

ORDINANCE NO. 4145

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING AN IMMEDIATE BAN ON THE USE OF NON-COMPOSTABLE SINGLE-USE PLASTIC UTENSILS BY CITY STAFF AT CITY EVENTS AND ADOPTING A CITY-WIDE BAN ON USE OF NON-COMPOSTABLE SINGLE USE PLASTIC UTENSILS BY FOOD SERVICE BUSINESSES EFFECTIVE JANUARY 1, 2020.

WHEREAS, the City of Edmonds Climate Change Action Plan states our vision by 2050 as: “Edmonds is one of many flourishing communities in the Puget Sound region of Western Washington with our energy coming from nearly 100% renewable sources, our waste streams approaching zero, and nearly all our products and services obtained from sustainable sources”; and

WHEREAS, in the Edmonds’ Comprehensive Plan’s Community Stability Element, Community Health Goal and Policy B.4 states: “Promote a healthy community by seeking to protect and enhance the natural environment through a balanced program of education, regulation, and incentives. Environmental programs in Edmonds should be tailored to and reflect the unique opportunities and challenges embodied in a mature, sea-side community with a history of environmental protection and awareness”; and

WHEREAS, the Edmonds City Council adopted Resolution 1357 on April 16, 2016, which adopts both “Zero Waste Washington” and the State of Washington’s “Beyond Waste Plan” as long-term goals to eliminate waste and pollution in the extraction, manufacture, transportation, storage, use, reuse, and recycling of materials; and

WHEREAS, these goals can be supported through strategies, policies, and action plans that significantly reduce waste and pollution; and

WHEREAS, a June 2017 University of Washington study that sampled sand on twelve Puget Sound Beaches (including Marina Beach in Edmonds) found: “small plastics

are widespread along the shore of Puget Sound. All 12 samples contained microplastics, at an average of 1,776 pieces per 3-foot-square sampling plot”; and

WHEREAS, approximately 8.8 million tons of plastic pollution flow into the ocean each year, and this amount is expected to double by 2025; and

WHEREAS, durable (e.g., metal, glass, wood, etc.) straws are now readily available alternatives to single-use straws, reducing the need for eateries to provide single-use straws to patrons; and

WHEREAS, only 9% of the plastic produced to date has been recycled, and annual recycling rates in the U.S. have stagnated at around 9% since 2012; and

WHEREAS, plastic breaks down into smaller pieces that can turn into microplastic, which is becoming more prevalent in salt water bodies and has been shown to enter the marine food chain; and

WHEREAS, single use plastic products are commonly transported into salt water bodies from land-based sources via rivers/streams and stormwater conveyance systems; and

WHEREAS, plastic straws are consistently cited as one of the top ten contributors to marine debris pollution; and

WHEREAS, while paper straw costs are approximately triple the average cost of plastic straws (\$0.015 vs. \$0.005), restaurants now utilizing paper straws report—when only supplying straws on demand—patrons request straws only 1/3 of the time, negating the net cost difference between paper and plastic straws; and

WHEREAS, while the average cost of compostable cutlery is approximately triple the cost of plastic cutlery (roughly \$0.03 versus \$0.01 per item), the net cost of these items can be mitigated by providing single use compostable cutlery only on demand; and

WHEREAS, recognizing the negative environmental effects caused by single use plastics, hundreds of restaurants around the United States have already voluntarily stopped providing plastic straws and plastic cutlery; and

WHEREAS, food service businesses should be strongly encouraged to provide paper-based straws when patrons request straws, as they are both compostable and break down into inert components when exposed to the marine environment; and

WHEREAS, municipalities such as Seattle, WA, Santa Cruz, CA, Malibu, CA, Davis, CA, San Luis Obispo, CA, Miami Beach, FL, Fort Myers, FL and others now have single use plastics bans in effect, and entire countries such as Scotland and Taiwan have announced plans to introduce similar bans; and

WHEREAS, compostable alternatives to plastic straws, plastic stirrers and non-compostable plastic cutlery are now readily available in the retail and wholesale markets; and

WHEREAS, the City of Edmonds desires to protect the integrity of the natural environment and wildlife from litter and pollution caused by plastic straws, plastic stirrers and plastic cutlery; and

