

**CITY OF MUKILTEO**  
**MUKILTEO, WASHINGTON**  
**ORDINANCE NO. 1439**

AN ORDINANCE OF THE CITY OF MUKILTEO, WASHINGTON, WASHINGTON, SUSPENDING THE PROHIBITION ON SINGLE-USE PLASTIC BAGS IMPOSED UNDER MUKILTEO MUNICIPAL CODE (MMC) CHAPTER 8.22 FOR THE DURATION OF THE EMERGENCY DECLARED BY THE MAYOR; RATIFYING AND APPROVING THE MAYOR'S ACTIONS IN SUSPENDING CHAPTER 8.22 MMC RETROACTIVE TO MARCH 13, 2020; DECLARING AN EMERGENCY AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Mukilteo Municipal Code (MMC) Chapter 8.22, Solid Waste and Plastic Bag Reduction, encourages the use of reusable carryout bags by customers of groceries and other retail establishments. To accomplish this purpose, Chapter 8.22 MMC prohibits the use of single-use plastic carryout bags;

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, on March 13, 2020, the Mayor of the City of Mukilteo issued a Proclamation of Emergency declaring that a state of civil emergency exists in the City of Mukilteo due to the outbreak of COVID-19; and

WHEREAS, the Mayor's March 13, 2020, proclamation was preceded by emergency proclamations by Governor Inslee and Snohomish County Executive Somers, and was issued concurrent with an emergency declaration by the President of the United States; and

WHEREAS, on March 25, 2020, Mayor Gregerson issued an additional emergency declaration suspending the provisions of Chapter 8.22 MMC requiring the use of reusable, recyclable, or compostable bags; and

WHEREAS, the Mukilteo 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, and that retailers should not be penalized for taking necessary measures to slow the spread of COVID-19; and

WHEREAS, the Mukilteo City Council has decided to take formal action to suspend the provisions of Chapter 8.22 MMC and to approve and ratify the actions of the Mayor;

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

**Section 1. Chapter 8.22 of the Mukilteo Municipal Code Suspended.** The provisions of Chapter 8.22 MMC are hereby suspended. Grocers and other retail establishments may use single-use plastic carryout bags during the period of suspension.

**Section 2. Ratification.** To the extent required by law, the Mukilteo City Council hereby ratifies and approves the emergency proclamation issued by the Mayor on March 25, 2020, suspending the ban on single-use plastic carryout bags. This ratification and approval, and the suspension provided in this ordinance, is retroactive to March 25, 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 the emergency proclamation issued by the Mayor on March 25, 2020, or until April 24, 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 Gregerson, Snohomish County Executive Somers, Governor Inslee, and President Trump, the Mukilteo 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 Mukilteo 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 City Council and APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
MAYOR JENNIFER GREGERSON

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, CAROL MOORE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

\_\_\_\_\_  
DANIEL P. KENNY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. 1439

SUMMARY OF ORDINANCE NO. 1439  
of the City of Mukilteo, Washington

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On \_\_\_\_\_, 2020, the City Council of the City of Mukilteo, Washington, approved Ordinance No. 1439, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF MUKILTEO, WASHINGTON, WASHINGTON, SUSPENDING THE PROHIBITION ON SINGLE-USE PLASTIC BAGS IMPOSED UNDER MUKILTEO MUNICIPAL CODE (MMC) CHAPTER 8.22 FOR THE DURATION OF THE EMERGENCY DECLARED BY THE MAYOR; RATIFYING AND APPROVING THE MAYOR'S ACTIONS IN SUSPENDING CHAPTER 8.22 MMC RETROACTIVE TO MARCH 13, 2020; DECLARING AN EMERGENCY AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

APPROVED by the City Council at their meeting of \_\_\_\_\_, 2020.

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City Clerk, Carol Moore