

**ORDINANCE NO. 1442**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, WASHINGTON, SUSPENDING THE PROHIBITION ON SINGLE-USE PLASTIC BAGS IMPOSED UNDER GIG HARBOR MUNICIPAL CODE (GHMC) CHAPTER 5.14 AND THE USE OF EXPANDED POLYSTYRENE (EPS) AND CERTAIN NON-RECYCLABLE FOOD SERVICE PRODUCTS UNDER CHAPTER 5.15 FOR THE DURATION OF THE EMERGENCY DECLARED BY THE MAYOR PLUS 30 DAYS; RATIFYING AND APPROVING THE MAYOR'S ACTIONS IN SUSPENDING CHAPTERS 5.14 AND 5.15 GHMC RETROACTIVE TO MARCH 27, 2020; DECLARING AN EMERGENCY AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

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WHEREAS, Gig Harbor Municipal Code (GHMC) Chapter 5.14 Bring Your Own Bag encourages the use of reusable carryout bags by customers of groceries and other retail establishments and to accomplish this purpose, Chapter 5.14 GHMC prohibits the use of single- use plastic carryout bags; and

WHEREAS, Gig Harbor Municipal Code (GHMC) Chapter 5.15. Single Use Food Serviceware and Litter Reduction is an attempt to reduce the cost of solid waste disposal and to protect the environment and to accomplish this purpose, Chapter 5.15 GHMC prohibits the use of certain expanded polystyrene (EPS) food service products and disposable food Serviceware; and

WHEREAS, in order to slow the spread of the novel coronavirus (COVID-19), some grocery stores and other retailers have curtailed the use of reusable carryout bags by customers in favor of single-use plastic carryout bags; and

WHEREAS, grocery stores, food service industries and other retailers have curtailed the use of certain EPS food service produces and disposable food Serviceware; and

WHEREAS, on March 23, 2020, the Mayor of the City of Gig Harbor issued a Proclamation of Emergency declaring that a state of civil emergency exists in the City of Gig Harbor due to the outbreak of COVID-19; and

WHEREAS, the Mayor's March 23, 2020, proclamation was preceded by emergency proclamations by Governor Inslee and Pierce County Executive Dammeier, and was issued concurrent with an emergency declaration by the President of the United States; and

WHEREAS, on March 27, 2020, Mayor Kuhn issued an additional emergency declaration suspending the provisions of both Chapter 5.14 GHMC requiring the use of reusable, recyclable, or compostable bags and Chapter 5.15 GHMC prohibiting the use of EPS Serviceware; and

WHEREAS, the Gig Harbor City Council concurs with the Mayor that this is a necessary measure in order to slow the spread of COVID-19 that might otherwise occur from retail employees handling reusable bags brought in by customers or the use of alternatives to EPS Serviceware, and that retailers or restaurants should not be penalized for taking necessary measures to slow the spread of COVID-19; and

WHEREAS, the Gig Harbor City Council has decided to take formal action to suspend the provisions of Chapter 5.14 and 5.15 GHMC and to approve and ratify the actions of the Mayor;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

**Section 1. Chapter 5.14 of the Gig Harbor Municipal Code Suspended.** The provisions of Chapter 5.14 GHMC are hereby suspended. Grocers and other retail establishments may use single-use plastic carryout bags during the period of suspension.

**Section 2. Chapter 5.15 of the Gig Harbor Municipal Code Suspended.** The provisions of Chapter 5.15 GHMC are hereby suspended. Many businesses using disposable food containers may use EPS and other non-recyclable plastics.

**Section 2. Ratification.** To the extent required by law, the Gig Harbor City Council hereby ratifies and approves the emergency proclamation issued by the Mayor on March 27, 2020, suspending the ban on single-use plastic carryout bags and EPS and other non-recyclable plastics. This ratification and approval, and the suspension provided in this ordinance, is retroactive to March 27, 2020, at the time the Mayor issued the emergency proclamation.

**Section 3. Duration of Suspension.** The suspension provided for in this ordinance shall remain in effect for a period of 30 days after lifting of the emergency proclamation issued by the Mayor on March 23, 2020.

**Section 4. Corrections.** The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/ clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 5. Ratification.** All actions taken in furtherance of and not inconsistent with this ordinance are ratified and confirmed in all respects.

**Section 6. Severability.** The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

**Section 7. Declaration of Emergency – Immediate Effective Date.** For the reasons set forth in this ordinance and in the emergency proclamations of Mayor Kuhn, Pierce County Executive Dammeier, Governor Inslee, and President Trump, the Gig Harbor City Council finds and declares that a public emergency exists due to the outbreak of COVID-19 that makes this ordinance necessary for the immediate protection of the public health, public safety, public property, and public peace. This ordinance, having been declared an emergency and having received the affirmative votes of at least a majority plus one of the whole membership of the Gig Harbor City Council, is not subject to referendum and shall become effective immediately upon adoption. The City Clerk shall publish this ordinance or a summary thereof in the ordinary course of business.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor  
this 13<sup>th</sup> day of April, 2020.

APPROVED:

  
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MAYOR KIT KUHN

ATTEST/AUTHENTICATED:

  
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CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

*Daniel Kenny*

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DANIEL P. KENNY

FILED WITH THE CITY CLERK: 04/07/20  
PASSED BY THE CITY COUNCIL: 04/13/20  
PUBLISHED: 04/23/20  
EFFECTIVE DATE: 03/27/20  
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