-through charge of not less than $0.08 and such shall be clearly indicated on the customer transaction receipt.

(b) Paper Carryout Bags. Retail establishments shall not provide to any customer at the point-of-sale a paper bag that is not a recycled paper carryout bag as defined in Section 6.20.010(c) above. For each recycled paper carryout bag provided by the retail establishment, it shall collect a pass-through charge of not less than $0.08 and such shall be clearly indicated on the customer transaction receipt.

(c) Reusable Carryout Bags. Retail establishments may make reusable carryout bags available to customers through sale.

(d) Non-Carryout Bags.
   (1) Non-Compostable Plastic Bags. Retail establishments shall not use or provide to any customer a polyethylene or other non-compostable plastic film bags tinted green or brown for customers to bag products in stores.
   (2) Compostable Plastic Bags. Any film bags meeting the definition of compostable that retail establishments provide to customers for food or other products, such as vegetables bagged in stores prior to checkout, must be tinted green or brown and shall be clearly labeled “COMPOSTABLE,” including language following the Federal Trade Commission’s “Green Guides.”

6.20.030 EXEMPTIONS.

No retail establishment may collect a pass-through charge from anyone with 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).

6.20.040 VIOLATIONS.

In addition to any other violation set forth in this chapter, any violation of Section 6.20.020 above constitutes a civil violation under Chapter 1.04 BMC for which a monetary penalty may be assessed and enforcement may be required as provided therein.

SECTION 3. Effective Date of Section 2. The provisions of Chapter 6.20 of the Bremerton City Code as established in Section 2 of this ordinance shall be effective January 1, 2020.
SECTION 4. Severability. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

SECTION 5. Effective Date. This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law.

PASSED by the City Council the 5th day of June, 2019.

ERIC YOUNGER, Council President

Approved this 6th day of June, 2019.

GREG WHEELER, Mayor

ATTEST:

ANGELA WOODS, City Clerk

APPROVED AS TO FORM:

ROGER A. LUBOVICH, City Attorney

PUBLISHED the 11th day of June, 2019.

EFFECTIVE the 21st day of June, 2019.

ORDINANCE NO. R:\Legal\Legal\Ordinances\Ord BMC 6.20 carryout bag - County model updated - Final.docx
ORDINANCE NO. 5367
AN ORDINANCE of the City Council of the City of Bremerton, Washington, amending Ordinance No. 6360 relating to the City of Bremerton Fiscal Year 2015 Budget

ORDINANCE NO. 5368
AN ORDINANCE of the City Council of the City of Bremerton, Washington, adding a new chapter to the Bremerton Municipal Code, Chapter 6.20 BMC, regulating the distribution of single-use plastic and biodegradable carryout bags

ORDINANCE NO. 5369
AN ORDINANCE of the City Council of the City of Bremerton, Washington, amending the Bremerton Municipal Code related to “Group Residential” definition and adding siting criteria to Industrial and Freeway Corridor zones for Group Residential Facilities - Class II

PASSED by the City Council on the 5th day of June, 2019.

The full text of this ordinance is available from the City Clerk's Office, 345 Sixth Street, Suite 100, Bremerton, WA 98337.
June 11, 2019  #3616414

PROOF OF PUBLICATION

CITY OF BREMERTON EN GINEERING
345 8TH STREET STE 100
BREMERTON, WA 98337

STATE OF WISCONSIN, COUNTY OF BROWN

I, being first duly sworn on oath, deposes and says: That I am now, and at all times embraced in the publication herein mentioned was the principal clerk of the printers and publishers of KITSAP SUN; that said newspaper has been approved as a legal newspaper by the order of the Superior Court of the County of Kitsap, in which County it is published and is now and has been for more than 6 months prior to the date of the publication herein mentioned for the publication in the English language continually as a daily newspaper in Bremerton, Kitsap County, Washington, a weekly newspaper in Kitsap County, Washington and is now and during all of the said time, was printed in an office maintained in the aforesaid place of publication of said newspaper; that the following is a true text of an advertisement as it was published in regular issues (and not in supplement form) of said newspaper on the following date(s), to wit: And on June 11, 2019

such newspaper was regularly distributed to its subscribers during all of said period

Subscribed and sworn to before on June 11, 2019

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: $145.16
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