

---

**Council Bill Number:** 117345

**Ordinance Number:** 123775

---

AN ORDINANCE relating to the City of Seattle's solid waste system, regulating the distribution of single-use plastic and biodegradable carryout bags and requiring retail establishments to collect a pass-through charge from customers requesting recyclable paper carryout bags, and amending Seattle Municipal Code Chapter 21.36.

**Status:** Passed

**Note:** Originally referred to Seattle Public Utilities and Neighborhoods Committee on 7/18/11.

**Vote:** 9-0

**Date filed with the City Clerk:** 2011/12/20

**Date of Mayor's signature:** 2011/12/19 ([about the signature date](#))

**Date introduced/referred to committee:** 2011/11/21

**Committee:** Seattle Public Utilities and Neighborhoods

**Sponsor:** O'BRIEN; CO-SPONSORS: BAGSHAW, BURGESS, CLARK, CONLIN, GODDEN, LICATA

**Committee Recommendation:** Pass as Amended

**Date of Committee Recommendation:** 2011/12/13

**Committee Vote:** 2 (O'Brien, Harrell) - 0

**Index Terms:** RELIGIOUS-INSTITUTIONS, HOMELESS, LAND-USE-REGULATIONS, ZONING, PUBLIC-REGULATIONS, CAMPS

**Fiscal Note:** [Fiscal Note to Council Bill No. 117345](#)

**Electronic Copy:** [PDF scan of Ordinance No. 123775](#)

**Reference:** Related: [C.F. 311196](#)

---

**Text:**

ORDINANCE \_\_\_\_\_

AN ORDINANCE relating to the City of Seattle's solid waste system, regulating the distribution of single-use plastic and biodegradable carryout bags and requiring retail establishments to collect a pass-through charge from customers requesting recyclable paper carryout bags, and amending Seattle Municipal Code Chapter 21.36.

WHEREAS, the Washington State Legislature in RCW 70.95.010(8)(a) established waste reduction as the first priority for the collection, handling, and management of solid waste; and

WHEREAS, the Washington State Legislature in RCW 70.95.010(4) found that it is "necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility"; and

WHEREAS, the Washington State Legislature in RCW 70.95.010(6)(c) found that it is the responsibility of city and county 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, in 2007 the City Council adopted, the Mayor concurring, Resolution 30990, which reaffirmed the City's 60% recycling goal and set a longer-term goal of 70% recycling along with targets for waste reduction; and

WHEREAS, Resolution 30990 called for studies on how to reduce Seattleites' use of hard-to-recycle materials, many of them plastics, and specifically required Seattle Public Utilities ("SPU") to propose strategies, including bans, to discourage the use of disposable plastic carryout bags; and

WHEREAS, SPU has completed some of those studies, finding that the production, use and disposal of plastic carryout bags have significant adverse impacts on the environment; and

WHEREAS, it is the City's desire to conserve resources, reduce greenhouse gas (GHG) emissions, waste, litter and marine litter and pollution and to protect the public health and welfare; and

WHEREAS, there is a need to conserve energy and natural resources and control litter, and less reliance on single-use carryout bags provided by retail establishments works toward those goals; and

WHEREAS, plastic carryout bags are made of nonrenewable resources and plastic never biodegrades and only breaks down into smaller and smaller particles which seep into soils or are carried into rivers and lakes, Puget Sound and the world's oceans posing a threat to animal life and the natural food chain; and

WHEREAS, even though single-use paper carryout bags are made from renewable resources and are less of a litter and particularly marine litter problem than single-use plastic carryout bags, they nevertheless require significant resources to manufacture, transport and recycle or dispose of; and

WHEREAS, costs associated with the use, recycling and disposal of single-use paper and plastic carryout bags in Seattle creates burdens on the City's solid waste disposal system, including in the case of plastic carryout bags machine down time and contamination of recycled paper at the City's materials recovery facility; and

WHEREAS, to prevent waste generation it is in the City's interest to discourage the use of single-use, throw-away items of all types which can be accomplished through price signals; and

WHEREAS, to reduce the use of plastic and paper carryout bags in the City, it is necessary to regulate such use; and

WHEREAS, it is in the best interest of the health, safety and welfare of the people of the City that regulation require a pass-through charge on the use of recyclable paper carryout bags in order to encourage greater use of reusable bags, to reduce the cost of solid waste disposal by the City, and to protect the environment; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective July 1, 2012, Seattle Municipal Code Chapter 21.36 is amended by adding new Section 21.36.100 to read as follows:

SMC 21.36.100 Single-use plastic and recyclable paper carryout bags

A. No retail establishment in the City shall provide a single-use plastic carryout bag to any customer.

B. Through December 31, 2016, no retail establishment in the City shall provide a paper carryout bag with a manufacturer's stated capacity of one-eighth barrel (882 cubic inches) or larger that is not a recyclable paper bag, and retail establishments shall collect a pass-through charge of not less than five-cents for each recyclable paper carryout bag provided to customers. It shall be a violation of this section for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge; provided that retail establishments may not collect a pass-through charge from anyone with a voucher or electronic benefits card issued under the Women, Infants and Children (WIC) or Temporary Assistance to Needy Families (TANF) support programs, or the federal Supplemental Nutrition Assistance Program (SNAP, also known as Basic Food), or the Washington State Food Assistance Program (FAP).

