

## Chapter 8.14 - SINGLE USE CARRYOUT BAG REGULATION

### 8.14.010 - Purpose.

The purpose of this chapter is to encourage the use of reusable bags at retail establishments so as to reduce litter in the city and city's waterways, and to also reduce the number of single use bags within the city.

(Ord. No. 733, § II, 12-3-2019)

### 8.14.020 - Definitions.

The following terms as used within this chapter shall have the following meanings unless the context clearly indicates otherwise.

"Single use carryout bag" means any bag 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. Single use 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; 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; 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-to-door 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; or
4. Bags used by local food banks, churches, state agencies, federal agencies, and any other charities that provide meals, food items, clothing, medications, school supplies, and any other item those entities provide to the local communities.

"Paper carryout bag" means any carryout bag made from paper.

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

"Single use carryout bag" means any carryout bag provided at checkout that is less than 2.25 mils thick and is made from plastic or any nonrenewable resource.

"Recyclable paper bag" means a paper bag that has a manufacturer's stated capacity of one-eighth barrel (882 cubic inches) and meets the following requirements:

1. Contains at least 40 percent post-consumer recycled content;
2. No old growth fiber;
3. One hundred percent recyclable;
4. Displays the minimum percentage of post-consumer content;
5. The recyclable paper bag is accepted for recycling in curbside recycling programs in a majority of households that have access to curbside recycling programs in the city.

"Retail establishment" means any person, corporation, partnership, business venture, entertainment facility, 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 related to a customer. Examples include, but are not limited to, grocery stores, clothing stores, liquor stores, jewelry stores, marijuana 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 purpose of this chapter.

"Reusable 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 the following requirements:

1. Is washable, whether by machine or hand; or
2. Is made from plastic and is a minimum of 2.25 mils thick.

(Ord. No. 733, § III, 12-3-2019)

8.14.040 - Single use carryout bag regulations.

- 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 carryout bag.
- B. Each retail establishment that provides a customer with a plastic carryout bag or a recyclable paper bag shall collect a pass-through charge of not less than \$0.05 for each plastic or recyclable paper carryout bag provided.
- C. It shall be a violation of this section for any retail establishment to pay or otherwise reimburse a customer for any portion of the plastic or recyclable paper carryout bag pass-through charge; provided that the retail establishments may not collect a pass-through charge from anyone with a voucher or electric 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).
- D. All retail establishments shall indicate on the customer transaction receipt the number of plastic and recyclable paper carryout bags provided to that customer and the total amount of the pass-through fee charged to that customer.

(Ord. No. 733, § IV, 12-3-2019)

#### 8.14.060 - Required retail establishment signage.

Every retail establishment subject to the collection of the carryout bag fee in this chapter must post signage clearly indicating the per bag charge for carryout bags.

(Ord. No. 733, § V, 12-3-2019)

#### 8.14.080 - Compliance and penalties.

- A. Upon a first violation of any part of this chapter, the City of Gold Bar Code Enforcement Officer may issue a notice of violation to the offending person or business. The notice of violation shall contain the date of the alleged type of violation. The notice of violation shall be regarded as a warning and no other sanctions shall be implemented. Notice shall be served upon the premises to the highest-ranking employee on duty at the time of delivery.
- B. If, after the issuance of a notice of violation, the City of Gold Bar Enforcement Officer becomes aware of subsequent noncompliance, the City of Gold Bar's Code

Enforcement Officer, the Snohomish County Sheriff's Department, or other applicable law enforcement agency has the authority to issue a civil infraction of \$250.00. Each day of any such violation is a separate civil infraction; a notice of infraction shall be heard and determined according to Chapter 7.80 RCW as amended, and any applicable court rules.

- C. It shall be a violation of this chapter for any retail establishment to penalize, discipline, or discriminate against any employee for performing any duty necessary to comply with this chapter.

(Ord. No. 733, § VI, 12-3-2019)