

ORDINANCE NO. 4863

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO PLASTIC AND RECYCLABLE PAPER CARRYOUT BAGS AND REPEALING CHAPTER 5.64 “CARRYOUT BAG REGULATION” OF THE ELLENSBURG CITY CODE.

WHEREAS, following a request from citizens, the City’s Environmental Commission studied the issue of options/advice on how best to proceed with a potential plastic bag ban. Ultimately, under the direction of the Ellensburg City Council, a “ban” was rejected but a carryout bag ordinance was developed would apply to both plastic and paper bags; and

WHEREAS, Ordinance 4750 was adopted November 7, 2016 and established Chapter 5.64 of the Ellensburg City Code titled “Carryout Bag Regulation” with a delayed effective date of January 1, 2018, which applied a fee to both carryout plastic and paper bags provided by retail establishments; and

WHEREAS, the purpose of Ordinance 4750 was to encourage the use of reusable bags at retail establishments to reduce litter in the city and the city’s waterways, and to also reduce the number of single-use bags in the city’s waste stream; and

WHEREAS, the Washington State Legislature enacted Engrossed Substitute Senate Bill 5323, codified as Chapter 70A.530 RCW, in the 2020 legislative session, which implemented a ban on single use plastic bags, a fee for certain carryout paper bags and for reusable carryout plastic bags of a certain thickness made of recycled content, and added criteria for compostable and reusable bags; and

WHEREAS, RCW 70A.530.050(1) provides that, “any carryout bag ordinance that was enacted as of April 1, 2020, is preempted by this chapter,” which encompasses Ordinance 4750; and

WHEREAS, Chapter 70A.530 RCW is effective January 1, 2021.

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

Section 1. Chapter 5.64 of the Ellensburg City Code, as last amended by Ordinance 4750, is hereby repealed in its entirety effective at midnight on January 1, 2021.

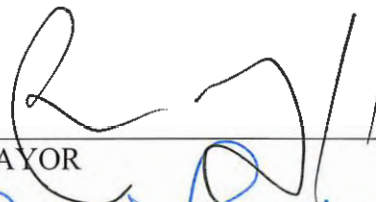
Section 2. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

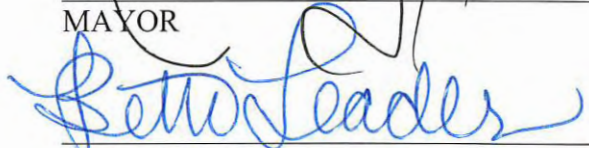
Section 3. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 16th day of November, 2020

ATTEST:



MAYOR


CITY CLERK

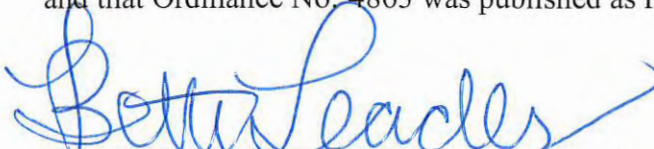
Approved as to form:



CITY ATTORNEY

Publish: 11-19-2020

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4863 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4863 was published as required by law.



BETH LEADER