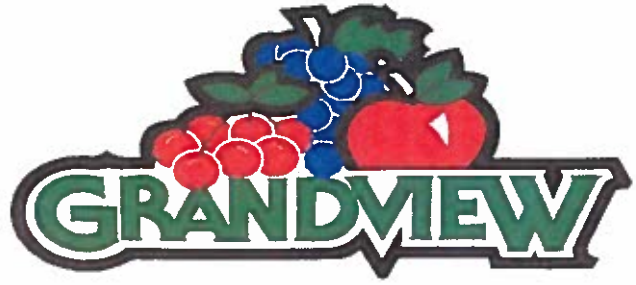


**GRANDVIEW CITY COUNCIL
COMMITTEE-OF-THE-WHOLE
MEETING AGENDA
TUESDAY, FEBRUARY 26, 2019**



COMMITTEE-OF-THE-WHOLE MEETING – 6:00 PM

PAGE

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC COMMENT** – At this time the public may address the Council on any topic whether on the agenda or not, except those scheduled for public hearing.
4. **NEW BUSINESS**
 - A. Ordinance prohibiting the distribution of plastic straws and polystyrene-based food containers and requiring retail establishments to collect a pass-through charge from customers for the distribution of plastic bags, and adding a new chapter to the Grandview Municipal Code entitled 8.44–Carryout Bag and Food Container Regulation 1-12
5. **OTHER BUSINESS**
6. **ADJOURNMENT**

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY GRANDVIEW, WASHINGTON,
PROHIBITING THE DISTRIBUTION OF PLASTIC STRAWS AND POLYSTYRENE-
BASED FOOD CONTAINERS AND REQUIRING RETAIL ESTABLISHMENTS TO
COLLECT A PASS-THROUGH CHARGE FROM CUSTOMERS FOR THE
DISTRIBUTION OF PLASTIC BAGS, AND ADDING A NEW CHAPTER TO THE
GRANDVIEW MUNICIPAL CODE ENTITLED 8.44 – CARRYOUT BAG AND FOOD
CONTAINER REGULATION**

WHEREAS, the Washington State Legislature in RCW 70.95.010(8)(a) established waste reduction as the first priority for the collection, handling, and management of solid waste; and

WHEREAS, the Washington 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; and

WHEREAS, the Washington State Legislature in RCW 70.95.010(6)(c) found that it is the responsibility of city and county governments “to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies”; and

WHEREAS, it is the City’s desire to implement effective waste reduction strategies, conserve resources, reduce greenhouse gas emissions, waste, litter and pollution, and to protect the public health and welfare; and

WHEREAS, there is a need for conserving energy and natural resources, controlling litter, and decreasing reliance on plastic straws, polystyrene-based food containers and on plastic carryout bags provided by retail establishments; and

WHEREAS, to reduce the use of plastic straws, polystyrene-based food containers and plastic carryout bags in the City, it is necessary to regulate such use; and

WHEREAS, it is in the best interest of the health, safety and welfare of the people of the City of Grandview to prohibit the distribution of plastic straws and polystyrene-based food containers, and to impose a pass-through charge on the use of plastic carryout bags in order to encourage greater use of reusable bags, in order to reduce the cost of solid waste disposal by the City, and to protect the environment;

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

Section 1. A new Chapter entitled: “8.44 – Carryout Bag and Food Container Regulation” is hereby added to the Grandview City Code to read as follows:

Sections

8.44.020 Purpose.

8.44.040 Definitions.

8.44.060 Carryout bag regulations.

8.44.080 Required signage for retail establishments.

8.44.100 Distribution of Plastic Straws Prohibited.

8.44.120 Distribution of Polystyrene-based Disposable Food Service Ware Prohibited.

8.44.140 Compliance and penalties.

8.44.020 Purpose.

The purpose of this chapter is to encourage the use of reusable bags and to prohibit the distribution of plastic straws and polystyrene-based disposable food service ware within the City so as to reduce litter in the City and the City’s waterways, and to also reduce the number of single-use bags and plastic straws and polystyrene-based disposable food service ware in the city’s waste stream.

8.44.020 Definitions.

The following terms used in this chapter have the following meanings unless the context clearly indicates otherwise:

“Carryout bag” means any 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 use to transport or carry away purchases such as merchandise, goods or food from the retail establishment. 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 or small hardware items such as nails, bolts or screws, contain or wrap frozen foods, meat or fish regardless of whether they are prepackaged, contain or wrap flowers, potted plants or other items where dampness may be a problem, contain unwrapped prepared foods or bakery goods, contain prescription drugs; or
2. A bag used to protect a purchases 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-hanger 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.

"Disposable food service ware" means single-use disposable products used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded carry-out containers. This does not include straws, utensils, or cup lids nor does it include disposable packaging for unprepared foods.

"Distribution" or to "distribute" means the vending, sale, giving, deployment or delivering for any purpose of a straw or polystyrene-based disposable food service ware, other than as defined herein, whether or not incident to the sale, vending or provision of any kind of beverage in a container. "Distribution" does not include provision of a straw or polystyrene-based disposable food service ware with a beverage or food product on private property used as a residence or by beverages or food products prepared and packaged outside the City, provided such beverage or food product is not altered, packaged or repackaged within the City.