WHEREAS, this Ordinance will serve the interest of public health, safety, and welfare as well as the environment by reducing litter and pollutants on the land and into the waters of the city and beyond; and

WHEREAS, notifying the local food industry now of the single-use plastic utensil ban that will take effect in 2020 will provide the food industry a fair opportunity to use up their current supplies of single-use plastic utensils before the ordinance takes effect;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. The city council adopts the following new chapter 6.95 of the Edmonds City Code, entitled “Single-use Plastic Utensils -- Prohibition”:

6.95.010 Definitions. For purposes of this chapter, the following definitions shall apply.

A. " Utensil" or "utensils" means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including straws,

forks, knives, spoons, sporks, cocktail picks, chopsticks, splash sticks, stirrers, and similar products. "Utensil" or "utensils" does not include plates, bowls, cups, and other products used to contain food or beverages.

B. "Food service businesses" means full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, retail food vendors, home delivery services, non-profit food providers, vending trucks or carts, farmers markets, business or institutional cafeterias, or other similar businesses selling or providing food within the City of Edmonds for consumption on or off the premises.

C. "Single-use plastic utensils" means a non-compostable utensil that is made from plastic and that is neither intended nor suitable for continuous re-use.

D. "Compostable utensils" means utensils that are capable of being completely broken down into stable products in a controlled, aerobic, commercial process that results in a material safe and desirable as a soil amendment or when discharged into stormwater.

6.95.020 Single-use plastic utensils -- Prohibition.

A. The City may not provide single-use plastic utensils at any City facility or City-sponsored event. No City department or facility shall purchase or acquire single-use plastic utensils. All parties who contract with the City for provision of public events shall be prohibited from using single-use plastic utensils in City facilities.

B. Effective January 1, 2020, food service businesses shall be prohibited from purchasing, acquiring, using, or providing single-use plastic utensils to their customers, except as otherwise provided under subsection C and D, below.

C. The prohibition shall not apply to:

1. Single-use plastic utensils when needed due to medical or physical conditions and for whom compostable utensils are unsuitable; and

2. Compostable plastic utensils.

D. The mayor or designee is authorized to provide renewable one-year waivers or other relief that apply to use of certain single-use plastic utensils. Such waivers or relief shall be granted only for circumstances where commonly used composting technology cannot produce a suitable compostable utensil.

6.95.030 Violations. A violation of any provision of this chapter shall constitute a Class I civil infraction pursuant to Chapter 7.80 RCW. Issuance and disposition of infractions issued for violations of this chapter shall be in accordance with Chapter 7.80 RCW. The penalty for violation of a provision of this chapter shall be \$100.00. The penalty for a second or subsequent offense in violation of the provision of this chapter within two years of any previous offense shall be \$250.00.

Section 2. Severability. If any section, subsection, clause, sentence, or phrase of this ordinance should be held invalid or unconstitutional, that decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance is subject to referendum and shall take effect thirty (30) days after final passage of this ordinance.

APPROVED:


MAYOR DAVE EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFF TARADAY

FILED WITH THE CITY CLERK:	March 1, 2019
PASSED BY THE CITY COUNCIL:	March 5, 2019
PUBLISHED:	March 8, 2019
EFFECTIVE DATE:	April 7, 2019
ORDINANCE NO.	4145

SUMMARY OF ORDINANCE NO. 4145

of the City of Edmonds, Washington

On the 5th day of March, 2019, the City Council of the City of Edmonds, passed Ordinance No. 4145. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING AN IMMEDIATE BAN ON THE USE OF NON-COMPOSTABLE SINGLE-USE PLASTIC UTENSILS BY CITY STAFF AT CITY EVENTS AND ADOPTING A CITY-WIDE BAN ON USE OF NON-COMPOSTABLE SINGLE USE PLASTIC UTENSILS BY FOOD SERVICE BUSINESSES EFFECTIVE JANUARY 1, 2020.

The full text of this Ordinance will be mailed upon request.

DATED this 6th day of March, 2019.



CITY CLERK, SCOTT PASSEY