

ORDINANCE NO. 4331

AN ORDINANCE of the City Council of the City of Kent, Washington, amending the Kent City Code to create a new Chapter 8.02 regulating the distribution of carryout bags, prohibiting the distribution of single-use plastic bags, requiring retail businesses to collect a pass-through charge from customers, and establishing penalties for noncompliance.

RECITALS

A. The Washington State Legislature in chapters 70.93 and 70.95 RCW has established waste reduction as a priority in the collection, handling, and managing of solid waste for the benefit of public health and for a healthful, clean and beautiful environment.

B. The 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."

C. The Legislature, in RCW 70.95.010(6)(c), has also found that it is city governments that are "to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies."

D. Plastic bags are made of nonrenewable resources. They do not biodegrade and can take hundreds of years to break down into small, toxic particles which can seep into the soil, waterways, lakes, and bays, posing a threat to animal life and the natural food chain.

E. The United States Environmental Protection Agency estimates that 380 billion plastic bags and wraps are consumed in the United States, annually, while only approximately 5% of plastic bags and wraps are recycled.

F. The Washington State Department of Ecology's litter survey states that plastic bags and film are one of the ten most littered items along roadways in Washington State, by weight.

G. Ecology's "Beyond the Curb" study of commingled residential recyclables from the Southwest Region estimates that it takes \$700-\$1,000 per ton for recycling centers to remove plastic bags and films from other recyclables.

H. It is the City's desire to conserve resources, reduce greenhouse gas emissions, waste, litter, and marine pollution, and to protect the public health and welfare, including wildlife, all of which increase the quality of life for the City's residents.

I. Decreased reliance on single-use carryout bags contributes toward the goals of conserving energy and natural resources while reducing greenhouse gases and litter.

J. The City Council finds that it is in the best interest of the health, safety, and welfare of the citizens of the City that regulations prohibit the use of single-use plastic carryout bags, and require a pass-through charge on recycled content paper carryout bags and reusable plastic film bags to encourage greater use of reusable bags, reduce the cost of solid waste disposal by the City, and protect the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. - *Amendment.* Title 8 of the Kent City Code is amended to add a new Chapter 8.02, entitled "Single-use plastic and carryout bags," as follows:

CHAPTER 8.02
Single-Use Plastic and Carryout Bags

Sec. 8.02.010. Definitions.

A. "Carryout bag" means any bag that is provided by a retail establishment at home delivery, the check stand, cash register, point of sale, or other point of departure to a customer for use to transport or carry away purchases. Carryout bags do not include:

1. Bags used by consumers inside stores to:
 - a. Package bulk items, such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items such as nails, bolts, or screws;
 - b. Contain or wrap items where dampness or sanitation might be a problem including, but not limited to:

- i. Frozen foods;
 - ii. Meat;
 - iii. Fish;
 - iv. Flowers; and
 - v. Potted plants;
- c. Contain unwrapped prepared foods or bakery goods;
 - d. Contain prescription drugs; or
 - e. Protect a purchased item from damaging or contaminating other purchased items when placed in a recycled content paper carryout bag or reusable carryout bag; or
 - f. Newspaper bags, door hanger bags, laundry/dry cleaning bags, or bags sold in packages containing multiple bags for uses such as food storage, garbage, or pet waste.

B. "Recycled content paper carryout bag" means a paper carryout bag provided by a store to a customer at the point-of-sale that meets all of the following requirements:

- 1. has a material weight of larger than eight-pounds and contains an average of 40% postconsumer recycled materials;
 - 2. is accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs in the City;
 - 3. is capable of composting in a commercial composting facility;
- and
- 4. is clearly labeled with the minimum percentage of postconsumer content.

C. "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides

food, merchandise, goods, or materials directly to a customer including home delivery, temporary stores, or vendors at farmers markets, street fairs, and festivals.