"Food vendor" means any vendor, business, organization, entity, group or individual, including a licensed retail food establishment that provides prepared food at a retail level.

"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 carryout bags, and retained by retailers to offset the cost of bags and other costs related to pass-through charge.

"Plastic carryout bag" means any carryout bag made from plastic or any material marketed or labeled as "biodegradable" or "compostable" that is less than 2.25 mils thick.

"Polystyrene-based Products" means and includes blown polystyrene and expanded and extruded foams (sometimes called Styrofoam, a Dow Chemical Company trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene). Polystyrene foam is generally used to make items such as cups, bowls, plates, trays, carry-out containers, meat trays and egg cartons.

"Prepared food" means food or beverages, which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared. Prepared food does not include eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration.

"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 to a customer. Examples include but are not limited to clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, home décor 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 and other food assistance programs are not considered to be retail establishments for the purposes of this chapter.

"Reusable bag" means a bag that:

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

"Straw" means a tube for transferring a beverage from its container to the mouth of a drinker by suction.

8.44.060 Carryout bag regulations.

A. Each retail establishment that provides a customer with a plastic carryout bag shall collect a pass-through charge of not less than ten cents for each plastic carryout bag provided.

B. 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 carryout bag pass-through charge; provided that retail establishments may not 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).

C. All retail establishments shall indicate on the customer transaction receipt the number of plastic carryout bags provided to customers and the total amount of the pass-through charge.

8.44.080 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.

8.44.100 Distribution of Plastic Straws Prohibited.

The distribution of plastic straws within the City is prohibited.

8.44.120 Distribution of Polystyrene-based Disposable Food Service Ware Prohibited.

No food vendor shall distribute polystyrene-based disposable food service ware when providing prepared food.

8.44.140 Compliance and penalties.

A. Upon a first violation of any part of this chapter, the code enforcement officer may issue a notice of violation to the offending person or business. The notice of violation shall contain the date of and 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 currently on duty at the time of delivery.

B. If after issuance of a notice of violation the code enforcement officer becomes aware of subsequent noncompliance, he or she has the authority to issue a civil infraction and levy a fine of not less than \$100.00. Any subsequent violation of this chapter shall be designated as a civil infraction. Each day of any such violation is a separate civil infraction; a notice of infraction may be issued for each day of any such violation. Civil infractions 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.

Section 2. 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. This ordinance shall be in full force and effect five days after its passage and publication as required by law.

PASSED by the **CITY COUNCIL** and approved by the **MAYOR** at its regular meeting on _____.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLICATION:

EFFECTIVE:

Anita Palacios

From: Anita Palacios
Sent: Tuesday, January 15, 2019 2:54 PM
To: Bill Moore (mooreb@grandview.wa.us); Bill Moore 1 (billandrachel@charter.net); Cus Arteaga; Dennis McDonald (dennism@grandview.wa.us); Dennis McDonald 1 (dennismcd10@gmail.com); Gay Brewer (dancefunproductions@yahoo.com); Gaylord Brewer (brewerg@grandview.wa.us); Gloria Mendoza; Gloria Mendoza (mendozag@grandview.wa.us); Gview Mayor; Javier Rodriguez; Javier Rodriguez (rodhav1@yahoo.com); Joan Souders; Joan Souders 1 (jesouders@hotmail.com); Mayor Norm Childress; Mike Everett (everettm@grandview.wa.us); Mike Everett 1 (mike@everettlaw.net); Quinn Plant
Cc: Jim Davidson
Subject: FW: Letter to Council
Attachments: 2019-1-15 Council Plastics Ban.docx

From: Jim Davidson [mailto:clandavidson@embarqmail.com]
Sent: Tuesday, January 15, 2019 2:46 PM
To: Anita Palacios
Subject: Letter to Council

Ms. Palacios,

May I ask the enclosed letter be given to the Mayor and Council?

--

Jim Davidson
clandavidson@embarqmail.com

JAMES A. DAVIDSON
PO Box 56, GRANDVIEW WA 98930
509-882-1984 CLANDAVIDSON@EMBARQMAIL.COM

January 15, 2019

Grandview City Council
207 W 2nd St
Grandview WA 98930

Dear Council Members:

I am strongly opposed to a proposal before you banning plastic bags or all bags in the city. I believe the proposal includes plastic straws as well.

This proposal is misguided, largely based on environmental propaganda not honestly supported by science or research and is simply a feel-good exercise.

