

## **City Council Action Item Cover Sheet**

DATE: October 3, 2018

### **Agenda Item:**

Discussion of plastic bag laws, and eliminating straws and Styrofoam from restaurants

---

---

---

### **Question Before Council:**

Work Session Discussion

---

---

---

---

---

---

### **Person/Group Initiating Request:**

Council

---

---

---

### **Item Summary/Background:**

At the August 8, 2018 meeting a citizen brought forth a proposal regarding plastic bags and eliminating straws and Styrofoam from restaurants. Attached are the ordinances that the citizen brought to that meeting.

---

---

---

---

---

---

## 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.



*A place where businesses and families thrive.*

CITY RECORDER USE ONLY	
AGENDA ITEM #:	_____
FINAL ACTION:	_____

## CITY COUNCIL STAFF REPORT

**TO:** City Council

**FROM:** Jon Holan, Community Development Director, Jesse VanderZanden, City Manager

**MEETING DATE:** April 11, 2016

**PROJECT TEAM:** Jon Holan, Brandi Walstead, Program Coordinator

**SUBJECT TITLE:** Plastic Bag Ordinance

**ACTION REQUESTED:**

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion	<input type="checkbox"/> Informational
---	-------------------------------------	---------------------------------	--

*X all that apply*

**ISSUE STATEMENT:** The Sustainability Commission has proposed Ordinance 2016- xx with Exhibit A for Council consideration to prohibit the use of plastic carryout bags.

**BACKGROUND:** Over the past year, the Sustainability Commission has developed and solicited comments from the public on a proposed amendment to the City Code to prohibit the use of plastic bags for carry out. The reason for the proposed code is to reduce the amount of plastic bags entering the City's waste stream. Plastic carryout bags do not decompose and has ended up in the environment. It is also intended to encourage people to use recyclable bags rather than relying on the use of paper bags. Paper bags do require energy to manufacture and while it does decompose, it is a lengthy process and adds waste to a landfill. To help implement this ordinance if adopted, funding has been provided to distribute one recyclable bag to each household in the community.

Key elements of the code are as follows:

1. **Application:** The code would ban the use of plastic bags for carry-out of products from a store or at various City sponsored events (see Section 7.910). That is, when you purchase your goods from Safeway or goods from a vendor at the Farmer's Market, for example, the store or vendor must place your purchased goods into either paper or recyclable bags.
2. **Exemptions:** It would not apply to plastic bags used for bulk items, wrapping foods, protection from dampness such as flowers, unwrapped prepared foods or bakery good or prescription bags, dry cleaning or bags sold in packages (e.g. garbage bags) (see Section 7.905 – definition of "carry-out bags").
3. **Charge:** If you do not bring in your own bag(s) (preferably recyclable), then the store would use paper bags and charge you 5¢ for each paper bag used. The ordinance requires stores (not vendors) to include the 5¢ charge on receipts. Stores with 10 full-time equivalent

S. Walter Packaging  
1-888-429-5673[Home](#)**OREGON - BAG LEGISLATION**

Oregon



Submit

[About Us](#)[Packaging News](#)[Recent Legislation](#)[Packaging Solutions](#)[Quote Request](#)[Contact](#)

City or County:

[Statewide Legislation](#)[Ashland](#)[City of Manzanita](#)[Corvallis](#)[Eugene](#)[Forest Grove](#)[Hood River](#)[Manzanita](#)[McMinnville](#)[Newport](#)[Portland](#)**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	<a href="#">Link to more information</a> <a href="#">Link to more information</a>
Updated	March 20, 2013

**Ashland**[top](#)

Status	Approved
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

City of Manzanita <span style="float: right;">top</span>	
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

Corvallis <span style="float: right;">top</span>	
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 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	<a href="#">Link to more information</a>
Updated	July 02, 2012

Eugene <span style="float: right;">top</span>
---

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

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



# The City of HOOD RIVER

Custom 

ADMINISTRATION

[Administration](#) [Building](#) [Engineering](#) [Fire](#) [Municipal Court](#) [Planning](#) [Police](#) [Public Works](#)
[Email Page](#)[Welcome Letter](#)[City Council](#)[Finance Reports](#)[Municipal Code](#)[Agenda & Minutes & Packets](#)[Ordinances](#)[Resolutions](#)[Forms](#)[Employment Opportunities](#)[Contact Information](#)[Return to Home Page](#)**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.



**ORDINANCE NO. 20498**

**AN ORDINANCE ENCOURAGING THE USE OF REUSABLE BAGS, BANNING SINGLE-USE PLASTIC CARRYOUT BAGS, AND ADDING SECTIONS 6.850, 6.855, 6.860, AND 6.865 TO THE EUGENE CODE, 1971.**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** Sections 6.850, 6.855, 6.860, and 6.865 of the Eugene Code, 1971, are added to provide as follows:

**6.850 Plastic Bag Use - Definitions.** For purposes of sections 6.850 to 6.865 of this code, the following words and phrases mean:

**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:

- (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.

**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.