

ORDINANCE NO. 3604

AN ORDINANCE of the City Council of the City of Port Angeles, Washington, encouraging conservation and reuse by requiring a minimum fee for carryout bags, prohibiting thin film non-compostable plastic bags, and setting minimum requirements for compostable plastic bags and paper bags.

WHEREAS, reusing bags conserves resources and reduces pollution;

WHEREAS, requiring a minimal fee for carryout bags as incentives for customers to bring their own bags, and allows the retailer to not count the carryout bags as overhead;

WHEREAS, thin film non-compostable plastic carryout bags easily become litter that is harmful to marine life and public health;

WHEREAS, retailers should have flexible options of which bags to supply to customers, with the exception of thin film non-compostable plastic bags; and

WHEREAS, consumers need to be able to differentiate between compostable plastic bags and non-compostable plastic bags;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORT ANGELES, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 5.95, Retail Bag Requirements is hereby added to Title 5 of the Port Angeles Municipal Code, to read as follows:

Sections:

RETAIL BAG REQUIREMENTS

- 5.95.020 Carryout bags provided at checkout
- 5.95.030 Compostable plastic bags provided in store or at checkout
- 5.95.040 Paper bags provided in store or at checkout
- 5.95.050 Penalties

5.95.020 Carryout bags provided at checkout

(A) Retailers shall charge customers at least 5 cents for each bag provided at checkout or home

delivery of goods, which shall be noted on the customer's receipt. Retailers shall exempt from this fee all customers purchasing goods through state or federal low-income food assistance programs.

(B) Retailers shall not provide non-compostable plastic bags that are less than 2.25 mil to customers at checkout or home delivery of goods.

(C) *Exemptions.* The City Manager or designee may exempt a retailer from the requirements of this chapter for one year at a time, upon a request by the retailer showing undue hardship such as unique circumstances, lack of alternatives, or infringement of legally protected rights. The City Manager's exemption decision is effective immediately and may be appealed to the City's Hearings Examiner within 20 business days of the City Manager's decision.

5.95.030 Compostable plastic bags provided in store or at checkout

(A) Retailers shall only distribute, in store or at checkout, compostable plastic bags that include the label "compostable" in compliance with the Federal Trade Commission's "Green Guides." Retailers shall not distribute non-compostable plastic bags labeled "compostable," "biodegradable," "degradable," "decomposable," or any similar term.

(B) Retailers shall only distribute, in store or at checkout, green or brown plastic bags that are compostable.

(C) "Compostable," as used in this chapter, means the bag must completely break down into a stable product due to the action of microorganisms in a controlled, aerobic commercial process that results in a material safe and desirable as a soil amendment, as determined by meeting or exceeding the following requirements:

- (1) The compost quality standards found under WAC 173-350-220 for metals, physical 1 parameters, pathogens, manufactured inert material;
- (2) Other testing parameters set by the local Health Department;
- (3) Found to degrade satisfactorily at the composting facility receiving the material;

(4) Meet standard specification ASTM D6400; and

(5) Certified as compostable by the Biodegradable Products Institute or similar national or international certification authority.

5.95.040 Paper bags provided in store or at checkout

(A) Retailers shall only distribute, in store or at checkout, paper bags that meet or exceed the following requirements:

(1) Contains an average of 40 percent post-consumer recycled materials if larger than an eight-pound, or 20 percent post-consumer recycled material if an eight-pound or smaller;

(2) The minimum percentage of post-consumer content is printed on the bag; and

(3) Either

(i) Accepted for recycling in the City's curbside recycling, or

(ii) Capable of composting, consistent with the timeline and specifications of ASTM D6400.

5.95.050 Penalties

(A) Any person violating this chapter shall be guilty of an infraction punishable by a fine not to exceed \$250.00. Each day of violation is a separate offense.

(B) The City Attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

(C) The remedies and penalties provided in this section are cumulative, and not exclusive of other remedies provided by law.


Section 2 – Severability. If any provisions of this Ordinance or its applications to any person or circumstances is held to be invalid, the remainder of the Ordinance or application of the provisions of the Ordinance to other persons or circumstances is not affected.

Section 3 – Corrections. The City Clerk and the codifiers of this ordinance are authorized to correct scrivener's/clerical errors, references, ordinance number, section/subsection numbers and any references thereto.

Section 4 – Effective Date. A summary of this ordinance consisting of the title shall be

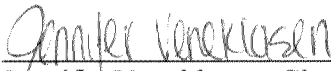
published in the City's official newspaper. This ordinance is subject to referendum and shall go into effect ninety (90) days from the date of enactment.

PASSED by the City Council of the City of Port Angeles at a regular meeting of said Council held on the 3rd day of April 2018.



Sissi Bruch, Mayor

ATTEST:



Jennifer Veneklasen, City Clerk

APPROVED AS TO FORM:



William E. Bloor, City Attorney

PUBLISHED: April 6, 2018
By Summary

Summary of Ordinance adopted by the Port Angeles City Council on April 3, 2018

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This ordinance is subject to referendum and shall take effect 90 days after passage and publication of summary.

The full texts of Ordinances are available at City Hall in the City Clerk's office, on the City's website at www.cityofpa.us, or will be mailed upon request. Office hours are Monday through Friday 8:00 a.m. to 5:00 p.m.

Jennifer Veneklasen
City Clerk

Published by summary: April 6, 2018.