

CITY OF  
GEARHART

**CORRESPONDENCE**

For City Council Meeting 09/05/2018

**Subject - Plastic Bag Ban**

Please find information collected and attached regarding plastic bag ban ordinances across Oregon.

A handwritten signature in black ink, appearing to read 'Krysti Ficker', with a long, sweeping underline.

Krysti Ficker  
*Executive Assistant*

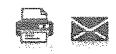
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**OREGON - BAG LEGISLATION**

Oregon  (Any State)

- City or County:
- Statewide Legislation
  - Ashland
  - City of Manzanita
  - Corvallis
  - Eugene
  - Forest Grove
  - Hood River
  - ~~Manzanita~~
  - McMinnville
  - ~~Newport~~
  - Portland

FYI



Statewide Legislation		top
Status	Pending	
Ordinance	SB131, D 1048	
Notes	SB 131: Prohibits use of single-use checkout bags except in cases of voucher users, for items marked with protected health or other confidential information, and for fresh meat or seafood packed in ice. D 1048: Prohibits use of single-use checkout bags except certain cases. Prohibits local governments from imposing charges on checkout bags or other bags provided to customers. Repeals statute requiring retail establishments that offer plastic bags to customers to also offer paper bags.	
More Information	(Link to more information <i>* still inactive</i> )	
Updated	March 20, 2013	

PLASTIC BAG BAN

Ashland	
Status	Approved * att'd
Status Date	05/06/2014
Plastic Summary	Requirements: 4.0 thick and Specific ID requirements.
Paper Summary	"Recyclable Paper Bag" means a paper bag that meets all of the following requirements: a) Is 100% recyclable and contains a minimum of 40% post-consumer recycled content; b) Is capable of composting consistent with the timeline and specifications of the ASTM Standard.
Reusable Definition	Reusable bag means a bag made of cloth or other material with handles that is specifically designed and manufactured for long term multiple reuses and is made of a natural or synthetic fabric, is washable or otherwise able to be sanitized or, if plastic, has a minimum plastic thickness of 4.0 mils.
Stores Affected	Retail establishment is any store or vendor located within or doing business within the geographical limits of the city that sells or offers for sale goods at retail.
Fees	Paper Fee: \$0.10 per bag
Compliance Date	11/06/2014
Ordinance	3094
More Information	<a href="#">Link to more information</a>
Updated	March 02, 2018

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City of Manzanita	
Status	Approved
Status Date	09/05/2017
Plastic Summary	Banned
Paper Summary	Requirements: 100% recyclable
Stores Affected	Any store or vendor located within or doing business within the geographical limits of the city that sells or offers for sale goods at retail. Any retail establishment, shop, restaurant, sales outlet or other commercial establishment located within or doing business within the geographical limits of the city, which provides ...view more
Compliance Date	11/06/2017
Ordinance	17-04
More Information	<a href="#">Link to more information</a>
Updated	September 18, 2017

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Corvallis	
Status	Approved
Status Date	07/02/2012
Plastic Summary	Requirements: Durable plastic that is a least 2.25 mil. thick.
Paper Summary	Requirements: 100% recyclable, 40% minimum of PCW.
Reusable Definition	Reusable bag means a bag that with handles that made of cloth or machine washable material or made of a durable plastic that is at least 2.25 mils thick.
Stores Affected	Retail Establishment - means any store, shop, sales outlet, or vendor located

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	within City of Corvallis that sells goods at retail. Retail Establishment does not include any establishment where the primary business is the preparation of food or drink: a) For consumption by the public; b) in a form or ...view more
Fees	Paper Fee: not less than \$0.05 per bag.
Compliance Date	01/01/2013
Ordinance	2012-13
Notes	Companies with more than 50 employees the comply date is 01/01/2013. Companies with less than 50 employees the comply date is 07/01/2013.
More Information	Link to more information
Updated	July 02, 2012

Eugene		top
Status	Approved	
Status Date	10/22/2012	
Plastic Summary	Requirements: durable plastic that is a least 4.00 mil. thick	
Paper Summary	Requirements: 100% recyclable, 40% minimum of PCW	
Reusable Definition	Reusable bag means a bag that with handles that made of cloth or machine washable material or made of a durable plastic that is at least 4.00 mils thick.	
Stores Affected	Retail Establishment. Any store or vendor located within and doing business within the geographic limits of the city that sells or offers for sale goods at retail.	
Fees	Paper Fee: not less than \$0.05 per bag	
Compliance Date	05/01/2013	
Ordinance	20498	
Notes	5/23/2013 Note, the city is considering removing the fee on paper bags. Update expected in June. 2012 this summer drafting ban	
More Information	Link to more information Link to more information	
Updated	September 16, 2013	

Forest Grove		top
Status	Approved <i>* att'd</i>	
Status Date	06/13/2016	
Plastic Summary	Requirements: durable plastic that is a least 4.00 mil. thick	
Paper Summary	"Recyclable Paper Bag" means a paper bag that meets all of the following requirements: a) Is 100% recyclable and contains a minimum of 40% post-consumer recycled content; b) Is capable of composting consistent with the timeline and specifications of the ASTM Standard.	
Reusable Definition	"Reusable bag" means a bag that with handles that made of cloth or machine washable material or made of a durable plastic that is at least 4.00 mils thick.	
Stores Affected	Any store or vendor located within and doing business within the geographic limits of the city that sells or offers for sale goods at retail.	
Fees	Paper Fee: not less than \$0.05 per bag	
Compliance Date	07/23/2016	
Ordinance	2/16/2012	

