



**CITY COUNCIL AGENDA**

**Corrected date! March 27, 2019**

**Special Workshop Meeting 5:30PM**

CITY COUNCIL CHAMBERS, CITY HALL  
 29592 ELLENSBURG AVE  
 GOLD BEACH OR 97444

**The Council will meet in a workshop setting to discuss the topic of possible single-use plastic bag ban within the City. No decisions regarding the matter will be made at the workshop. Please note: the public is invited and welcome to attend the workshop, but public testimony is not currently scheduled. It will be at the Mayor’s discretion as to whether public testimony will be taken during the work session.**

**Call to order:**                    **Time:** \_\_\_\_\_

- 1. The pledge of allegiance**
- 2. Roll Call:**

	<b>Present</b>	<b>Absent</b>
Mayor Karl Popoff		
Council Position #1 Summer Matteson		
Council Position #2 Larry Brennan		
Council Position #3 Anthony Pagano		
Council Position #4 Becky Campbell		
Council Position #5 Tamie Kaufman		
City Administrator Jodi Fritts		
Student Liaison Vacant		

- 3. Workshop Topic**
  - a. Council discussion of possible single-use plastic bag ban ordinance within the City. This matter originally came before the Council as a Citizen Initiated issue.

The next regularly scheduled City Council meeting is **Monday, April 8, 2019 at 6:30PM** in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

**Adjourn**                    **Time:** \_\_\_\_\_

*The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community*



## **COUNCIL WORKSHOP STAFF REPORT**

Workshop Date: March 27, 2019

### **SUMMARY AND BACKGROUND:**

At the March 11<sup>th</sup> regular Council meeting, the Council decided to meet in a workshop setting to further discuss the possible single-use plastic bag ban issue. The Council heard from Legal Counsel in executive session about the matter, and voted in the regular meeting to disclose that discussion.

For this workshop staff has compiled the following information:

- Written testimony from Councilor Kaufman (who is unable to attend due to scheduling conflicts), her testimony includes
  - Her letter to the Council dated March 23rd
  - Informal surveys she conducted on facebook for citizen input
  - Copy of her revised proposed ordinance
  - Copies of 3 other cities ordinances
- A summary of the memo we received from Legal Counsel on March 11<sup>th</sup>
- All the prior bag ban Council reports and attachments



# **COUNCILOR KAUFMAN MATERIALS**

## TESTIMONY & ATTACHMENTS FROM COUNCILOR KAUFMAN

Hello Mayor and Councilors,

I will not be able to attend the Workshop on March 27, 2019 and I understand the Council wishes to proceed without delay on this discussion. I have a work training that just came up (SB 608) and a family matter that will keep me in Salem. While I am unable to attend, I am able to offer input for you to consider as a group. Since workshops tend to be simply rewording the proposal without public input, this format may work just fine?

I found three other Oregon Cities with bag bans. Two have similar language to our proposal, one is vague (Manzanita) two are attached one is this link:

<http://ci.hood-river.or.us/pageview.aspx?id=42734> *(Staff Note: I printed it and included it in the packet)*

In my opinion, an ordinance needs to be clear and concise, penalties outlined, and enforcement procedure can be helpful. If the ordinance does not spell out the Council's intent of the policy, then staff ends up implementing based on a procedure they create. In other words, the more clearly you create the ordinance, the more likely the implementation by the staff will be successful.

I posted on a few places on Facebook a series of questions about the bag ban and got some interesting comments. This was not scientific and was for my own reference what people are thinking about the subject. In case you don't have or use facebook, I attached the files of what has been said up until now, sorry about the small print, it was all I could do to figure out how to capture them.

I am still not convinced paper is better than plastic. Paper takes a very long time to biodegrade in our landfills, the ink can be toxic, and it takes a lot of energy to create them. The barrel size does hold more groceries than the standard plastic bags frequently used, as Amy pointed out once before. Most plastic bags are "photo degradable" meaning that light is required for them to decompose and they do quickly with light.

While the ocean does have a lot of plastic, it is predominantly fishing gear that gets lost, not from consumer bags that would degrade in the light. While the research I have done is not conclusive, it is leaning towards other countries' fishing practices has much more to do with the environmental issues than the US.

If the Council decides to move forward with the Ban, I am not certain I will support it, but I will continue to give it serious consideration and listen to resident input until the final decision is made.

