



SEATTLE CITY COUNCIL

Legislative Summary

CB 118805

Record No.: CB 118805

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125165

In Control: City Clerk

File Created: 08/26/2016

Final Action: 10/07/2016

Title: AN ORDINANCE relating to the City of Seattle's solid waste system; removing the sunset date for a five cent pass-through charge for certain recyclable paper bags; requiring certain compostable bags to be labeled and tinted green; adding a definition for compostable; and amending Section 21.36.100 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold, Juarez

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Summary and Fiscal Note

Drafter: bob.hennessey@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	09/06/2016	Mayor's leg transmitted to Council	City Clerk			
	Action Text:		The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk				
	Notes:						
1	City Clerk	09/06/2016	sent for review	Council President's Office			
	Action Text:		The Council Bill (CB) was sent for review. to the Council President's Office				
	Notes:						
1	Council President's Office	09/09/2016	sent for review	Civil Rights, Utilities, Economic Development, and Arts Committee			
	Action Text:		The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee				
	Notes:						

- 1 Full Council 09/19/2016 referred Civil Rights, Utilities, Economic Development, and Arts Committee
Action Text: The Council Bill (CB) was referred. to the Civil Rights, Utilities, Economic Development, and Arts Committee
Notes:
- 1 Civil Rights, Utilities, Economic Development, and Arts Committee 09/23/2016 pass as amended Pass
Action Text: The Committee recommends that Full Council pass as amended the Council Bill (CB).
In Favor: 1 Chair Herbold
Opposed: 0
Absent(NV): 1 Vice Chair Sawant
- 1 Full Council 10/03/2016 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
Notes:
In Favor: 7 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien
Opposed: 0
- 2 City Clerk 10/05/2016 submitted for Mayor's signature Mayor
- 2 Mayor 10/07/2016 Signed
- 2 Mayor 10/07/2016 returned City Clerk
- 2 City Clerk 10/07/2016 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
-

CITY OF SEATTLE

ORDINANCE 125165

COUNCIL BILL 118805

AN ORDINANCE relating to the City of Seattle's solid waste system; removing the sunset date for a five cent pass-through charge for certain recyclable paper bags; requiring certain compostable bags to be labeled and tinted green; adding a definition for compostable; and amending Section 21.36.100 of the Seattle Municipal Code.

WHEREAS, to reduce the impacts of plastic bags distributed within the City, the City enacted Ordinance 123775, amending Chapter 21.36 of the Seattle Municipal Code, to prohibit retail establishments from providing single-use plastic carryout bags; and

WHEREAS, the existing five cent pass-through charge for certain paper bags encourages use of reusable bags and assists retailers in recouping costs of paper bags; and

WHEREAS, the City finds that composting is threatened because of contamination by confusingly colored, marked and look-alike materials, including some non-compostable plastic film bags; and

WHEREAS, it is in the City's interest that contamination in local compost be reduced to ensure local compost is marketable and viable for use in local gardens, farms, landscaping, and surface water and transportation projects; and

WHEREAS, to further ensure that bags are properly disposed with less cross-contamination between compostable and recyclable products and to ensure higher quality end products in composting, the City wishes to amend Section 21.36.100 of the Seattle Municipal Code; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 21.36.100 of the Seattle Municipal Code, enacted by Ordinance 123775, is amended as follows:

1 **21.36.100 Single-use plastic and recyclable paper carryout bags**

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

4 B. ~~((Through December 31, 2016, no))~~ No retail establishment in the City shall provide a
5 paper carryout bag with a manufacturer's stated capacity of one-eighth barrel (882 cubic inches)
6 or larger that is not a recyclable paper bag, and retail establishments shall collect a pass-through
7 charge of not less than ~~((five cents))~~ five cents for each recyclable paper carryout bag provided
8 to customers. It shall be a violation of this ~~((section))~~ Section 21.36.100 for any retail
9 establishment to pay or otherwise reimburse a customer for any portion of the pass-through
10 charge; provided that retail establishments may not collect a pass-through charge from anyone
11 with a voucher or electronic benefits card issued under the Women, Infants and Children (WIC)
12 or Temporary Assistance to Needy Families (TANF) support programs, or the federal
13 Supplemental Nutrition Assistance Program (SNAP, also known as Basic Food), or the
14 Washington State Food Assistance Program (FAP).