More Information	<a href="#">Link to more information</a>
Updated	March 02, 2018

Hood River	
Status	Approved * att'd
Status Date	01/09/2017
Plastic Summary	Requirements: 2.25 mil. thick.
Paper Summary	"Recyclable Paper Bag" means a paper bag that meets all of the following requirements: a) Is 100% recyclable and contains a minimum of 40% post-consumer recycled content; b) Is capable of composting consistent with the timeline and specifications of the ASTM Standard.
Reusable Definition	"Reusable Bag" means a bag with handles that is either: a) ♦ Made of cloth or other machine washable material, or a) ♦ Made of cloth or other machine washable material, or b) ♦ Made of durable plastic that is at least 2.25 mils thick.
Stores Affected	"Retail Establishment" means any store, shop, sales outlet, or vendor located within the City of Hood River that sells goods at retail. Retail Establishment does not include any establishment where the primary business is the preparation of food or drink: a) For consumption by the public; b) In a form ...view more
Fees	\$0.05 for paper, reasonable price for reusable
Compliance Date	07/01/2017
Ordinance	2030
More Information	<a href="#">Link to more information</a>
Updated	March 02, 2018

Manzanita	
Status	Approved * att'd
Status Date	09/05/2017
Plastic Summary	Requirements: 4.0 mils thick ~ was banned, then amended
Paper Summary	A paper bag that is 100% recyclable
Reusable Definition	A bag with handles that is specifically designed and manufactured for long-term multiple reuse and is made of cloth or other machine washable fabric, or made of durable plastic that is at least 4.0 mils thick.
Stores Affected	Any store or vendor located within or doing business within the geographical limits of the city that sells or offers for sale goods at retail.
Compliance Date	11/06/2017
Ordinance	Bill 17-04
More Information	<a href="#">Link to more information</a>
Updated	March 02, 2018

McMinnville	
Status	Approved * att'd
Status Date	02/14/2017

Paper Summary	Requirements: 100% recyclable, 40% minimum of PCW
Reusable Definition	"Reusable bag" means a bag that with handles that is specifically designed and manufactured for multiple reuse and is made of durable material specifically designed for multiple reuse.
Stores Affected	Any store or vendor located within or doing business within the geographical limits of the city that sells or offers for sale goods at retail.
Compliance Date	03/14/2018
Ordinance	Bill 5018
More Information	Link to more information
Updated	March 02, 2018

<b>Newport</b>		top
Status	Inactive	
Notes	5/23 Newport held a vote on a City Council's referendum to ban plastic bags and impose a fee on paper bags. Newport Oregon voters opposed the ordinance. Currently following next steps.	
Updated	January 04, 2018	

<b>Portland</b>		top
Status	Approved	
Status Date	07/16/2010	
Plastic Summary	Requirements: 4.0 thick and Specific ID requirements.	
Paper Summary	Requirements: no old growth fiber, 100% recyclable, 40% minimum of PCW and specific ID requirements.	
Reusable Definition	Reusable bag means a bag that with handles that is specifically designed and manufactured for multiple reuse and is made of durable material specifically designed for multiple reuse.	
Stores Affected	"Retail Establishment" means any sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership, or other form of organization located within the City that sells or offers for sale goods to a customer. "Grocery Store" means ...view more	
Fees	None	
Compliance Date	10/15/2011	
Ordinance	185737 and 184759	
Notes	New amendment on 11/18/2012 changed and added more retails. Effective October 15, 2011, large grocery and retailers with pharmacies, no single use plastic bags. No restrictions on paper.	
More Information	Link to more information Link to more information Link to more information	
Updated	September 11, 2013	

ORDINANCE NO. 3094

AN ORDINANCE ADOPTING A PROHIBITION ON THE DISTRIBUTION OF SINGLE USE PLASTIC BAGS

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are **bold lined through** and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City desires to encourage the reduction of many single use items that negatively impact the local environment and likewise encourage the use of reusable products when safe and practical to reduce the volume of the community's waste stream.

WHEREAS, single use plastic bags increase litter, degrade local wildlife habitat and are seldom recycled.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.21 is hereby added to read as follows:

**SECTION 9.21.010 – Definitions**

**A. ASTM standard.** The American Society for Testing and Materials (ASTM)'s International D-6400

**B. Carryout bag.** Any bag that is provided by a retail establishment at the point of sale to a customer for use to transport or carry away purchases, such as merchandise, goods or food, from the retail establishment. "Carryout bag" does not include:

(a) Bags used by consumers inside retail establishments to:

1. Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
2. Contain or wrap frozen foods, meat, fish, whether packaged or not;
3. Contain or wrap flowers, potted plants, or other items where dampness may be a problem;
4. Contain unwrapped prepared foods or bakery goods; or
5. Pharmacy prescription bags;

(b) Laundry-dry cleaning bags or bags sold in packages containing multiple bags intended for

use as garbage waste, pet waste, or yard waste bags;  
(c) Product bags.

**C. City sponsored event.** Any event organized or sponsored by the city or any department of the city.

**D. Customer.** Any person obtaining goods from a retail establishment or from a vendor.

**E. Food provider.** Any person in the city that provides prepared food for public consumption on or off its premises and includes, without limitation, any retail establishment, shop, sales outlet, restaurant, grocery store, delicatessen, or catering truck or vehicle.

**F. Grocery store.** Any retail establishment that sells groceries, fresh, packaged, canned, dry, prepared or frozen food or beverage products and similar items and includes supermarkets, convenience stores, and gasoline stations.

**H. Pharmacy.** A retail use where the profession of pharmacy by a pharmacist licensed by the state of Oregon's Board of Pharmacy is practiced and where prescription medications are offered for sale.