There are five things I would like you to consider in the Workshop:

1. Any revenue should either stay with the store, or excess revenue should come to the City's general fund. The Budget Committee can determine the area of greatest need annually for those funds. Our streets, parks, and public safety need the funds as much as the schools do. We have a fiduciary responsibility to the citizens of the city, not the school district or a non-

profit organization (any organization). I also believe if we pick one non-profit, many others will come forward with a hand out wanting funds for their special projects. Gold Beach Main Street, Curry Homeless Coalition, Wally's House, and Oasis Shelter have all been to Council meetings about revenue and all of them are also 503(c)(3) organizations. Why is one more important than another and why would we fund an outside organization when we do not have all the funds we need to do what we can do for our city? (Partial answer, we are discussing because someone asked us to).

2. If we ban plastic bags because the majority believes they are environmentally bad, then they should be universally banned. Exceptions only for produce, meats and items that could contaminate food if not separated by the plastic barrier. All retail establishments should be required to follow the law, not just singling out two retailers. I believe doing so puts an undue burden on those two businesses that have consistently told us their profit margin is one percent or less annually. They both provide decent area jobs and because of their volume they are easy targets, and targeting them seems wrong to me.

3. This definition I believe needs help:

#### Our Draft

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. A product bag is not a carry out bag.

#### Manzanita

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.

#### McMinnville

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.

4. I attached the original draft and made comments, highlights and notes. Normally in a workshop each line/page is reviewed for questions, thoughts and comments, so I am providing what I would add to that conversation.

5. Penalties seem to be nonexistent in the draft. Perhaps this should be discussed and save the need to revise it later and add that language? You may want to review the lodging tax to see if any of that language might be helpful for collection and enforcement...oh yeah, collection matters, so that might need to be added as well?

Have a great meeting. I am sorry I can't be there. TAMIE

### Posts



#### Tamie Kaufman Gold Beach City Councilor

Published by Tamie Kaufman · March 15 at 8:54 AM ·

Plastic bag ban for Gold Beach - input welcome. Please post comments, be respectful of each other and lets have a social dialogue about it. Your opinion matters to me. Things to sort out if it moves forward

1. Which retailers will be included.
2. How much to charge per bag.
3. How much the retailer keeps and if the City should receive some of the revenue.
4. Should shoppers on WIC or Oregon Trail be excuded from the fee?... [See More](#)

1,041

People Reached

1,186

Engagements

Boost Again

Boosted on Mar 17, 2019

By Tamie Kaufman

Not Approved

People Reached

0

Post Engagement

0

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Tamie Kaufman Gold Beach City Councilor, William Douglas, Mary Stansell and Betty Majors

23 Comments 5 Shares

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#### Newest



Write a comment...



**Debbie Richter** I am all for the one-use plastic bag ban. Walmart has heavy duty, multi-use plastic bags (see photo). If you don't bring your own bags, you buy theirs. I forget what the fee was but it was reasonable. I re-use my Walmart bags all the time—they are very sturdy.



2

[Like](#) · [Reply](#) · [Message](#) · 4d

2 Replies · March 19 at 9:06 AM



**Anthony Geer** Let's not fall into California ways. just my personal opinion.

I think a dog park in gold beach would be more useful than putting time into banning and charging for bags ... [See More](#)

3

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**William Douglas** Anthony Geer great ideas.

1

[Like](#) · [Reply](#) · [Message](#) · 4d



**Brandy Lee Skillman** Anthony Geer yes

1

[Like](#) · [Reply](#) · [Message](#) · 3d



Write a reply...



**Elisabeth Noreaga** I've heard sentiments that this is simply Californians moving here and imitating California laws. Some of the locals who aren't in these Facebook groups are very unhappy with this proposal and would like Oregon to stay the way it has including being able to use plastic bags.

2

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**Julie Steele** Elisabeth Noreaga

Other cities in Oregon have also "" banned"" the plastic, single use plastic bag.

[Like](#) · [Reply](#) · [Message](#) · 3d



**Elisabeth Noreaga** Julie Steele I'm just the messenger. I have asked people their thoughts and that's what I was told.

[Like](#) · [Reply](#) · [Message](#) · 3d



Write a reply...



**Kandi Kerivan Lloyd** I support the ban on plastic bags. Our family owns many sizes of reusable bags it is very easy to grab the size for the shopping list.