15 C. Effective July 1, 2017, no retail establishment in the City shall use or provide
16 polyethylene or other non-compostable plastic film bags tinted green or brown for customers to
17 bag products in stores, as carryout bags, or for home delivery.

18 D. Any film bags meeting the definition of compostable that retail establishments
19 provide to customers for food or other products, such as vegetables bagged in stores prior to
20 checkout, must be tinted green or brown and shall be clearly labeled "COMPOSTABLE,"
21 including language following the Federal Trade Commission's "Green Guides."

22 E. No film bag that retail establishments provide to customers to bag products in stores,
23 as carryout bags, or for home delivery may be labeled with the term "biodegradable,"

1 "degradable," "decomposable," or any similar terms, or in any way imply that the product will
2 break down, fragment, biodegrade, or decompose in a landfill or other environment.

3 ~~((C-))~~ F. All retail establishments shall indicate on the customer transaction receipt the
4 number of recyclable paper carryout bags provided and the total amount of the pass-through
5 charge.

6 ~~((D-))~~ G. For purposes of this ~~((section))~~ Section 21.36.100, the following definitions
7 apply.

8 1. "Carryout bag" means a bag that is provided by a retail establishment at the
9 check stand, cash register, point of sale, or other point of departure to a customer for the purpose
10 of transporting food or merchandise out of the establishment. Carryout bags do not include:

11 ~~((a))~~ a. bags used by customers inside stores to package bulk items such
12 as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items, such as nails
13 and bolts, or to contain or wrap frozen foods, meat or fish, whether prepackaged or not, or to
14 contain or wrap flowers or potted plants, or other items where dampness may be a problem, or to
15 contain unwrapped prepared foods or bakery goods, or to contain prescription drugs, or to
16 safeguard public health and safety during the transportation of prepared take-out foods and
17 prepared liquids intended for consumption away from the retail establishment; or

18 ~~((b))~~ b. newspaper bags, door-hanger bags, laundry-dry cleaning bags,
19 or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard
20 waste bags.

21 2. "Compostable" means that the product completely breaks down into a stable
22 product due to the action of microorganisms in a controlled, aerobic commercial process that
23 results in a material safe and desirable as a soil amendment meeting the compost quality

1 standards found under WAC 173-350-220 for metals, physical parameters, pathogens,
2 manufactured inert material, and other testing parameters set by the local Health Department, has
3 been found to degrade satisfactorily at the composting facility receiving the material, meets
4 standard specification ASTM D6400, and has been certified as compostable by the
5 Biodegradable Products Institute or similar national or international certification authority.

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

9 4. "Recyclable paper bag" means a paper carryout bag that has a manufacturer's
10 stated capacity of one-eighth barrel (882 cubic inches) or larger and meets the following
11 requirements:

12 ~~((a))~~ a. ~~((contains))~~ Contains a minimum average of 40 percent post-consumer
13 recycled materials, and

14 ~~((b))~~ b. ~~((displays))~~ Displays the minimum percent of post-consumer content on
15 the outside of the bag.

16 5. "Retail establishment" means any person, corporation, partnership, business
17 venture, public sports or entertainment facilities, government agency, street vendor or vendor at
18 public events or festivals, or organizations that sell or provide merchandise, goods, or materials
19 including, without limitation, clothing, food, beverages, household goods, or personal items of
20 any kind directly to a customer. Examples include but are not limited to department stores,
21 clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, liquor
22 stores, convenience stores, gas stations, restaurants, food vending trucks, farmers markets, and
23 temporary vendors of food and merchandise at street fairs and festivals. Food banks and other

1 food assistance programs are not considered to be retail establishments for the purposes of this
2 ~~((section))~~ Section 21.36.100.