**I. Product bag.** Any bag provided to a customer for use within a retail establishment to assist in the collection or transport of products to the point of sale within the retail establishment or to protect a specific single purchased item for transport. A product bag is not a carryout bag.

**J. Recyclable paper bag.** A paper bag that meets all of the following requirements:

- (a) Is 100% recyclable and contains a minimum of 40% recycled content;
- (b) Is capable of composting consistent with the timeline and specifications of the ASTM Standard as defined in this section.

**K. Retail establishment.** Any store or vendor located within or doing business within the geographical limits of the city that sells or offers for sale goods at retail.

**L. Reusable bag.** A bag made of cloth or other material with handles that is specifically designed and manufactured for long term multiple reuse and meets all of the following requirements:

- (a) If made of natural or synthetic fabric, is washable or otherwise able to be sanitized; or
- (b) If plastic, has a minimum plastic thickness of 4.0 mils.

**M. Single-use plastic carryout bag.** Any plastic carryout bag made available by a retail establishment to a customer at the point of sale. It does not include reusable bags, recyclable paper bags, or product bags.

**N. Vendor.** Any retail establishment, shop, restaurant, sales outlet or other commercial establishment located within or doing business within the geographical limits of the city, which provides perishable or nonperishable goods for sale to the public.



**O. Undue hardship.** Circumstances or situations unique to the particular retail establishment such that there are no reasonable alternatives to single-use plastic carryout bags or a recyclable paper bag pass-through cannot be collected.

**SECTION 9.21.020 Plastic Bag Use –Regulations**

Except as exempted in 9.21.040 of this code:

- (a) No retail establishment shall provide or make available to a customer a single use plastic carryout bag;
- (b) Retail establishments that choose to provide customers a paper bag at the point of sale must provide a recyclable paper bag meeting or exceeding the minimum standards defined in 9.21.010 J.
- (c) No person shall distribute a single-use plastic carryout bag at any city facility, city managed concession, city sponsored event, or city special events permit activity.

**SECTION 9.21.030 Plastic Bag Use -Cost Pass-Through.**

**A.** When a retail establishment makes a recyclable paper bag available to a customer at the point of sale pursuant to section 9.21.040(b) of this code, the retail establishment shall:

- (1) Charge the customer a reasonable pass-through cost of not less than 25 10 cents per recyclable paper bag provided to the customer; and
- (2) Indicate on the customer's transaction receipts the total amount of the recyclable paper bag pass-through charge.

**B.** The City will evaluate the impact of the charge for paper bags established in section 9.21.030A(1) of this code in January, 2016.

**SECTION 9.21.040 Plastic Bag Use -Exemptions.**

Notwithstanding sections 9.21.020 and 9.21.030 of this code:

- (a) Single-use plastic carryout bags may be distributed to customers by food providers for the purpose of safeguarding public health and safety during the transportation of hot prepared take-out foods and prepared liquids intended for consumption away from the food provider's premises.
- (b) Retail establishments may distribute product bags and make reusable bags available to customers whether through sale or otherwise.
- (c) A retail establishment shall provide a reusable bag or a recyclable paper bag at no cost at the point of sale upon the request of a customer who uses a voucher issued under the Women, Infants and Children Program established in the Oregon Health Authority under ORS 409.600.
- (d) Vendors at retail fairs such as a farmers' market or holiday fair are not subject to indicating on the customer's transaction receipt the total amount of the recyclable paper bag pass through charge required in section 9.21.030(b) of this code.
- (e) The city administrator or the designee may exempt a retail establishment from the requirement set forth in sections 9.21.020 and 9.21.030 of this code for a period of not more than one year upon the retail establishment showing, in writing, that this code would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The decision to grant or deny an exemption shall be in writing, and the city administrator's or designee's decision shall be final.

**SECTION 3. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

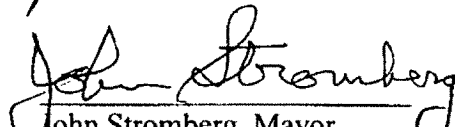
**SECTION 4. Effective Date.** This ordinance shall take effect on the 6 day of November 2014 (six months from ordinance approval date)

**SECTION 4. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-3) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 6 day of May, 2014, and duly PASSED and ADOPTED this 6 day of November, 2014.

  
Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 6 day of May, 2014.

  
John Stromberg, Mayor

Reviewed as to form:

  
David H. Lohman, City Attorney

**ORDINANCE NO. 2016-12**

**ORDINANCE AMENDING FOREST GROVE CITY CODE CHAPTER 7  
BY ADDING NEW CODE SECTIONS 7.900 TO 7.930 PROHIBITING  
THE USE OF SINGLE-USE PLASTIC CARRYOUT BAGS**

**WHEREAS**, there has been a proliferation of plastic bags that has resulted in environmental degradation;

**WHEREAS**, it is in the public interest that the City of Forest Grove minimize the proliferation of plastic bags from entering into the City's waste stream through the use of recyclable bags;

**WHEREAS**, the Sustainability Commission in 2015 developed a proposed amendment to ban plastic carryout bags;

**WHEREAS**, the Sustainability Commission conducted substantial outreach on the subject throughout much of 2015 including, but not limited to, holding a public hearing on the matter at a Sustainability Commission meeting on March 26 and a forum on September 2;

**WHEREAS**, the City Council held a duly-noticed Public Hearing on May 23 and continued the hearing on June 13, 2016, on the proposed ordinance.

**NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:**

**Section 1.** Forest Grove City Council hereby amends Forest Grove City Code Chapter 7 by adding new Code Sections 7.900 to 7.930 prohibiting the use of "Single-Use Plastic Carryout Bags", as set forth in the attached Exhibit A.

**Section 2.** This ordinance shall be effective 30 days following its enactment by the City Council.

**PRESENTED AND PASSED** the first reading the 23<sup>rd</sup> day of May, 2016.

**PASSED** the second reading this 13<sup>th</sup> day of June, 2016.

  
Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 13<sup>th</sup> day of June, 2016.

  
Peter B. Truax, Mayor

**Exhibit A**

**ORDINANCE NO. 2016-12**

**CHAPTER 7 – BUSINESS**

**CITY OF FOREST GROVE CODE AMENDMENTS**

**NEW CODE SECTIONS 7.900 – 7.930**

**SINGLE-USE PLASTIC CARRYOUT BAGS**

**7.900**

**Purpose.**

The purpose of Code Sections 7.900 to 7.930 is to prohibit use of single-use plastic carryout bags at retail establishments, any city facilities, city-managed concessions, city sponsored events and/or city permitted events, and allows retailers to charge up to five cents for a paper bag.

**7.905**

**Plastic Bag Use; Definitions.**

For purposes of Code Sections 7.900 to 7.930, the following terms are defined as follows:

ASTM standard. The American Society for Testing and Materials (ASTM)'s International D-6400.

Carryout bag. Any bag that is provided by a retail establishment at the point of sale to a customer for use to transport or carry away purchases, such as merchandise, goods or food, from the retail establishment.

“Carryout bag” does not include:

- (1) Bags used by consumers inside retail establishments to:
  - a) Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
  - b) Contain or wrap frozen foods, meat, fish, whether packaged or not;
  - c) Contain or wrap flowers, potted plants, or other items where dampness may be a problem;
  - d) Contain unwrapped prepared foods or bakery goods;  
or
  - e) Pharmacy prescription bags;
- (2) Laundry-dry cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage waste, pet waste, or yard waste;
- (3) Product bags.

City sponsored event. Any event organized or sponsored by the city or any department of the city.

Customer. Any person obtaining goods from a retail establishment or from a vendor.

Food provider. Any person in the City that provides prepared food for public consumption on or off its premises and includes, without limitation, any retail establishment, shop, sales outlet, restaurant, grocery store, delicatessen, or catering truck or vehicle.

Grocery store. Any retail establishment that sells groceries, fresh, packaged, canned, dry, prepared or frozen food or beverage products and similar items and includes supermarkets, convenience stores, and gasoline stations.

Pharmacy. A retail use where the profession of pharmacy by a pharmacist licensed by the State of Oregon's Board of Pharmacy is practiced and where prescription medications are offered for sale.

Product or produce bag. Any bag without handles provided to a customer for use within a retail establishment to assist in the collection or transport of products to the point of sale within the retail establishment. A product or produce bag is not a carryout bag.

Recyclable paper bag. A paper bag that meets all of the following requirements:

- a) Is 100% recyclable and contains a minimum of 40% post-consumer recycled content;
- b) Is capable of composting consistent with the timeline and specifications of the ASTM Standard D6400 as defined in this section.

Retail establishment. Any store or vendor located within or doing business within the geographical limits of the city that sells or offers for sale goods at retail.

Reusable bag. A bag made of cloth or other material with handles that is specifically designed and manufactured for long-term multiple reuses and meets all of the following requirements:

- a) If cloth, is machine washable; or
- b) If plastic, has a minimum plastic thickness of 4.0 mils; and
- c) Does not contain lead, cadmium, or any other heavy metal in toxic amounts as defined by applicable state and federal standards and regulations for packaging or reusable bags.

Vendor. Any retail establishment, shop, restaurant, sales outlet or other commercial establishment located within or doing business within the geographical limits of the City that provides perishable or nonperishable goods for sale to the public.

Single-use plastic carryout bag. Any plastic carryout bag made predominately of plastic, either petroleum or biologically based, and made available by a retail establishment to a customer at the point of sale. It includes compostable and biodegradable bags but does not include reusable bags, recyclable paper bags, or product or produce bags.

Undue hardship. Circumstances or situations unique to the particular retail establishment such that there are no reasonable alternatives to single-use plastic carryout bags or a recyclable paper bag pass-through cannot be collected.

**7.910 Plastic Bag Use; Regulations.**

Except as exempted in Code Section 7.920:

- a) No retail establishment shall provide or make available to a customer a single-use plastic carryout bag;
- b) No person shall distribute or provide a single-use plastic carryout bag at any city facility, city managed concession, city sponsored event, or city permitted event.

**7.915 Plastic Bag Use; Cost Pass-Through.**

When a retail establishment makes a recyclable paper bag available to a customer at the point of sale pursuant to Code Section 7.920(b), the retail establishment may charge the customer a reasonable pass-through cost of up to 5 cents per recyclable paper bag provided to the customer; and

- a) May reimburse the customer up to 5 cents per customer-furnished reusable carry out bag; and
- b) Except for the exemption in Section 7.920(b), indicate on the customer's transaction receipts the total amount of any recyclable paper bag pass-through charge.