[Like](#) · [Reply](#) · [Message](#) · 4d



**Katie Wells** Kandi Kerivan Lloyd please help me with this. I have lived in 2 major metro areas who had plastic bag bans. I have never been able to have enough reusable bags to make this work for me. I always end up purchasing more bags. I grocery shop for my family... [See More](#)

[Like](#) · [Reply](#) · [Message](#) · 4d · Edited



Write a reply...



**Eric Cole** I would support this. Very windy days in gold beach and the stores are right next to the ocean. Plastic bags blowing all over the place.

[Like](#) · [Reply](#) · [Message](#) · 4d

2



**Amy Timeus** I proposed this to do two things ... one to get as much plastic out of our waters as possible and 2 to generate some funding for our youth not money for the city. At the last meeting, I was told if I just wanted to ban the bags then it would be passed... [See More](#)

[Like](#) · [Reply](#) · [Message](#) · 1w

7



**Tamie Kaufman Gold Beach City Councilor Amy Timeus** you might check with the Mayor for format, workshops do not normally take public input, they tend to be nuts and bolts adjustments to proposals by the governing body. Town Halls are traditionally for public input. The Mayor has some flexibility thus suggesting check with him for his plan.

2

Like · Reply · Commented on by Tamie Kaufman · 5d



**Debbie Richter** Amy Timeus workshop where?

Like · Reply · Message · 4d



**Amy Timeus** Debbie Richter Wednesday the 27th at 5:30 at city hall

Like · Reply · Message · 4d



Write a reply...



**Julie Schmelzer** The state is proposing to charge a tax on the use of plastic bags. I support Gold Beach adopting the ordinance so the money can be used locally. If the state's ban and tax go through, the money is given to the Department of Environmental Quality, and is not distributed locally.

2

Like · Reply · Message · 4d



**Iris Wilson** I'm all for banning the bags, and everyone pays.

Like · Reply · Message · 4d



**Roze Hodgeman** There needs to be a way that we don't have to be extreme either way. With that being said, I've realized no matter what people do to try to better the community, people will disagree or bitch. Charging for bags is not an outlandish idea. When people h... [See More](#)

7

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**Saloma Clarence** All retailers, up to the retailer, retailer's decision, all shoppers, restaurants are retailers, styrofoam as a separate issue.

3

Like · Reply · Message · 1w



**Amy Timeus** Saloma Clarence agreed however the fee should only apply to certain size of bags like the barrel size paper bags... people should not be charged 10 cents for a tiny bag that hold your nails you purchase at dans ace

1

Like · Reply · Message · 1w



**Laurie Bartlett** Amy Timeus maybe they would go back to using the the small paper bags for nails?

Like · Reply · Message · 4d



**Charlene Enoch** Maybe 5 cents for smaller bags. I think that there should be some fee on all bags. The idea is to reuse, so a fee may get people to bring in their own reusable bags, even smaller ones. It becomes a choice whether or not to pay a fee.

Like · Reply · Message · 4d



Write a reply...



**Charlene Enoch** It seems that we are discussing two items: plastic bag ban and fee for paper bags. I would love to see a plastic bag ban, in all stores if possible. Regarding the small plastic produce bags, I'm old enough to remember fruit and vegetables going in sma... [See More](#)

2

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**Mallory Weatherby** I am all for a ban on plastic bags and styrofoam, especially if the revenue is allocated back into the city. There is too much harm done to the environment from these non biodegradable materials and I'd like to be able to say our community is doing our part in minimizing our carbon footprint as much as possible. I'd pay \$0.10 per bag.

5

Like · Reply · Message · 4d



**William Douglas** Mallory Weatherby

Like · Reply · Message · 4d



Write a reply...



**Jaime James** I do not support a plastic ban bag ban or fee. I strongly oppose it.

1

Like · Reply · Message · 4d

1 Reply



**Misty Dykstra** I dont support the idea. I recycle my grocery bags and use them for so many other things.

5

Like · Reply · Message · 4d



**Katie Wells** I have lived in 2 large cities which had bag bans. In fact, I voted for and collected signatures for the ban in one of those cities to ensure the measure made the ballot. I no longer support plastic bag bans. For me personally, I cannot bring in enough... [See More](#)

3

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**Brittany Scott** We do not need plastic bags! Bring reusable bags to the store for your groceries!

