City of Kenmore

Proclamation & Issuance of Emergency Rule:
Temporary Suspension of Chapter 8.50 KMC
Plastic Bag Policy

WHEREAS, the outbreak of the novel coronavirus (COVID-19), and its rapid progression in Washington state continues to threaten the life and health of its people as well as the economy of the state, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, on February 29, 2020, the Governor of the State of Washington proclaimed a State of Emergency due to COVID-19; and

WHEREAS, on March 5, 2020, the City Manager issued the City of Kenmore Proclamation, dated March 5, 2020, which proclaimed an emergency due to COVID-19, and also proclaimed that emergency operations under Chapter 8.30 of the Kenmore Municipal Code (KMC) and the utilization of emergency powers granted under RCW 38.52.070 were in effect, and the City Council ratified the same; and

WHEREAS, on March 11, 2020, the World Health Organization classified the global spread of COVID-19 as a pandemic, and urged all governments to take action now to stem the spread of the disease; and

WHEREAS, on March 11, 2020, the Governor issued the “Proclamation By The Governor Amending Proclamations 20-05, 20-06 And 20-07, 20-08, dated March 11, 2020 (Proclamation 20-08), which found that COVID-19 spreads easily from person to person and may result in serious illness or death, and continues to spread in the state with cases expected to double every five to seven days, without any expectation of ending soon; and

WHEREAS, the Governor’s Proclamation 20-08 also identified stringent social distancing as necessary to curtail and limit the opportunities for disease transmission, and prohibited: 1) private and public schools from in-person educational, recreational and other programs; and 2) gatherings of 250 people or more until April 24, 2020, unless extended beyond that date; and

WHEREAS, on March 11, 2020, the Local Health Officer for Public Health – Seattle & King County issued the Local Health Officer Order, dated March 11, 2020, which limited public events of fewer than 250 people, except under certain circumstances, with the intent to mitigate and slow the spread of COVID-19 in the community; and
WHEREAS, on March 11 the Centers for Disease Control and Prevention (CDC) issued CDC’s Recommendations for the next 30 days of Mitigation Strategies for Seattle-King, Pierce, and Snohomish Counties based on current situation with widespread COVID-19 transmission and affected health care facilities, dated March 11, 2020, which recommends “extensive community mitigation activities” to slow the spread of, and minimize morbidity and mortality caused by, COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency due to the COVID-19 pandemic; and

WHEREAS, federal, state and local proclamations, recommendations and orders have the intended purpose of containing, mitigating and slowing the transmission of COVID-19, and include, among other things, social distancing measures, such as, limiting public events and recommending that individuals stay at home to reduce exposure to and transmission of COVID-19; and

WHEREASE, on March 15, the Governor expanded protections against COVID-19, and ordered a temporary closure of all restaurants, bars and entertainment and recreational facilities; and

WHEREAS, to mitigate and reduce the transmission of COVID-19 when buying groceries or other necessary items, it is vital to allow retail establishments to provide paper or plastic bags to customers, and to limit the use of reusable bags from homes, which could increase risk of transmission; and

WHEREAS, RCW 38.52.070 establishes emergency and disaster response powers, and authorizes the City to, among other things, protect the health and safety of persons and property, and provide emergency assistance to the victims of such disaster; and

WHEREAS, under the emergency powers authorized under KMC 8.30.060.A, the City Manager is empowered to “make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster”; and

WHEREAS, the City Manager finds that in order to provide greater protection to workers in food and retail industries that continue to provide essential services to the public, it is necessary to temporarily suspend the regulations adopted under Chapter 8.50 NMC, “Plastic Bag Policy” which precludes the use of plastic bags or requires a $0.05 charge for paper bags; and

WHEREAS, the City Manager also finds that suspending the regulations under Chapter 8.50 KMC is reasonably related to the protection of life, health and property, and is intended to contain, mitigate and reduce the exposure and transmission of COVID-19 in the Kenmore community and public at large;
NOW, THEREFORE, THE CITY MANAGER OF THE CITY OF KENMORE, WASHINGTON, HEREBY PROCLAIMS, MAKES, AND ISSUES AN EMERGENCY COVID-19 RULE AS FOLLOWS:

1. **Recitals.** The recitals set forth above, which are incorporated herein by reference, are adopted as findings in support of the emergency rule established by this proclamation.

2. **COVID-19 Pandemic and Public Health Emergency Rule: Suspension of KMC 8.50 KMC, Plastic Bag Policy:** The City Manager hereby orders, makes, issues, and adopts the following emergency rule:

   A. Chapter 8.50 of the Kenmore Municipal Code, is temporarily suspended, including, but not limited to, those regulations that prohibit retail establishments from providing either paper or plastic carryout bags to customers.

   B. All reusable carryout bags brought by customers into retail establishments for reuse are prohibited.

   C. Retail establishments are not required to charge $0.05 for providing new reusable or recycled paper carryout bags to customers.

3. **Effective date.** This proclamation and emergency rule shall be in full force and effect upon signature of the City Manager, and shall expire on April 30, 2020, unless the City Manager determines an extension is necessary for public health. The emergency rule shall be ratified by the City Council at the earliest practicable time.

Dated this 23rd day of March, 2020.

Signed __________________________
Rob Karlinsey, City Manager

Attested __________________________
Kelly Chelin, City Clerk