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

6 Section 2. The Director of Seattle Public Utilities shall evaluate at a minimum: (a) the
7 waste and litter reduction benefits of the City's bag ban program, (b) strategies to increase bag
8 ban compliance in all stores, (c) the effectiveness of this ordinance in reducing the number of
9 non-compostable bags contaminating the waste stream, and (d) strategies to address the impacts
10 of loose plastic bags on curbside recycling. The evaluation shall be presented in a report to the
11 City Council that recommends any changes in the bag ban program, pass-through charges, or
12 other provisions that are needed to improve program effectiveness. The report should be
13 submitted annually to City Council from 2017 to 2021 no later than July 1 of each year. Based
14 on these reports, the Council may take further action to achieve City waste-reduction goals.

1 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 3rd day of October, 2016, and
5 signed by me in open session in authentication of its passage this
6 3rd day of October, 2016.

7 

8 President _____ of the City Council

9 Approved by me this 7th day of October, 2016.

10 

11 Edward B. Murray, Mayor

12 Filed by me this 7th day of OCTOBER, 2016.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)

STATE OF WASHINGTON -- KING COUNTY

--SS.

342910

No. TITLE ONLY

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

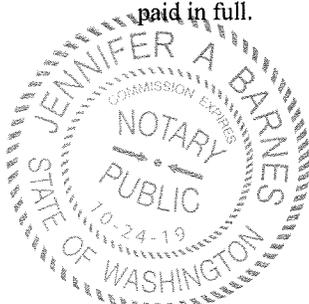
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125151-125168,125170

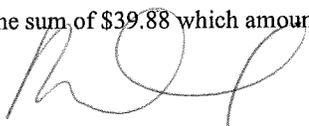
was published on

10/28/16

The amount of the fee charged for the foregoing publication is the sum of \$39.88 which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on

10/28/2016

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on October 3, 2016, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125151

AN ORDINANCE establishing a new Ballard Parking and Business Improvement Area; levying special assessments upon owners of business property, multi-family residential property, and mixed-use property within the area; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a Ratepayers Advisory Board; and providing for an implementation agreement with a Program Manager.

Ordinance 125152

AN ORDINANCE relating to the West Seattle Junction Parking and Business Improvement Area; modifying the assessment rates; and amending Ordinance 113326, as previously amended by Ordinances 119639, 120570, and 121758, in accordance therewith.

Ordinance 125153

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to acquire, accept, and record on behalf of the City of Seattle both temporary and permanent property rights from abutting property owners located along the alignment of the planned combined sewage storage tunnel between 24th Avenue NW and Shilshole Avenue NW and Interlake Avenue North and North 35th Street that are necessary or convenient to construct, operate and maintain the Ship Canal Water Quality Project, through negotiation or eminent domain (condemnation); placing the real property rights acquired under the jurisdiction of the Seattle Public Utilities and designating the property rights acquired for utility and general municipal purposes; authorizing payment of all other costs associated with acquisition; and ratifying and confirming certain prior acts.

Ordinance 125154

AN ORDINANCE relating to historic preservation; imposing controls upon the Mount Baker Park Presbyterian Church, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 26.32 of the Seattle Municipal Code.

Ordinance 125155

AN ORDINANCE related to appropriations for the Office of Arts & Culture; amending Ordinance 124927, which adopted the 2016 Budget; and lifting a proviso imposed on the Office of Arts & Culture's Capital Arts Budget Control Level by Seattle City Council Green Sheet 47-1-B-1.

Ordinance 125156

AN ORDINANCE relating to the Seattle Fuel Gas Code; amending Section 22.420.010 of the Seattle Municipal Code and adopting by reference Chapters 2 through 8 of the 2015 International Fuel Gas Code, and amending those chapters; adopting a new Chapter 1 for the Seattle Fuel Gas Code related to administration, permitting, and enforcement; and repealing Sections 2-3 of Ordinance 124276.

Ordinance 125157

AN ORDINANCE relating to the Seattle Plumbing Code; amending Section 22.502.016 of the Seattle Municipal Code and adopting by reference Chapter 51-56 of the Washington Administrative Code with amendments, except Sections 51-56-008 and 51-56-010; adopting a new Chapter 1 related

to administration, permitting, and enforcement; and repealing Ordinance 124615 and Sections 3-12 of Ordinance 124274.