The proposal, which suggests a new tax or user fee, does not take into consideration the following points:

- Plastic shopping bags are cheaper to produce;
- Plastic bags are frequently used for other purposes once at home, such as garbage collection;
- Will the ban impact plastic produce bags and bread bags;
- Paper bag production has a far higher environmental cost / impact than plastic and, while recyclable, there is no recycling available in Grandview (for any material);
- Council members have suggested no bags be given to consumers, suggesting they bring their own reusable bags, which medical research has found to be a contributor to contaminated food supplies (no one washes these bags);
- Council members fail to recognize the number of people in our community who carry their groceries / items home, which is hard to do without handles on bags;
- The tax / user fee to allow people to obtain a bag is unfair to consumers and simply makes for a profit center for the retailer – what keeps consumers from going elsewhere to avoid the hassle and fee(s);
- Activists will point to the “Pacific Garbage Patch” as a reason to eliminate bags (bottles, etc.), though researchers are now finding those images of mounds of garbage, supposedly the size of Texas, does not exist – plastics ARE in the oceans, but heaping mounds are NOT floating around out there – in short, the photos are propaganda;
- A proposal to ban plastic straws, while not as obnoxious as a bag ban, is built on faulty “science.” The numbers cited by so called experts comes from a child’s school homework assignment that is made up out of whole cloth and having no bearing on reality;
- Will a ban on plastic straws take into consideration the need of children, handicapped and disabled who need flexible straws to consume liquids;
- Paper straws are an acceptable alternative as long as the needs of the disabled are met;
- Will Code Enforcement be assigned the responsibility of seeking out and fining users of bags and straws;
- A far larger problem are plastic bottles. There is no way to recycle them.

This proposal is not suitable for the citizens of Grandview. If you want to tackle plastics, find a way to recycle plastic bottles or work toward using corn-based bio-gradable plastic bottles. Better yet, pick up the disposable plastic syringes laying on the streets and alleys left by community drug abusers, since they are a greater threat to the health and safety of our citizens.

I urge the Council to reject this proposal.

Respectfully,

James A. Davidson

Anita Palacios

From: Anita Palacios
Sent: Tuesday, January 22, 2019 8:20 AM
To: Jim Davidson
Cc: Bill Moore (mooreb@grandview.wa.us); Bill Moore 1 (billandrachel@charter.net); Cus Arteaga; Dennis McDonald (dennism@grandview.wa.us); Dennis McDonald 1 (dennismcd10@gmail.com); Gay Brewer (dancefunproductions@yahoo.com); Gaylord Brewer (brewerg@grandview.wa.us); Gloria Mendoza; Gloria Mendoza (mendozag@grandview.wa.us); Javier Rodriguez; Javier Rodriguez (rodhav1@yahoo.com); Joan Souders; Joan Souders 1 (jesouders@hotmail.com); Mike Everett (everettm@grandview.wa.us); Mike Everett 1 (mike@everettlaw.net); Quinn Plant
Subject: FW: Davidson Letter
Attachments: 1111 Response to Davidson.docx

From: Mike Everett [mailto:Mike@everettlaw.net]
Sent: Monday, January 21, 2019 11:15 AM
To: Anita Palacios
Subject: Davidson Letter

Anita

Could you send the attached letter to Mr. Davidson and anyone else you shared his letter with.

Thank you

Mike Everett

Dear Jim:

I am pleased that you have an interest in the problems that are created by the plastic waste that is over whelming. Your letter raises some interesting points that deserve attention.

1. I don't understand what is meant by this being a "feel good" exercise. You reference that it is not supported by science or research. Could you be more specific? What research are you referencing? As for banning some kinds of plastic, are you saying that there is science that holds that, this is not scientifically sound?
2. Plastic bags may be cheaper to produce for one use and then be thrown away, but a less disposable has many uses and considering the life of the bag, is cheaper. When you say it is cheaper, that is like saying that it is cheaper not to have a garbage can in your house, but simply thrown the material on the floor.
3. The ban does not effect bread bags. Yes it will impact the production of plastic bags, as more and more people move away from that usage, the production will drop.
4. I don't believe that the government should, as you suggest, require people to wash the bags. I believe that people have sense enough to handle this issue.
5. I am excited to hear your suggestions regarding recycling, that fact that you raise this issue, tells me that you too have concerns. Your ideas would be most welcome.
6. I don't understand what bags, don't have handles. I don't think that you have thought this through very well.
7. I can't agree with your statement that the fees are "unfair" to the consumers choking on garbage is unfair to all of us.

You are clearly concern about the plastic waste, but I don't think that at this point the City of Grandview can solve the plastic bottles issue. That would be great if we could, but it is beyond our reach. If you have suggestions or would like to work with the City on the issue, you would be welcome. You too recognize the problems that plastic creates---I am glad that you raise the issue.

Much like you concern about plastic that is getting in the sea and into the environment, we can't solve all of the world's problem. But rather than be part of the problem, let's be part of the solution. You and I grew up before the

prevalence of plastics. As a child I didn't use plastic straws, and neither did you, they didn't exist. As you say, those that need accommodation can easily be dealt with.

As for enforcement, I have been contacted by the State Retailers Association who have been very positive (as have just about everyone I have talked to in Grandview). I believe that they will be very cooperative, and if someone needs information, of course Code Enforcement will work with them.

Thank you for your communication.

Sincerely,

Michael Everett, City Councilman