D. "Reusable carryout bag" means a bag made of cloth or other durable material with handles that is specifically designed and manufactured for long term multiple reuse and meets the following requirements:

1. Has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capacity of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet,

2. Is machine washable or made from a durable material that may be cleaned or disinfected; and

3. If made of film plastic:

a. Be made from a minimum of 40% postconsumer recycled material;

b. Display the minimum percentage of postconsumer content in print on the exterior of the plastic bag;

c. Have a minimum thickness of no less than 2.25 mils;

and

d. Display wording that the bag is reusable.

E. "Pass-through charge" means a charge collected by retailers from their customers when providing recycled content paper carryout bags and reusable carryout bags made of film plastic, and retained by retailers to offset the cost of bags and other costs related to the pass-through charge.

F. "Single-use plastic carryout bag" means any bag that is made from plastic that is less than 2.25 mils thick and is designed and suitable only to be used once and disposed.

Sec. 8.02.020. Distribution of carryout bags. Except as otherwise provided in this Chapter, effective March 1, 2020, all retail establishments within the City are subject to the following requirements:

A. Retail establishments shall not provide a single use plastic carryout bag to any customer.

B. No retail establishment shall distribute a single-use plastic carryout bag at any City facility, City-managed concession, City-sponsored event, or City-permitted event.

C. Retail establishments shall not provide to any customer at the point-of-sale a paper bag or reusable carryout bag made of film plastic that does not meet recycled content requirements.

D. A retail establishment must collect a pass-through charge of eight cents for every recycled content paper carryout bag with a manufacturer's stated capacity of one-eighth barrel (882 cubic inches) or greater or reusable carryout bag made of film plastic it provides. A retail establishment may make reusable carryout bags available to customers through sale.

E. A retail establishment must keep all revenue from pass-through charges. A retail establishment must show all pass-through charges on any receipts provided to customers.

Sec. 8.02.030. Exemptions.

- A. No retail establishment may collect a pass-through charge from anyone using a voucher or electronic benefits card issued under food assistance programs including, but not limited to, Women Infants and Children (WIC); Temporary Assistance to Needy Families (TANF); Federal Supplemental Nutrition Assistance Program (SNAP), also known as Basic Food; and the Washington State Food Assistance Program (FAP).

- B. Food banks and other food assistance programs are exempt from the requirements for this chapter but are encouraged to take actions to reduce the use of single-use plastic carryout bags.

- C. The Director may exempt a retail establishment from the requirements of this chapter for up to a one-year period, upon a request by the retail establishment showing that the conditions of this chapter would cause undue hardship. An "undue hardship shall only be found in:
 - 1. Circumstances or situations unique to the particular retail establishment, such that there are no reasonable alternatives to single-use plastic carryout bags or a pass-through charge cannot be collected; or
 - 2. Circumstances or situations unique to the retail establishment, such that compliance with the requirements of this chapter would deprive a person of a legally protected right.

Sec. 8.02.040. Violations.

- A. *Civil infraction.* A retail establishment that violates any provision of this chapter may be issued a class 1 civil infraction as set forth in RCW

7.80.120, as currently enacted or hereafter amended. An infraction issued pursuant to this section shall be filed in the Kent Municipal Court and processed in the same manner as other infractions filed in the Kent Municipal Court.

B. 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.

SECTION 2. – Reporting. The Director of Public Works shall evaluate the effectiveness of this ordinance and report to City Council one year from the date of effectiveness of this ordinance.

SECTION 3. – Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 4. – Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

SECTION 5. – Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage, as provided by law.

DANA RALPH, MAYOR

August 20, 2019
Date Approved

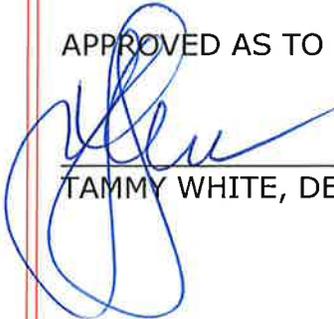
ATTEST:


KIMBERLEY A. KOMOTO, CITY CLERK

August 20, 2019
Date Adopted

August 23, 2019
Date Published

APPROVED AS TO FORM:


TAMMY WHITE, DEPUTY CITY ATTORNEY



**CITY OF KENT
NOTICE OF ORDINANCE
PASSED BY THE CITY COUNCIL**

The following is a summary of an ordinance passed by the Kent City Council on August 20, 2019.