**7.920 Plastic Bag Use; Exemptions.**

Notwithstanding Code Sections 7.910 and 7.915:

- a) Retail establishments may distribute product bags and make reusable bags available to customers whether through sale or otherwise.
- b) A retail establishment shall provide a reusable bag or a recyclable paper bag at no cost at the point of sale upon the request of a customer who uses a voucher issued under the Women, Infants and Children Program established in the Oregon Health Authority under ORS 413.500 (2013).
- c) Vendors at retail fairs such as a farmers' market or holiday fair are not subject to indicating on the customer's transaction receipt the total amount of the recyclable paper bag pass-through charge required in Code Section 7.915(b).
- d) The City Manager or the designee may exempt a retail establishment from the requirement set forth in Code Sections 7.910 to 7.915 for a period of not more than one year upon the retail establishment showing, in writing, that this Code would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The decision to grant or deny an exemption shall be in writing, and the City Manager's or designee's decision shall be final.

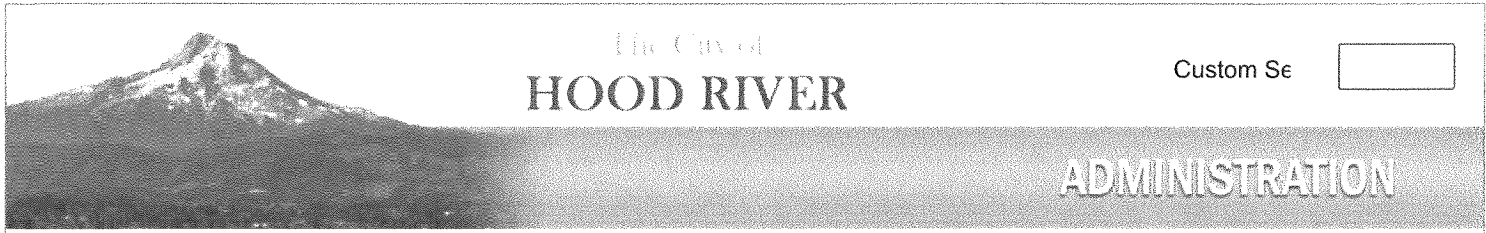
**7.925 Promotion of Reusable Bags.**

Retail establishments and vendors are strongly encouraged to educate their staff to promote reusable bags and to post signs encouraging customers to use reusable bags.

**7.930**

**Violations and Penalties.**

- (1) Any retail establishment or vendor violating Code Sections 7.900 to 7.920 is subject to:
  - a) Upon the first violation, the Enforcement Officer shall issue a warning notice to the retail establishing or vendor that a violation has occurred.
  - b) Upon subsequent violations, the following penalties shall apply:
    - i. \$100 for the first violation after the written warning in a calendar year;
    - ii. \$200 for the second violation in the same calendar year; and
    - iii. \$500 for any subsequent violation within the same calendar year.
  - c) No more than one penalty shall be imposed upon any single location of retail establishment or vendor within a 7-day period.
- (2) Upon making determination that a violation of Code Sections 7.900 to 7.920 or regulations has occurred, the Enforcement Officer will send a written notice of the violation by mail to the retail establishment or vendor specifying the violation and the applicable penalty as set forth in subsection 1.
- (3) Any retail establishment or vendor receiving a notice of violation must pay to the City the stated penalty or appeal the finding of a violation in accordance with the procedures set forth in City Code Section 1.090.



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**ORDINANCE NO. 2030**

**An Ordinance Amending Title 8 (Health and Safety) of the Hood River Municipal Code, by Adding a New Chapter 8.15 (Single-Use Plastic Carryout Bags) and Imposing Restrictions on the Distribution of Single-Use Plastic Bags in the City.**

The Hood River City Council adopts the following findings:

WHEREAS, the City of Hood River is an Oregon home-rule charter municipal corporation with a City Charter that grants it all the powers and authority that the constitution, statutes and common law of the United States and this State expressly or impliedly grant or allow as though each such power was specifically enumerated; and

WHEREAS, as a City located at the confluence of two regionally significant rivers that drain to the Pacific Ocean, too many single-use plastic bags are released or find their way into the environment, either being blown by the wind into the Hood River or Columbia River or as part of stormwater flow; and

WHEREAS, the Council recognizes that the contamination of rivers, lakes and the oceans of the world by plastics, including plastic film bags, is a significant form of environmental pollution that is demonstrably harmful to wildlife; and

WHEREAS, plastic consumer waste, including single-use plastic bags, are a significant form of highly persistent environmental pollution that is harmful to wildlife; and

WHEREAS, plastic bag contamination of yard debris, household compost, waste paper recycling and other waste recovery streams damages sorting and processing machinery, impedes resource recovery, and contaminates loads of otherwise reusable or recyclable material; and

WHEREAS, the use of single-use plastic or paper craft bags for day-to-day retail shopping consumes significant amounts of raw material and energy in the manufacture, waste collection, processing and waste disposal; and

WHEREAS, the use of reusable bags for day-to-day retail purchases reduces these troubling sources of contamination and reduces the need to manufacture plastic film and craft paper bags from raw material, and collect and land-fill them after their single use; and

WHEREAS, the Council also seeks to reduce the environmental, energy and related costs associated with the manufacture and disposal of single-use plastic and craft paper bags and to encourage the use of reusable bags for day-to-day shopping throughout the City of Hood River; and

WHEREAS, the City desires to amend the Hood River Municipal Code (HRMC) by adopting Chapter 8.15 that would achieve these policy objectives and toward that end, held a duly noticed public hearing for consideration of such an ordinance, set forth in Exhibit A, attached hereto and by this reference incorporated herein, at its regular meeting on December 12, 2016, at which time the Council took public testimony on the proposal.

NOW THEREFORE, the City Council for the City of Hood River ordains as follows:

Section 1. Incorporation of Recitals: The foregoing recitals are adopted and incorporated herein by this reference and made a part hereof as findings in support of the regulations hereby adopted.

