

Chapter 8.05 RETAIL CARRYOUT BAGS

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8.05.010 Definitions.

A. "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, goods or merchandise out of the establishment. Carryout bags do not include: (1) 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 intended for consumption away from the retail establishment; or (2) 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.

B. "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.

C. "Recyclable paper bag" means a paper carryout bag that meets the following requirements: (1) contains a minimum average of 40 percent post-consumer recycled materials, (2) the paper carryout bag is accepted for recycling in the City's recycling and composting program and (3) displays the minimum percent of post-consumer content on the outside of the bag.

D. "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, food assistance programs and organizations providing services specifically for low-income households are not considered to be retail establishments for the purposes of this chapter.

E. "Disposable plastic carryout bag" means any carryout bag made from plastic or bioplastic, including materials marketed or labeled "biodegradable" or "compostable," that is not a reusable bag.

F. "Reusable bag" means a bag made of cloth, fabric 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 the purposes of this section, means the capability of loading, carrying and unloading a minimum of 22 pounds over a distance of at least 175 feet a minimum of 125 times;
2. Is washable, whether by machine or hand;
3. If made of plastic, meets all of the requirements above and is a minimum of 2.25 mils thick. (Ord. 2652 § 1, 2012).

8.05.020 Prohibition on disposable plastic carryout bags.

No retail establishment in the City, or any of its employees, managers or owners, shall provide a disposable plastic carryout bag to any customer. (Ord. 2652 § 1, 2012).

8.05.030 Recycled paper bag pass-through charge.

A. 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. All retail establishments in the City shall collect a pass-through charge of not less than \$0.05 for each recyclable paper carryout bag provided to customers that has a manufacturer's stated capacity of one-eighth barrel (882 cubic inches) or larger. 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 shall not charge or 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).

B. 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. (Ord. 2652 § 1, 2012).

8.05.040 Enforcement and penalties.

A. Any person who violates any of the provisions of this chapter shall be cited and liable for a civil infraction as set forth in Chapter 1.36 IMC; provided, however, that the Code Enforcement Officer shall instead issue a written warning to any person he determines is violating any provision of this chapter when such violation is the first instance of noncompliance known to the Code Enforcement Officer. If after issuing a written warning, the Code Enforcement Officer becomes aware of subsequent noncompliance, he shall apply for or impose the sanctions described in this section.

B. Any person may request a temporary waiver from the requirements of this chapter by filing a request with the City Administrator or designee. The City Administrator or designee may waive any specific requirement of this chapter for a period of up to 12 months if the person seeking the waiver has shown that strict application of the specific requirement would create an undue hardship, practical difficulty or other material concern not generally applicable to other persons or retail establishments in similar circumstances. The City Administrator's or designee's decision to grant or deny a waiver shall be in writing, shall be final and not subject to appeal. (Ord. 2652 § 1, 2012).

8.05.050 Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid, or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 2652 § 1, 2012).

8.05.060 No conflict with federal or state law.

Nothing in this chapter shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law. (Ord. 2652 § 1, 2012).

8.05.070 Phased implementation.

Retail establishments with a building square footage of 7,500 square feet or larger shall have until March 1, 2013, to comply with the provisions of this chapter. All other retail establishments shall have until March 1, 2014, to comply; provided, however, that retail establishments may voluntarily implement the restrictions on retail carryout bags allowed, as described herein, and may concurrently implement a pass-through charge. (Ord. 2652 § 1, 2012).

This page of the Issaquah Municipal Code is current through Ordinance 2652, passed June 4, 2012.

Disclaimer: The City Clerk's Office has the official version of the Issaquah Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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