

**AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE CODE OF SEASIDE GENERAL REGULATIONS ADDING A NEW CHAPTER 102 PROHIBITING THE USE OF SINGLE-USE PLASTIC CARRYOUT BAGS**

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

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

**WHEREAS**, the Oregon Legislature House Bill 2509 (2019) proposes the ban of single-use plastic bags and charges for paper, in an effort to reduce statewide pollution; and

**WHEREAS**, single-use carryout plastic bags at retail establishments and food providers are not biodegradable and generally not recyclable and impact landfill capacity at a cost to the community; and

**WHEREAS**, single-use carry out plastic bags often end up as waste on our City streets and parks, and worse, in the ocean, rivers, beaches, wetlands, and estuarine where they break down into smaller pieces that contaminate wildlife habitat and endanger wildlife and can impact the safety of our food sources and drinking water.

**NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:**

**SECTION 1:** Chapter 102 of the Code of Seaside is hereby created and added to read:

**Chapter 102 SINGLE-USE PLASTIC BAGS**

**102.01 PURPOSE.**

- A. This chapter is intended to discourage the use of carryout plastic bags at retail establishments, to achieve the goals of increasing consumer awareness related to sustainability and waste reduction, saving community costs related to recycling inefficiency and landfill capacity, and to address increasing concerns with the negative environmental impacts of plastic.
- B. Nothing in this chapter is intended to prevent or regulate the ability of a customer from using or bringing a reusable bag, recyclable paper bag, backpack, box, container, cloth bag, or any other type of reusable container to a retail establishment for use in carrying away purchases.

**102.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the content clearly indicates or requires a different meaning:

- 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.
- 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.

**102.03 REGULATIONS.**

- 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 facility, city sponsored event, or city special event activity and permitted events.
- C. A food provider or retail establishment that provides or makes available to a person at the point of sale a recyclable paper bag or reusable bag, will charge the person a reasonable pass-through cost of not less than (\$.10) ten cents per recyclable paper bag or reusable bag.
- D. Indicate on the customer's transaction receipts the total amount of the cost for the bag.

**102.04 EXEMPTIONS**

Notwithstanding any other provision of this subchapter, a food provider or retail establishment may provide a reusable plastic bag or recyclable paper bag at no cost upon the request of a customer who uses

- A. a voucher issued under the Woman, Infants, and Children (WIC) 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.

**102.99 PENALTY.**

- A. Any person or entity violating any provision of this chapter is guilty of an infraction which is upon conviction thereof in the municipal court of the city, be punishable by a fine not to exceed \$100.
- B. Each occurrence of a violation, or in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

**SECTION 2: Effective Date.** The ordinance shall take effect 30 days from adoption date.

**ADOPTED** by the City Council of the City of Seaside on this \_\_\_ day of \_\_\_\_\_, 2019, by the following roll call vote:

YEAS:  
NAYS:  
ABSTAIN:  
ABSENT:

**SUBMITTED** to and **APPROVED** by the Mayor on this \_\_\_ day of \_\_\_\_\_, 2019.

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JAY BARBER, MAYOR

**ATTEST:**

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Mark J. Winstanley, City Manager