

**CITY OF WHITE SALMON
ORDINANCE 2021-10-1086**

AN ORDINANCE REPEALING WSMC 8.50 SINGLE-USE CARRYOUT BAGS

WHEREAS, the city council adopted White Salmon Municipal Code 8.50 – Single-Use Carryout Bags on October 2, 2019; and

WHEREAS, in 2020, the Washington State Legislature adopted Engrossed Substitute Senate Bill 5323, now codified as RCW Chapter 70A.530 Carryout Bags, establishing a state-wide ban on single-use plastic bags effective January 1, 2021; and

WHEREAS, due to the COVID-19 pandemic on December 18, 2020, the Washington State Governor issued Proclamation 20-82, delaying implementation of RCW 70A.530 until January 30, 2021. The Washington State Legislature, with Senate Concurrent Resolution 8402, subsequently extended Proclamation 20-82 until the termination of the COVID-19 state of emergency or until rescinded by gubernatorial or legislative action, whichever occurred first. In July 2021, the Governor established September 30, 2021 at 11:59 pm as the expiration date for Proclamation 20-82. Therefore, the statewide ban on single-use plastic bags set forth in RCW 70A.530 will go into effect on October 1, 2021; and

WHEREAS, with the enactment of RCW Chapter 70A.530, the State preempted any local government from implementing a local carryout bag ordinance such as WSMC Chapter 8.50; and

WHEREAS, the City Council discussed the repeal of WSMC Chapter 8.50 at its October 6, 2021 regular meeting; and

WHEREAS, the city council has determined that the repeal of WSMC Chapter 8.50 in its entirety is warranted due to the State's express preemption set forth in RCW 70A.530 and is in the best interests of the City of White Salmon so as to prevent confusion as to the applicable regulations; and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE
SALMON DO ORDAIN AS FOLLOWS:**

SECTION 1. Repealer – WSMC 8.50 Single-Use Carryout Bags. WSMC 8.50 is repealed in its entirety.

SECTION 2 – SEVERABILITY: If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence or phrase of this Chapter.

SECTION 3 – EFFECTIVE DATE. This ordinance shall take effect following the date of its publication by summary.

PASSED by the City Council of the City of White Salmon at a regular meeting this 6th day of October 2021.



Marla Keethler, Mayor

ATTEST:



Jan Brending, Clerk/Treasurer

APPROVED AS TO FORM:



Kenneth B. Woodrich, City Attorney