

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 12.14 OF THE HAILEY CITY CODE SPECIAL EVENTS, BY ADDING A DEFINITION OF "SINGLE-USE PLASTIC" IN SECTION 12.14.020 AND CREATING A NEW SECTION 12.14.030.D. PROVIDING FOR RESILIENCY CRITERIA AS A MANDATORY PREREQUISITE TO ISSUANCE OF ANY SPECIAL EVENT PERMIT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORING TO LAW.

WHEREAS, the Mayor and the City Council of the City of Hailey have adopted Chapter 12.14 regulating Special Events and requiring permits therefore, and

WHEREAS, the Idaho State Legislature has, pursuant to Idaho Code Section 67-2340, vested authority in Municipal Governments to regulate auxiliary containers at events organized, sponsored or permitted by a municipality, and

WHEREAS, according to the United States Environmental Protection Agency **plastics** are a rapidly growing segment of municipal solid waste (MSW). While plastics are found in all major MSW categories, the containers and packaging category had the most plastic tonnage at over 14 million tons in 2017. This category includes bags, sacks and wraps; other packaging; polyethylene terephthalate (PET) bottles and jars; high-density polyethylene (HDPE) natural bottles; and other containers, and

WHEREAS, according to the United States Environmental Protection Agency, more than 35 million tons of plastics were generated in the United States in 2017, which was greater than 13 percent of the waste stream, and only 8.4 percent of plastics were recycled in 2017, and

WHEREAS, according to the United States Environmental Protection Agency, plastics are like magnets for persistent, bioaccumulative and toxic (PBTs) chemicals, such as PCBs and DDE, (the breakdown product of DDT) that on plastic particles have shown to be orders of magnitude greater than concentrations of the same PBTs found in the surrounding water, and

WHEREAS, according to the United States Environmental Protection Agency PBTs, chemicals or substances, pose a risk to the marine environment because they resist degradation, persisting for years or even decades. PBTs are toxic to humans and marine organisms and have been shown to accumulate at various trophic levels through the food chain. Even at low concentrations, PBTs can be insidious in the environment due to their ability to biomagnify up the food web, leading to toxic effects at higher trophic levels even though ambient concentrations are well below toxic thresholds. The subset of PBTs known as persistent organic pollutants (POPs) are especially persistent, bioaccumulative, and toxic (such as DDT, dioxins, and PCBs), and

WHEREAS, the Mayor and the City Council of the City of Hailey desire to promote the health, of its citizens and attendees at all special events within the City; and

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 12.14.020 of the Hailey Municipal Code is hereby amended by the addition of the underlined language as follows:

SINGLE USE PLASTIC: Petroleum based plastics intended for disposal after single use, including products made from extruded polystyrene or similar materials, but not including products made of “bio-plastic” (plastics made from plant walls, exoskeletons of crustaceans/insects, potatoes, sugarcane, bark, or other organic, compostable material that is readily capable of decomposing into its nutrient bearing elements)

Section 2. Section 12.14.030 of the Hailey Municipal Code is hereby amended by the addition of the underlined language as follows:

D. Applicants for Special Event Permits must submit an environmental resiliency plan that includes, at a minimum, a prohibition on distribution of single use of plastics, provision of compost and recycling containers, and that may include provisions to reduce single occupant motor vehicle trips; reduce energy and water consumption; and encourage consumption of local or regionally produced products.

Section 3. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF APRIL, 2020.

Martha Burke, Mayor

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2020