

## 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.