Section 2. Amendment. Title 8 (Health and Safety) of the Hood River Municipal Code is hereby amended by adding a new Chapter 8.15 (Single-Use Plastic Carryout Bags) consisting of the provisions set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 3. Severability. If any provision, paragraph, word, section, or article of this Ordinance or HRMC Chapter 8.15 is invalidated by any court of competent jurisdiction, the remaining provisions,



paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

READ FOR THE FIRST TIME on December 12, 2016.

READ FOR THE SECOND TIME and adopted on January 9, 2017. This Ordinance shall take effect after the second reading.

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Paul Blackburn, Mayor

ATTEST:

Jennifer Gray, City Recorder APPROVED AS TO FORM:

Daniel Kearns, City Attorney

Exhibit A

Chapter 8.15 - SINGLE-USE PLASTIC CARRYOUT BAGS

Section:

8.15.010 - Purpose

8.15.020 - Definitions

8.15.030 - Supervision and Enforcement by the City Manager

8.15.040 - Retail Bag Regulations

8.15.050 - Enforcement and penalties

8.15.010 - Purpose. The purposes of this Chapter include the following:

1. To reduce the amount of environmental pollution by a particularly pernicious form of litter – the single-use plastic bag – and to reduce the amount of raw material and energy consumed in the manufacture and disposal of single-use plastic and craft paper bags for retail shopping;
2. To reduce plastic bag contamination of yard debris, household compost, waste paper recycling and other waste recovery streams and thereby reduce the damage to sorting and processing machinery that impedes resource recovery and recycling;
3. To reduce the significant amounts of raw material and energy used in the manufacture, waste collection, and disposal of single-use plastic and paper craft bags that people obtain from retail establishments for day-to-day retail shopping; and
4. To encourage the use of reusable bags by consumers for all day-to-day retail shopping.

8.15.020 - Definitions. The following terms shall have the indicated meanings as used in this Chapter, unless the context indicates otherwise.

1. "ASTM Standard" means the current American Society for Testing and Materials (ASTM)'s International D-6400.
2. "Barrel size paper bag" means a paper carryout bag with approximate dimensions of 12 inches wide × 7 inches deep × 13-18 inches tall or a capacity of 1,100 to 1,600 cubic inches.
3. "City" means the City of Hood River, Oregon.
4. "City Manager" means the City Manager for the City of Hood River or the City Manager's designee acting under his or her direction.
5. "Recyclable Paper Bag" means a paper bag that meets all of the following requirements:
  - a) Is 100% recyclable and contains a minimum of 40% post-consumer recycled content;
  - b) Is capable of composting consistent with the timeline and specifications of the ASTM Standard.
6. "Retail Establishment" means any store, shop, sales outlet, or vendor located within the City of Hood River that sells goods at retail. Retail Establishment does not include any establishment where the primary business is the preparation of food or drink:
  - a) For consumption by the public;
  - b) In a form or quantity that is consumable then and there, whether or not it is consumed within the

confines of the place where prepared; or

c) In consumable form for consumption outside the place where prepared.

7. "Reusable Bag" means a bag with handles that is either:

- a) Made of cloth or other machine washable material, or
- b) Made of durable plastic that is at least 2.25 mils thick.

8. "Single-Use Plastic Carryout Bag" means a plastic bag made from synthetic or natural organic materials that is provided by a Retail Establishment to a customer at the point of sale for use to transport or carry away purchases from the Retail Establishment. A Single-use Plastic Carryout Bag does not include:

- a) A reusable bag.
- b) A plastic bag provided by a Retail Establishment to a customer at a time other than the time of checkout; or
- c) Pharmacy prescription bags.

8.15.030 - Supervision and Enforcement by the City Manager. The regulation of Single-use Plastic Carryout Bags in the City under this Chapter and enforcement shall be under the supervision of the City Manager or the Manager's designee.

8.15.040 - Retail Bag Regulations.

1. Prohibition on Single-use Plastic Carryout Bags. Retail Establishments shall not provide or make available Single-use Plastic Carryout Bags or non-Recyclable Paper Bags.

2. Requirements for paper bags. When a Retail Establishment makes a paper bag available to a customer at the point of sale, the bag shall meet the definition of a Recyclable Paper Bag. For Barrel Size Paper Bags, Retail Establishments shall charge the customer a reasonable cost of not less than 5 cents per bag.

3. Reusable Bags shall be made available. All Retail Establishments shall make Reusable Bags available at a reasonable cost to all customers.

4. Exceptions. A Retail Establishment shall make available to customers who use a voucher issued under the Women, Infants and Children Program established in the Oregon Health Authority under ORS 409.600 a Reusable Bag or a Recyclable Paper Bag at no cost upon request at the point of sale.

8.15.050 - Enforcement and penalties.

1. Responsible Party. A person who is in charge or in control of a Retail Establishment or who exercises authority over a Retail Establishment that is not in compliance with this Chapter 8.15 shall be liable for any violations of this Chapter.

2. Separate offense. Each Single-use Plastic Carryout Bag or non-Recyclable Paper Bag provided or made available to a customer, and each Barrel Size Recyclable Paper Bag provided or made available to customers without charging a minimum of 5 cents per bag shall be deemed a separate violation of this Chapter and a separate offense.

3. Penalty. A violation of this Chapter is a Civil Infraction enforceable under HRMC Chapter 1.10 (Civil Enforcement), with a minimum fine of not less than \$200 for each offense.