4

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**Jasmin Brotton** A ban is one thing , to charge is another. Paper costs more... making products cost more. The same applies to styrofoam. I don't like it either but its costs the businesses more the make changes like that.

Like · Reply · Message · 4d



**Julie Carter** There once was a shopping world before plastic bags. Everyone managed to get their purchases home with little trouble. The little produce bags are still a problem though.

2

Like · Reply · Message · 4d



**Betty Majors** Yes please eliminate plastic bags.

2

Like · Reply · Message · 4d



**Laurie Bartlett** Amy Timeus- would you post here how many plastic bags were being used each month? I think it will help give a perspective on the enormity. A list of the cities/towns with this already in effect may also help. Thanks

1

Like · Reply · Message · 4d



**Jasmin Brotton** If this passes and I have to pay for crappy paper bags every time I go shopping, I will take my business to Brookings. A ban is annoying but understandable. To not give a choice and charge anyone for them is ridiculous.

2

Like · Reply · Message · 1w



**Erin Brickley Smith** Amy Timeus

[Like](#) · [Reply](#) · [Message](#) · 1w



**Bob Dark** if it passes everyone should be included , remeber all those little bags you put you veggies it would have to go also .. i think the problem is takeing care of itself in time ,, at least in gold beach area,,

[Like](#) · [Reply](#) · [Message](#) · 1w





**Tamie Kaufman** shared a post.

March 15 at 8:54 AM ·



**Tamie Kaufman Gold Beach City Councilor**

March 15 at 8:54 AM ·

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- 6.
- 7.
- ...

---

Tamie Kaufman

1 Comment

---

Like

Comment

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**Mona Winters Spada** They're banned in Eugene. I keep my bags in my car so I don't forget. I just remember paper ones tearing in the rain and my groceries on the ground before I got in the front door!

[Like](#) · [Reply](#) · 4d

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Write a comment...



Julie Steele shared a post.

March 19 at 6:48 AM

In response to the possible ban on plastic bags.



Cherie McNair shared a link.

Admin · March 18 at 9:05 PM



NBCNEWS.COM

### Whale in the Philippines dies with 88 pounds of plastic in stomach

Dena Nickell and 6 others

12 Comments

Like Comment Share

View 2 more comments



Judith Brimmer Central ore is using the new biodegradable plastic bags ..

Like · Reply · 3d

2



Kale Casanova <https://www.theguardian.com/.../180bn-investment-in...>



THEGUARDIAN.COM

### \$180bn investment in plastic factories feeds global packaging binge

Like · Reply · 1d



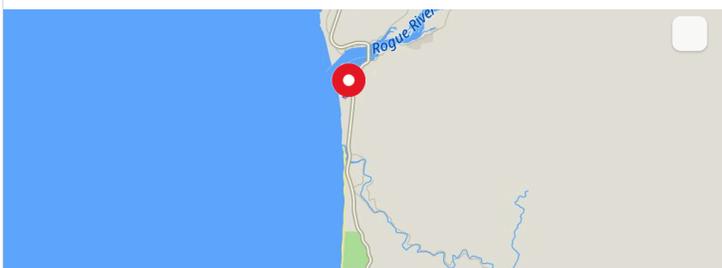
Write a comment...



Tamie Kaufman is looking for recommendations.

March 18 at 9:27 AM

Looking for Gold Beach area resident input.



Looking for recommendations in



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Curry County Child Care  
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Citizens for a Greener Curry  
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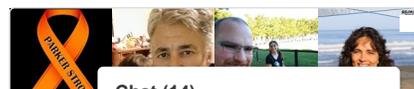
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**Tamie Kaufman** Gold Beach City Councilor

Published by Tamie Kaufman · March 15 at 8:54 AM

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- 6.
- 7.
- ...

