



Legislation Text

File #: Ord 21-1, **Version:** 1

Emergency ordinance extending the effective date for Saint Paul Legislative Code § 236 pertaining to plastic packaging until January 1, 2022.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

WHEREAS, on March 13, 2020, Minnesota Governor Tim Walz issued Executive Order 20-10 Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19 pursuant to Minn. Stat. § 12.31, Subd. 2; and

WHEREAS, on March 15, 2020, Saint Paul Mayor Melvin Carter III issued an Emergency Declaration in response to the COVID-19 pandemic pursuant to Minn. Stat. § 12.29; which the City Council consented to on March 17, 2020, and which has been extended on three occasions, with such extensions being approved by the City Council on June 10, 2020, and September 9, 2020, and December 2, 2020; and

WHEREAS, the March 15, 2020 Emergency Declaration directed City departments to review ordinance and regulatory requirements that can and should be adjusted or suspended, or to enact emergency regulations to support the residents of the City during the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, Minnesota Governor Tim Walz issued Executive Order 20-04 which ordered the temporary closure of Minnesota restaurants and bars to dine-in customers and also ordered the temporary closure of places of public accommodation and amusement, including but not limited to: theatres, museums, fitness centers, and community clubs; and Bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, clubs, and other places of public accommodation that offer alcoholic beverages for on-premises consumption until April 10, 2020; and

WHEREAS, on April 8, 2020, Minnesota Governor Tim Walz issued Executive Order 20-33 which extended Executive Order 20-04 until May 4, 2020. These Executive Orders have partially or fully closed or otherwise significantly impacted many Saint Paul Businesses; and

WHEREAS, on November 18, 2020, Minnesota Governor Tim Walz issued Executive Order 20-99 which closed restaurants, food courts, cafes, coffeehouses, bars, taverns, breweries, microbreweries, distilleries, brewer taprooms, micro distiller cocktail rooms, tasting rooms, wineries, cideries, clubhouses, dining clubs, tobacco product shops, hookah bars, cigar bars, vaping lounges, and other Places of Public Accommodation offering food, beverages (including alcoholic beverages)...to ingress, egress, use, and occupancy by members except for take-out dining options and on and on December 16, 2020 Minnesota Governor Tim Walz issued Executive Order 20-103 which extended Order 20-99 with modification to allow for outdoor dining but still prevents indoor dining; and

WHEREAS, the issue of PFAS in compostable food packaging became a significant regional conversation and challenge as many of the molded fiber compostable products currently on the market experienced changes to their third-party certification through BPI on January 1, 2020. The market uncertainty of available compostable options resulted in winter delays for scheduling Packaging Resources Fairs; and

WHEREAS, in March, the start of the COVID pandemic placed excessive demands and uncertainties on businesses. This was compounded by incidents of civil unrest incidents of property damage. Food and beverage related businesses (those most impacted by the new Sustainable Food Packaging ordinance) were required to close and/or dramatically and repeatedly change their business operations as required by various Government and Mayor Executive Orders; and

WHEREAS, in addition, COVID related restrictions on social gatherings prevented many types of in person resources fairs that were planned; and

WHEREAS, subsequently, efforts to conduct Food Packaging Fairs were put on hold until 1) businesses are able to focus on changing out their food packaging to meet the ordinance and 2) gathering restrictions are changed to accommodate packaging resource fairs.

WHEREAS, studies have shown that this pandemic will likely force many businesses to close permanently; and many employees at these businesses have been affected severely. Many have lost their jobs or had their hours reduced, leaving the businesses with less capacity to implement the required changes; and

WHEREAS, Saint Paul businesses impacted by the Governor's Executive Orders contribute to the vitality of Saint Paul, provide employment opportunities and services to residents, grow the City's tax base, and increase our sense of community. Easing the burden on these businesses will assist them in survival and recovery and in turn assist the City in its recovery; and

WHEREAS, Extending the effective date of the Ordinance until January 1, 2022 may assist the affected businesses in the survival and recovery process; and

WHEREAS, In an effort to assist food establishments in their recovery, Saint Paul Mayor Melvin Carter III issued Emergency Executive Order 2020-44 on December 29, 2020 which delayed the effective date of Saint Paul Legislative Code Chapter 236 from January 1, 2020 for as long as the Emergency Executive Order, and any extensions of this order, remain in effect; and

WHEREAS, Emergency Executive Order 2020-44 further requested that the City Council take immediate action by Ordinance to extend Emergency Executive Order 2020-44 until January 1, 2022 so all impacted businesses will be given an additional year to comply with the provisions of Saint Paul Legislative Code Section 236; and

WHEREAS, Saint Paul City Charter Section 6.06 provides that "[t]o meet a public emergency, to wit, a sudden or unforeseen situation affecting life, health, property, or the public peace or welfare that requires immediate council action, the council may adopt one or more emergency ordinances; now, therefore

SECTION 1

he COVID-19 pandemic is an existing public emergency requiring immediate council action.

SECTION 2

The effective date for Saint Paul Legislative Code §236 - Plastic Packaging, is extended from January 1, 2021 to January, 1, 2022 by amending 236, section 12 as follows:

This Ordinance shall take force and be in effect ~~January 1, 2021~~ January 1, 2022.

SECTION 3

This Emergency Ordinances shall be effective upon passage, approval, and publication.