C. All retail establishments shall indicate on the customer transaction receipt the number of recyclable paper carryout bags provided and the total amount of the pass-through charge.

D. For purposes of this section, the following definitions apply.

1. "Carryout bag" means a 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 the purpose of transporting food or merchandise out of the establishment.

Carryout bags do not include:

(a) bags used by customers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items, such as nails and bolts, or to contain or wrap frozen foods, meat or fish, whether prepackaged or not, or to contain or wrap flowers or potted plants, or other items where dampness may be a problem, or to contain unwrapped prepared foods or bakery goods, or to contain prescription drugs, or to safeguard public health and safety during the transportation of prepared take-out foods and prepared liquids intended for consumption away from the retail establishment; or (b) newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.

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

3. "Recyclable paper bag" means a paper carryout bag that has a manufacturer's stated capacity of one-eighth barrel (882 cubic inches) or larger and meets the following requirements: (a) contains a minimum average of 40 percent post-consumer recycled materials, and (b) displays the minimum percent of post-consumer content on the outside of the bag.

4. "Retail establishment" means any person, corporation, partnership, business venture, public sports or entertainment facilities, government agency, street vendor or vendor at public events or festivals or organizations that sell or provide merchandise, goods or materials including, without limitation, clothing, food, beverages, household goods, or personal items of any kind directly to a customer. Examples include but are not limited to department stores, clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, liquor stores, convenience stores, gas stations, restaurants, food vending trucks, farmers markets and temporary vendors of food and merchandise at street fairs and festivals. Food banks and other food assistance programs are not considered to be retail establishments for the purposes of this section.

5. "Single-use plastic carryout bag" means any carryout bag made from plastic or any material marketed or labeled as "biodegradable" or "compostable" that is neither intended nor suitable for continuous reuse as a carryout bag or that is less than 2.25 mils thick.

Section 2. Effective July 1, 2012, Section 21.36.922 of the Seattle Municipal Code is amended as follows:

SMC 21.36.922 Civil infractions

A. The violation of or failure to comply with any section of this chapter identified in this section is designated as a civil infraction and shall be processed as contemplated by RCW Chapter 7.80.

B. The violation of or failure to comply with any of the following sections is a Class 1 civil infraction under RCW 7.80.120:

Section 21.36.415 (Discarding potentially dangerous litter), except that the maximum monetary penalty and default amount is \$500, not including statutory assessments

Section 21.36.30 (Unlawful hauling of City's Waste -- Exceptions)

Section 21.36.084 (Prohibition on use of expanded polystyrene food service products)

Section 21.36.086 (Compostable or recyclable food service ware required)

Section 21.36.089 (Concrete, bricks, and asphalt paving - - recycling required)

Section 21.36.100 (Single-use plastic and recyclable paper checkout bags)

\* \* \* \* \*

Section 3. It shall be a violation of this ordinance for any retail establishment to penalize, discipline, or discriminate against any employee for performing any duty necessary to comply with the ordinance.

Section 4. To further promote the use of reusable shopping bags and reduce the quantity of single-use carryout bags entering the City's waste stream, the Director of Seattle Public Utilities is authorized to make reusable carryout bags available to the public at low cost or free-of-charge, targeting such programs to reach low-income households to the greatest degree possible.

Section 5. The Director of Seattle Public Utilities shall evaluate: (a) the financial impact to retail establishments of implementing this ordinance, (b) the effectiveness of this ordinance in reducing the number of single-use carryout bags used in the City, (c) the effectiveness of this ordinance compared to other jurisdictions' efforts to reduce use of single-use carryout bags, and (d) the waste- and litter- reduction benefits of the City's program. The evaluation shall be presented in reports to the City Council that recommend any changes in the ban, pass-through charges, or other provisions that are needed to improve effectiveness. At minimum, reports to the City Council shall be submitted by January 1, 2013 and July 1, 2016. Based on SPU's reports, the Council may take further action to extend the five-cent pass-through charge or implement other actions to achieve City waste-reduction goals.

Section 6. This ordinance shall take effect and be in force thirty days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2011, and signed by me in open session in authentication of its passage this

\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_

President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_

Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_

City Clerk

(Seal)

Meg Moorehead LEG Bag ORD December 12, 2011 Version #10