Dena Nickell, Summer Matteson and 9 others · 107 Comments · 2 Shares

Like

Comment

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**Peggy McCormick** All retailers should be included. 10 cents per paper bag. I would rather see LE receive some of it. Shoppers on WIC or Oregon Trail should not be excluded. This should apply to everyone. Restaurants should be included. Banning styrofoam would be the ne... [See More](#)

Like · Reply · 4d

4



**Joe Rice** Personally I hate watching the place I was planning on moving to to get out of California adopting all their stupid laws

Like · Reply · 4d

7



**Justin Taylor** My question: why do we need a law? The free market allows people to make choices - if there's a viable alternative to plastic bags, then all that is needed is education - for both the people, and the businesses. If the people get behind it, they vo... [See More](#)

Like · Reply · 4d · Edited

15



**Scott Ossinger** Justin Taylor amen, enough government over reach. Education ! And common respect

Like · Reply · 4d

3



**Chip Bradley** Amen

Like · Reply · 4d

3



**Nancy Sue Rose** Been educating since the 70s.

Like · Reply · 4d

2



**Justin Taylor** Ok, maybe we have. Maybe we haven't. Maybe we haven't educated on the right things. Maybe we haven't educated enough. I'll say it again: if it's the "right thing" to do for the vast majority, then the vast majority will vote with their dollars.

There... [See More](#)

Like · Reply · 4d · Edited

9



**William Douglas** Justin Taylor great response

Like · Reply · 4d

3

[View 1 more reply](#)



**Terri Stone** 🙄 ban baby ban

Like · Reply · 4d

1



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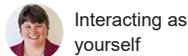
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no cost for paper? I can get a choice at both stores, so I am not sure charging is the way to go (I do understand helping raise funds), b... See More

Like · Reply · 4d · Edited

2

**Kay Minkler** Karlie Morgan Wright oorrer put recycling/prevention education back in the schools hard core. I'm at the age where I get a bit offended when "common sense" becomes mandated! Maybe the youngins' can set the stage for the future. We still have a county that chastises the "litter pick up" volunteers up a Libby Pond for doing the county's job (or so I read) Just sayin'!

Like · Reply · 4d



**Sabrina Summers** All I can say as someone from California here on vacation it's nice not to pay extra or worry about forgetting my grocery bags

Like · Reply · 4d

4



**Ruth Leming Dixon** All retailers, .10 a bag, retailer keeps half, another entity (schools, parks, non-profit, maybe let the buyer select?), not government in the sense of the city, etc. no exclusion for WIC or Oregon Trail, it comes out of their benefit, that way they are motivated to bring bags, shop smart. Yes, ban styrofoam,

Like · Reply · 4d

3



**Anthony Darling** I just want to know what is wrong with paper bags? Are they more costly than plastic?

Like · Reply · 4d



**Marnita Smith** Anthony Darling yes they are.

Like · Reply · 4d

1



**Mona Winters Spada** When it's pouring, try getting your paper bag to your car then your front door still intact

Like · Reply · 4d

3

View 1 more reply



**Teri Larsson** I think this is ridiculous. Everyone that wants this ban better stop buying anything that comes in a plastic container as well. Look around your home and see just how much you are buying (shampoo bottles, water bottles, spice containers, that ground up... See More

Like · Reply · 4d

8



**Joe Rice** Exactly why I was upset to see this on here I was planning on moving to gold beach in a couple years from California but Oregon is just copying everything they are doing here

Like · Reply · 4d

1



**Bill Matthey** That's funny, Joe.

Like · Reply · 4d

1

View 4 more replies



**Bill Matthey** I am now the proud owner of a cloth shopping bag.

Like · Reply · 4d

3



**Dena Nickel** I have 5.

Like · Reply · 4d



**Joe Rice** Oops I forgot in my replies I'm not against paper or reusable bags but I do think you should have a choice that's what makes it America

Like · Reply · 4d

5



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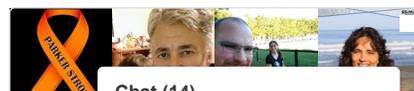
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wasted.

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4

**Vicki Waltz** Catherine Kelly I agree on that, but it would be fewer in my house. I recycle all bags by reusing for garbage.

Like · Reply · 4d

2

**Aldene Boice McCaw** Catherine Kelly exactly! When I'm in California and have to use my reusable bags I then have to purchase plastic garbage bags! Replaced my one use plastic grocery bags with a larger more expensive garbage bag! Makes no sense!

Like · Reply · 4d

2

**Vicki Waltz** I use to think this was stupid, but after living part time in Southern California where there is a 10 to 20 cent charge for each one, it is so much cleaner here than Gold Beach. We don't see plastic bags flying around in our streets. We purchased s... See More

Like · Reply · 4d

7

**Scott Ossinger** Good comments. Tired of new laws, just everyone do their part, we are giving up freedoms left and right in this country, it needs to stop

Like · Reply · 4d

4

**Karlie Morgan Wright** There are lots of things in life that are choices, this is still choice, you don't have to buy bags you can bring your own.