Ordinance 125158

AN ORDINANCE relating to the Seattle Existing Building Code; amending Section 22.110.010 of the Seattle Municipal Code; adopting by reference Chapters 2 through 5, 7 through 11, 14 through 16, A1, A3, A4, and A6 of the 2015 International Existing Building Code; amending certain of those chapters, and adopting a new Chapter 1 related to administration, permitting, and enforcement; and repealing Sections 2-17 of Ordinance 124283.

Ordinance 125159

AN ORDINANCE relating to the Seattle Energy Code; amending Section 22.700.010 of the Seattle Municipal Code; adopting by reference Chapters 51-11C and 51-11R of the Washington Administrative Code, and amending certain sections of those chapters; and repealing Ordinance 124614 and Sections 2-9 of Ordinance 124284.

Ordinance 125160

AN ORDINANCE relating to the Seattle Residential Code; amending Section 22.150.010 of the Seattle Municipal Code; and adopting by reference Chapters 2 through 10, 12 through 24, Section P2904, Chapter 44, and Appendices F and U of the 2015 International Residential Code (IRC), and amending certain of those chapters; adding a new Chapter 1 to the IRC related to administration, permitting, and enforcement; and repealing Sections 2 through 20 of Ordinance 124282.

Ordinance 125161

AN ORDINANCE relating to the Seattle Building Code; amending Section 22.100.010 of the Seattle Municipal Code; adopting by reference Chapters 2 through 29, Chapters 31 through 35, and Chapter 36 of the 2015 International Building Code, and amending certain of those chapters; adopting a new Chapter 1 related to administration, permitting, and enforcement; adopting a new Chapter 30 related to elevators and conveying systems; and repealing Sections 2 through 27 of Ordinance 124278.

Ordinance 125162

AN ORDINANCE relating to the Seattle Mechanical Code; amending Section 22.400.010 of the Seattle Municipal Code and adopting by reference Chapters 2 through 9 and Chapters 11 through 16 of the 2015 International Mechanical Code with amendments; and adopting a new Chapter 1 related to administration, permitting, and enforcement; and repealing Sections 2 through 14 of Ordinance 124276.

Ordinance 125163

AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.58D to the Seattle Municipal Code (SMC); amending SMC Sections 23.40.060, 23.41.004, 23.41.012, 23.42.056, 23.46.610, 23.46.616, 23.48.021, 23.48.221, 23.48.230, 23.49.011, 23.49.023, 23.49.180, 23.50.033, 23.66.140, 23.84.A.014, 23.88.010, and 23.90.018; and repealing SMC Sections 23.45.626 and 23.49.020; to revise the Living Building Pilot Program and reorganize, consolidate, and update standards when meeting the green building standard is a condition of a permit.

Ordinance 125164

AN ORDINANCE relating to City employment; creating a compensation program for the position of Seattle Public Utilities General Manager/Chief Executive Officer; specifying provisions for the administration of said compensation program; and ratifying and confirming certain prior acts.

Ordinance 125165

AN ORDINANCE relating to the City of Seattle's solid waste system; removing the sunset date for a five cent pass-through charge for certain recyclable paper bags; requiring certain compostable bags to be labeled and tinted green; adding a defini-

tion for compostable; and amending Section 21.36.100 of the Seattle Municipal Code.

Ordinance 125166

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer facility easements within property bound by 25th Avenue NE, NE 49th Street, 30th Avenue NE, and NE 45th Street in Seattle as being surplus to the City's utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and to accept a new easement from University Village Limited Partnership for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

Ordinance 125167

AN ORDINANCE relating to City employment, commonly referred to as the Third Quarter 2016 Employment Ordinance; designating positions as exempt from Civil Service status; returning a position to Civil Service status; and ratifying and confirming certain prior acts; all by a 2/3 vote of the City Council.

Ordinance 125168

AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing the Director of Finance and Administrative Services, on behalf of the City, to negotiate and execute real property lease agreements and amendments to existing lease agreements with the U.S. General Services Administration, for warehouse space in the Federal Center South Complex located at 4735 East Marginal Way South; and ratifying and confirming certain prior acts.

Ordinance 125170

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, October 28, 2016.

10/28(342910)