ORDINANCE NO.4331 - AN ORDINANCE of the City Council of the City of Kent, Washington, amending the Kent City Code to create a new Chapter 8.02 regulating the distribution of carryout bags, prohibiting the distribution of single-use plastic bags, requiring retail businesses to collect a pass-through charge from customers, and establishing penalties for noncompliance.

This ordinance shall take effect and be in force 30 days from and after its passage, as provided by law.

A copy of the complete text of this ordinance will be mailed upon request of the City Clerk.

Kimberley A. Komoto, City Clerk
253-856-5725
CityClerk@KentWA.gov

**STATE OF WASHINGTON, COUNTY OF KING }
AFFIDAVIT OF PUBLICATION
PUBLIC NOTICE**

Polly Shepherd, being first duly sworn on oath that she is the
Publisher of the

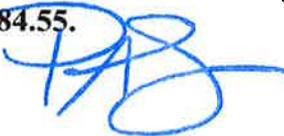
Kent Reporter

a weekly newspaper, which newspaper is a legal newspaper of general
circulation and 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 weekly newspaper in King County, Washington. The
Kent Reporter has been approved as a Legal Newspaper by order of
the Superior Court of the State of Washington for King County.
The notice in the exact form annexed was published in regular issues of
the Kent Reporter (and not in supplement form) which was regularly
distributed to its subscribers during the below stated period. The annexed
notice, a:

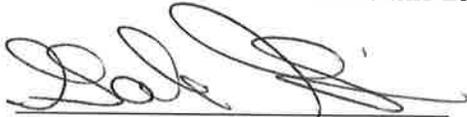
Public Notice

was published on **August 23rd, 2019.**

The full amount of the fee charged for said foregoing publication is the
sum of **\$84.55.**



Polly Shepherd
Publisher, Kent Reporter
Subscribed and sworn to me this 23rd day of August, 2019.



Gale Gwin, Notary Public for the State of Washington, Residing in
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Legal Notices

PUBLIC NOTICE
NOTICE OF HEARING
Notice is hereby given that the Board of Directors of Kent School District No. 415 will meet for the purpose of adopting the District's budget for the fiscal year 2019 - 2020 at 7:00 p.m. on August 28, 2019, at the Administration Center, 12033 SE 256th Street, Kent, Washington. Any person may appear at said meeting and be heard for or against any part of said budget. A budget has been prepared by the board and will be filed at the Office of the District Superintendent from whom any person may obtain a copy upon request. Dr. Calvin J. Watts, Secretary of the Board of Directors
Published in the Kent and Covington/ Maple Valley/ Black Diamond Reporters August 16 & 23, 2019. #869365

Legal Notices

CITY OF KENT NOTICE OF ORDINANCE PASSED BY THE CITY COUNCIL
The following is a summary of an ordinance passed by the Kent City Council on August 20, 2019.

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A copy of the complete text of this ordinance will be mailed upon request of the City Clerk.
Kimberley A. Komoto, City Clerk
253-856-5725
CityClerk@KentWA.gov
Published in the Kent Reporter August 23, 2019. #870057

VALLEY MEDICAL CENTER District Healthcare System
NOTICE OF BOARD RETREAT MEETING
September 3, 2019
The Board of Trustees of Valley Medical Center will hold a Board Retreat Meeting from 9:00 a.m. to approximately 4:30 p.m. on September 3, 2019, in the Board Room of Valley Medical Center.
BOARD OF TRUSTEES (District Healthcare System)
By: Kathryn Holland, Executive Assistant to the Board of Trustees
8/23/19, 8/30/19