Like · Reply · 4d

9

**Tod Steele** Forget the ban. No ban. Instead raise the fines for littering

Like · Reply · 4d

4

**Scott Ossinger** Tod Steele good idea

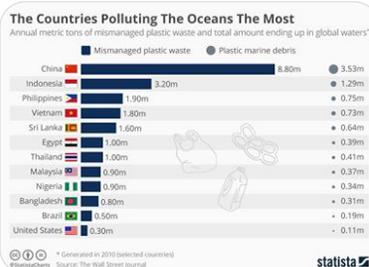
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**Dena Nickell** Well maybe someone can come get this plastic bag out of my tree that blew in with a storm 2 years ago. Its 20 feet up so they will need an extension ladder. That is why I want a ban.

Like · Reply · 4d

1

**Kale Casanova**



Like · Reply · 4d

4

**William Douglas** Kale Casanova looks to me like this is not a problem in USA, at least on a global scale.

Like · Reply · 4d

2

**Sabrina Summers** Who knew Brazil pollutes more? Kinda interesting since they have a smaller population than the U.S

Like · Reply · 4d

**Kale Casanova** Brazil's population is 211 million

Like · Reply · 4d



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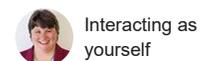
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**Kale Casanova** Even if the US banned plastic bags in every town, it wouldn't even make a dent in the plastic problem. This ban is just another excuse to generate revenue from people.

Like · Reply · 4d

4

**Yvonne Eads Rowe** No ban.

Like · Reply · 4d

2

**Kale Casanova** Why not put a fee on every plastic item produced? Charge the plastic manufacturer, not the end user. Furthermore, I think all plastic waste should be dumped on the doorstep of the corporations who make it. We would see how quickly plastic disappears then, am I right?

Like · Reply · 4d

1

**Jeannie Albee** I bring my own bags 90 Percent of the time.

Like · Reply · 4d

1

**Justin Taylor** This^^, right here is one of the things I'm talking about. It's important for YOU to bring your own bags, which is totally cool if that's what YOU are about. It's also important to realize that not everybody is going to share or prioritize the same thi... [See More](#)

Like · Reply · 4d

1

**Dena Nickell** Ban

Like · Reply · 4d

**Patrick Hollinger** No ban

Like · Reply · 4d

2

**Gerri Taylor** No ban

Like · Reply · 4d

3

**Jeani Hoffer Adams** No ban, once you start then on and on it goes.

Like · Reply · 4d

3

**Teri Larsson** And while you're at it, why not ban plastic yard bags and garbage bags. I'm sure the trash company won't mind picking up the garbage in your cans all loose. You can just dump all your yard clippings in a big pile and then figure out a way to get rid of them. After all, all plastic bags must be bad unless it's just grocery bags.

Like · Reply · 4d · Edited

3

**Dena Nickell** It is the grocery bag to me.

Like · Reply · 4d

**Teri Larsson** I'm actually against banning the grocery bag. I think it's ridiculous if the people who want it banned are still going to use other plastic bags for their yard clippings and garbage. A lot of the reusable bags I see at Fred Myers if not all of them for... [See More](#)

Like · Reply · 4d

3

**William Douglas** Teri Larsson very well stated.

Like · Reply · 4d

**Dena Nickell** You pay 3 to 5 cents for plastic bags now. It is all added into the price of groceries at the stores. They cost the stores to purchase them and the cost is passed on to the buyer's. That is why you get a nickle discount when you bring your own bags.

Like · Reply · 2d

Write a reply...

**Tom Biggs** I would say no to the ban

2



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**Larry Adcock** No to the ban. If you want to band anything you should move to California

Like · Reply · 4d

3

**Kale Casanova**

Like · Reply · 4d

**Beth Barker-Hidalgo** If people should have a choice to use whatever type of bag they want and the argument is "this is America, and we should all have the choice", what other choices should people have? We evolve as a society, or at least that's the organic process or path... [See More](#)

Like · Reply · 4d

3

**Justin Taylor** What opportunities here forcibly imposed are going to "improve our quality of life, environment, health & safety of citizens?"