4. Enforcement implementation. Enforcement of this Chapter shall begin March 1, 2017 for retailers with more than 50 full-time equivalent employees, and shall begin July 1, 2017 for retailers with 50 or fewer full-time equivalent employees.

## ORDINANCE 17- 04

### AN ORDINANCE PROHIBITING THE USE OF SINGLE-USE PLASTIC CARRYOUT BAGS

**WHEREAS**, the City of Manzanita Comprehensive Plan includes stated policies to “protect natural and scenic resources” and to “manage the disposal of offensive and dangerous waste materials so that they do not pollute or contaminate the environment”; and,

**WHEREAS**, single-use plastic carryout bags increase litter, degrade local wildlife habitat and are dangerous to marine life; and,

**WHEREAS**, single-use plastic carryout bags are made from finite fossil fuels and are not cost-effective to recycle in our community; and,

**WHEREAS**, alternatives to single-use plastic carryout bags exist, and the City of Manzanita wishes to promote recyclable and reusable options; now, therefore

#### THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

**Section 1. Definitions.** The following words and phrases, as used herein, shall have the following meanings:

- A. Food provider- Any person in the city that provides prepared food for consumption on or off its premises and includes, without limitation, any retail establishment, shop, sales outlet, restaurant, grocery store, delicatessen, or catering truck or vehicle.
- B. Product or produce bags- Any non-handled bag provided to a customer for use within a retail establishment to assist in the collection or transport of products to the point of sale within the retail establishment, including bags used to package bulk items, produce, and small or delicate items.
- C. Recyclable paper bags- A paper bag that is 100% recyclable.
- D. Retail establishment- Any store or vendor located within or doing business within the geographical limits of the city that sells or offers for sale goods at retail.
- E. Reusable bag- A bag with handles that is specifically designed and manufactured for long-term multiple reuse and is made of cloth or other machine washable fabric, or made of durable plastic that is at least 4.0 mils thick. *(Added by Ord. 17-05, passed November 8, 2017)*
- F. Single-use plastic carryout bag- Any plastic bag that is provided by a retail establishment, food provider, or vendor to a customer. A single-use plastic carryout bag does not include reusable bags, recyclable paper bags, or product or produce bags. A single-use plastic carryout bag does not include bags sold in packages containing multiple bags intended for use as garbage bags, pet waste, or food storage bags.
- G. Vendor- Any retail establishment, shop, restaurant, sales outlet or other commercial establishment located within or doing business within the geographical limits of the city, which provides perishable or nonperishable goods for sale to the public.

**Section 2. Regulation.**

A. No retail establishment, food provider, or vendor shall provide or make available to a customer a single-use plastic carryout bag.

B. No person shall distribute or provide a single-use plastic carryout bag at any city permitted event.

**Section 3.** Enforcement of this Ordinance shall begin November 6, 2017 to allow businesses sufficient time to draw down their existing inventory of single-use plastic carryout bags. Any business needing additional time to deplete in-store inventory may request a compliance extension.

**Section 4. Violation and Penalties.** It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to provide or make available a single use plastic carryout bag as provided by Section 2 above.

**Section 5. Severability.** The separate provisions of this Ordinance are hereby declared to be independent from one another; and if any clause, sentence, paragraph, section or part of this Ordinance shall for any reason be adjudged invalid by any court of competent jurisdiction, all remaining parts shall remain in full force and effect.

**PASSED FIRST READING** by the Council this 9<sup>th</sup> day of August, 2017.

**PASSED SECOND READING** by the Council this 5<sup>th</sup> day of September, 2017.

**APPROVED** by the Mayor this 5<sup>th</sup> day of September, 2017.

\_\_\_\_\_  
Michael Scott, Mayor

**ATTEST:**

\_\_\_\_\_  
Jerald P. Taylor, City Manager/Recorder

ORDINANCE NO. 5018

An Ordinance restricting the distribution of single use plastic bags.

RECITALS

The City Council has taken an interest in sustainability on many levels, including wishing to encourage the reduction of single use items that negatively impact the local environment.

The City Council wishes to encourage the use of reusable products when safe and practical to reduce the volume of the community's waste stream.

The City Council further desires to reduce the negative impacts caused by single use plastic bags, which increase litter, degrade local wildlife habitat, and are seldom recycled.

NOW, THEREFORE, THE CITY OF McMinnville Ordains as follows:

1. The attached language in Exhibit 1 is incorporated into this Ordinance by reference.
2. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.
3. This ordinance shall take effect 30 days from the date of approval.

Passed by the Council February 14, 2017, by the following votes:

Ayes: Drabkin, Garvin, Jeffries, Menke, Stassens, Ruden

Nays: \_\_\_\_\_

Approved February 14, 2017.

  
\_\_\_\_\_  
MAYOR

Attest:

Approved as to Form:

  
\_\_\_\_\_  
CITY RECORDER

  
\_\_\_\_\_  
CITY ATTORNEY

Exhibit 1

TITLE 5 – BUSINESS TAXES LICENSES AND REGULATIONS

CHAPTER 5.36  
SINGLE-USE PLASTIC CARRYOUT BAGS

5.36.010 Purpose. The purpose of this Chapter is to prohibit use of single-use plastic carryout bags at retail establishments, city facilities, city managed concessions, city sponsored events and/or city permitted events, and to require retailers to charge at least five cents when providing a paper bag to a customer.