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Legal Notices

NOTICE OF PUBLIC HEARING
CITY OF KENT OFFICE OF THE HEARING EXAMINER
ALDER VIEW ESTATES SUBDIVISION

A public hearing will be held to consider the applicant's proposal to subdivide two parcels totaling 2.50 acres into 13 single family residential lots, a storm water tract, a private access tract, and a private recreation tract.
The site is located at 25403 and 25405 124th Avenue SE, identified as King County tax parcel numbers 2122059086 and 2122059180.
Hearing Date: **TUESDAY, SEPTEMBER 10, 2019 at 10:00 AM**
Hearing Location: Kent City Hall Council Chambers West at 220 4th Avenue S., Kent, WA 98032
Permit Number: U-2019-2/RPP3-2191074
All interested parties may appear and provide testimony. The application is available for review at the City of Kent Economic and Community Development office, located at 400 W Gowse Street in downtown Kent. For more information or to provide comments contact Planner, Sara Ullman at sullman@kentwa.gov. 253-856-5442.
Published in the Kent Reporter August 23, 2019. #870005

CITY OF KENT PUBLIC NOTICE
MITIGATED DETERMINATION OF NONSIGNIFICANCE
Pursuant to KCC 11.03, Environmental Policy, the City of Kent has issued a threshold determination for the following:
Mitigated Determination of Nonsignificance (MDNS) for: **RIVERBEND DRIVING RANGE RENOVATION AND EXPANSION**

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Interested candidates should email their resume and cover letter to careers@soundpublishing.com and be sure to include ATTN: MMSC in the subject line.

Legal Notices

E.N.V.-2019-25 / #RPS-2192587
The City of Kent Parks Department proposes to develop and expand the Driving Range at the Riverbend Golf Complex. The existing driving range, building, and covered driving area will expand onto the currently vacant southeast parcel and the miniature golf course in the northeast parcel will be replaced with parking spaces. Natural grass will replace artificial turf on the driving range and poles supporting netting will be moved. Parking spaces along West Meeker Street will be removed to prepare for future road improvements. A new paved trail on the east side of the site will be installed, connecting West Meeker Street and the Green River Trail. Relocation of the net fence and grading at the southern portion of the site occur within 200 feet of the Green River, a Shoreline of Statewide Significance, and are subject to the requirements of the Kent Shoreline Master Program. A Shoreline Substantial Development Permit was submitted to the City of Kent on June 18, 2019 (SMA-2019-3, RPS-2192589).
The existing driving range facilities are located at 2020 West Meeker Street and are identified by King County Parcel Numbers 2322049097, 2322049098, 2322049099, and 2322049100. The parcels are zoned MR-M - Medium Density Multi-family Residential.
It is recommended that a Mitigated Determination of Nonsignificance (MDNS) be issued for this project with the following conditions:
1. Provide lighting specifications to and coordinate with the Muckleshoot Indian Tribe Fisheries Division Habitat Program to ensure

potential light and glare impacts to salmon fisheries are minimized and mitigated.
2. Submit an updated landscape plan to the Kent Planning Services Division including native conifer trees in the southeast corner of the site to provide shade and screen the river from lighting.
Comments are due for the above project by 4:30 p.m., Friday, September 6, 2019, to City of Kent Planning Services.
For more information, contact Kent Planning Services at 220 Fourth Avenue S., Kent, WA 98032. Telephone: (253) 856-5454. Any person requiring a disability accommodation should contact the City for more information. For TDD relay service, call 7-1-1 or the City of Kent at (253) 856-5725.
Published in the Kent Reporter August 23, 2019. #870475

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTO
IN THE FAMILY COURT FOR THE NINTH JUDICIAL CIRCUIT
DOCKET NO. 2018-DR-10-3357
SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES VERSUS
Marcus Simpson
NOTICE
TO ALL INTERESTED PARTIES:
You are hereby summoned and required to answer the Complaint in this action filed with the Clerk of Court for Charleston County on October 5, 2018. Upon proof of interest, a copy of the Complaint will be delivered to you upon request from the Clerk of Court in Charleston, and you must serve a copy

Continued on next page...

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