

ORDINANCE NO. 941

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
REPEALING CHAPTER 9.25 RETAIL CARRYOUT BAG
REGULATIONS OF THE SHORELINE MUNICIPAL CODE DUE TO
STATE PREEMPTION**

WHEREAS, in 2013, the City Council adopted Ordinance No. 653, establishing SMC Chapter 9.25 Retail Carryout Bag Regulations, which sets forth regulations for retail carryout bags provided by retail establishments so as to help create an environmentally sustainable community, implement an effective waste reduction strategy, reduce greenhouse gas emissions, waste, litter, marine litter, and pollution, and conserve energy and natural resources; and

WHEREAS, in 2020, the Washington State Legislature adopted Engrossed Substitute Senate Bill 5323, now codified as RCW Chapter 70A.530 Carryout Bags, establishing a state-wide ban on single-use plastic bags effective January 1, 2021; and

WHEREAS, due to the COVID-19 pandemic, on December 18, 2020, the Washington State Governor issued Proclamation 20-82, delaying implementation of RCW 70A.530 until January 30, 2021. The Washington State Legislature, with Senate Concurrent Resolution 8402, subsequently extended Proclamation 20-82 until the termination of the COVID-19 state of emergency or until rescinded by gubernatorial or legislative action, whichever occurred first. In July 2021, the Governor established September 30, 2021 at 11:59 pm as the expiration date for Proclamation 20-82. Therefore, the statewide ban on single-use plastic bags set forth in RCW 70A.530 will go into effect on October 1, 2021; and

WHEREAS, with the enactment of RCW Chapter 70A.530, the State preempted any local government from implementing a local carryout bag ordinance such as SMC Chapter 9.25; and

WHEREAS, while SMC Chapter 9.25 has been rendered ineffective by the State's preemption, repealing this Chapter will ensure there is no confusion as to what regulations retail establishments must follow; and

WHEREAS, the City Council discussed the repeal of SMC Chapter 9.25 at its October 4, 2021 regular meeting and has considered the entire public record, public and stakeholder comments, written and oral; and

WHEREAS, the City Council has determined that the repeal of SMC Chapter 9.25 in its entirety is warranted due to the State's express preemption set forth in RCW 70A.530 and is in the best interests of the City of Shoreline so as to prevent confusion as to the applicable regulations;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Repealer – SMC Chapter 9.25 Retail Carryout Bag Regulations. SMC Chapter 9.25 is repealed in its entirety.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

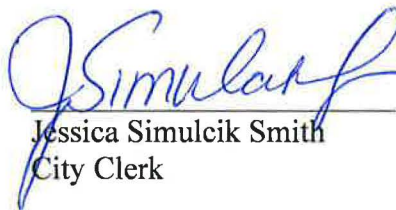
Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five (5) days after publication.

PASSED BY THE CITY COUNCIL ON OCTOBER 18, 2021



Mayor Will Hall

ATTEST:



Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:



Julie K Ainsworth-Taylor
Assistant City Attorney
on behalf of Margaret King, City Attorney

Date of Publication: October 21, 2021
Effective Date: October 26, 2021