5.36.020 Plastic Bag Use; Definitions. For purposes of this Chapter, the following terms are defined as follows:

1. ASTM standard. The American Society for Testing and Materials (ASTM)'s International D-6400.
2. Carryout bag. Any bag that is provided by a retail establishment at the point of sale to a customer for use to transport or carry away purchases, such as merchandise, goods or food, from the retail establishment. "Carryout bag" does not include:
  - a. Bags used by consumers inside retail establishments to:
    - i. Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
    - ii. Contain or wrap meat, fish, or frozen foods, whether packaged or not;
    - iii. Contain or wrap flowers, potted plants, or other items where dampness may be a problem;
    - iv. Contain unwrapped prepared foods or bakery goods; or
    - v. Pharmacy prescription bags.
  - b. Laundry-dry cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage waste, pet waste, or yard waste; or
  - c. Product bags.
3. City sponsored event. Any event organized or sponsored by the city or any department of the city.
4. Customer. Any person obtaining goods from a retail establishment.
5. Food provider. Any entity in the City that provides prepared food for public consumption on or off its premises.
6. Grocery store. Any retail establishment that sells groceries, fresh, packaged, canned, dry, prepared or frozen food or beverage products and similar items.
7. Pharmacy. A retail establishment where a pharmacist licensed by the State of Oregon's Board of Pharmacy practices pharmacy and where prescription medications are offered for sale.
8. Product or produce bag. Any bag without handles provided to a customer for use within a retail establishment to assist in the collection or transport of products to the point of sale. A product or produce bag is not a carryout bag.
9. Recyclable paper bag. A paper bag that meets all of the following requirements:
  - a. Is 100% recyclable and contains a minimum of 40% post- consumer recycled content; and
  - b. Is capable of composting consistent with the timeline and specifications of the ASTM Standard D6400 as defined in this section.
10. Retail establishment. Any store or vendor located within or doing business within the geographical limits of the city that sells or offers for sale goods at retail.
11. Reusable bag. A bag made of machine washable cloth or other material with handles that is specifically designed and manufactured for long-term multiple reuses.
12. Single-use plastic carryout bag. Any plastic carryout bag made predominately of plastic, either petroleum or biologically based, and made available by a retail establishment to a

customer at the point of sale. It includes compostable and biodegradable bags but does not include reusable bags, recyclable paper bags, or product or produce bags.

13. Undue hardship. Circumstances or situations unique to the particular retail establishment which results in no reasonable alternatives to the use of single-use plastic carryout bags or which results in the inability to collect a recyclable paper bag pass-through.

5.36.030 Regulations. Except as exempted in Section 5.36.050 of this Chapter:

1. No retail establishment will provide or make available to a customer a single-use plastic carryout bag; and
2. No person will distribute or provide a single-use plastic carryout bag at any city facility, city managed concession, city sponsored event, or city permitted event.

5.36.040 Cost Pass-Through. When a retail establishment with more than 10 full-time-equivalent employees makes a recyclable paper bag available to a customer at the point of sale, the retail establishment will:

1. Charge the customer a reasonable pass-through cost of not less than 5 cents per recyclable paper bag provided to the customer; and not rebate or otherwise reimburse any customer any portion of the pass-through cost; and
2. Except for the exemptions in 5.36.050(1) and (5), indicate on the customer's transaction receipts the total amount of the recyclable paper bag pass-through charge.

5.36.050 Exemptions. Notwithstanding Sections 5.36.030 and 5.36.040 of this Chapter:

1. Retail establishments with 10 or fewer full-time-equivalent employees may charge for provided paper bags but are not required to do so. If such establishments do charge for paper bags, they are exempt from the requirement to note the cost on receipts.
2. Single-use plastic carryout bags may be distributed to customers by food providers for the purpose of safeguarding public health and safety during the transportation of prepared take-out foods and prepared liquids intended for consumption away from the food provider's premises.
3. Retail establishments may distribute product bags and make reusable bags available to customers whether through sale or otherwise.
4. A retail establishment may provide a reusable bag or a recyclable paper bag at no cost at the point of sale upon the request of a customer who uses:
  - a. A voucher issued under the Women, Infants and Children Program established in the Oregon Health Authority under ORS 413.500; or
  - b. An Electronic Benefits Transfer (EBT) card, such as an Oregon Trail Card, to access Supplemental Nutrition Assistance Program (SNAP) benefits.
5. Vendors at retail fairs such as a farmers' market or holiday fair are not subject to indicating on the customer's transaction receipt the total amount of the recyclable paper bag pass-through charge required in section 5.36.040 of this Chapter.
6. The provisions of this Chapter shall be effective:
  - a. September 1, 2017, for retail establishments or food providers with greater than 10,000 square feet in specific store size; and
  - b. March 1, 2018, for all other retail establishments or food providers.
7. The City Manager or their designee may exempt a retail establishment from the implementation deadline set forth in subsection 6 of this Section for a period of not more than six months upon the retail establishment showing, in writing, that this Chapter would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The decision to grant or deny an exemption will be in writing, and the City Manager's or designee's decision will be final.

5.36.060 Promotion of Reusable Bags. Retail establishments are strongly encouraged to educate their staff to promote reusable bags and to post signs encouraging customers to use reusable bags.

5.36.070 Violations and Penalties.

Any retail establishment violating Sections 5.36.010 – 5.36.050 is subject to:

1. Upon the first violation in a calendar year, the Enforcement Officer will issue a warning to the retail establishment that a violation has occurred.
2. Upon subsequent violations, the Enforcement Officer will issue a citation into Municipal Court and the punishment, upon conviction, will be:
  - a. \$100 for the first violation after the written warning in a calendar year;
  - b. \$200 for the second violation in the same calendar year; and
  - c. \$500 for any subsequent violation within the same calendar year.
3. No more than one citation will be issued to any single location of a retail establishment within a 7-day period.