I said it above and I'll say it again: if the entire US stopped using every single bit of plastic - 100% - right now, this ... [See More](#)

Like · Reply · 4d

4

**Michael Mick Espinoza** Justin Taylor Better yet the fees collected should go directly to the problem your trying to solve. If that's the real reason for the user fee and ultimately the ban. Why stop with bags....what about those cute plastic Dutch bro straws and lids with sayings.....seen many of those on the sides of roads. That has to be equally as difficult to digest.

Like · Reply · 4d · Edited

1

**Justin Taylor** I would think if they really wanted to do something about it, why wouldn't they suggest a recycling center? Rather than everything going to the dump?

Like · Reply · 4d · Edited

1

**Beth Barker-Hidalgo** Justin Taylor since China began refusing to take our "recyclables", measures are being introduced upstream with manufacturing, to reduce the use of plastic. We were sold a bill of goods when it comes to recycling overall. The best approach as demonstra... [See More](#)

Like · Reply · 4d

1

**Justin Taylor** Beth Barker-Hidalgo Ok, I'll go with that. I do believe the best solution would be to reduce overall use of plastics. And as a society, our best bet in our system is to purchase the products of those companies that are practicing that - biodegradable c... [See More](#)

Like · Reply · 4d

1

**Nancy Sue Rose** China stopped taking certain plastics, because we didn't clean and sort them.

Like · Reply · 3d

Write a reply...

**Michael Mick Espinoza** Offer a discount for not needing or using a plastic bag. Why charge the shopper for a bag when its already built into the cost. Reward compliance

Like · Reply · 4d · Edited

9

**Nancy Sue Rose** Michael Mick Espinoza . Good point! We already get 5 cents for reusing bags.

Like · Reply · 3d

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me!

Like · Reply · 4d

4



**Tina Tucci Laurino** Ban em! They're disgusting! And why do you have to get a free bag? You pay for everything else in the store, why not charge for the bag? Or better yet, bring your own bags!

Like · Reply · 4d

4



**Cheri Griffith** Jane Rees Stebbins

Like · Reply · 4d



**Kale Casanova** What good is a cotton shopping bag if literally everything you buy is in plastic?

Like · Reply · 4d

2



**Dena Nickell** The answer, my friend, is blowin' in the wind!

Like · Reply · 4d



**Kale Casanova** Hardly.

Like · Reply · 4d



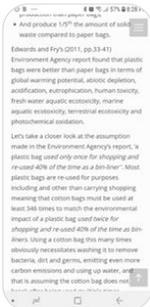
**Beth Barker-Hidalgo** Can someone please post the proposed language. It seems to me I read how the funding mechanism works but I can't recall, old age I guess.

Like · Reply · 4d



**Bill S. Gray** Studies need to be done, data should be presented, and community meetings should be held before making such decisions.

<https://1stclasseconomics.com/plastic-bags-not-bad.../>



Like · Reply · 4d



**Bill S. Gray** Gold Beach has high unemployment and relatively low income rates.

Studies suggest plastic bag bans have exerted an adverse influence on job growth- they take jobs away. In addition, a marginal increase in price is still an increase in price. Stuff cos... [See More](#)

Like · Reply · 4d



**Michael Mick Espinoza** Out of pure curiosity....what will be left to assess a fee and/or tax? There's fuel taxes, a tax on alcohol, tobacco, marijuana, lodging, and some have floated a meal tax. Most of those have a designated destination for the money and in some cases a c... [See More](#)

Like · Reply · 4d · Edited

2



**Cathy Ditta** No ban

Like · Reply · 4d



**William Douglas** No ban. Let the people make their own choices. Don't need government directed anything. Stay out of our business.

Like · Reply · 4d



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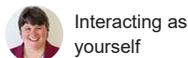
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ban does not get approved, maybe offering residents and visitors the option of recycling could help the environmental side of things.

Like · Reply · 4d

4

**Nancy Sue Rose** Wendy Carpenter. There is a recycling bin for plastic grocery bags in the lobby of the main entrance to Fred Meyer. That is where I get my bags which I use as garbage bags, since I have been using canvas for 45 years.

Like · Reply · 3d

**Sue Johnson** Tamie Interesting to read all these opinions. I don't see why it is even a question made by city councilors seeing as how there is a vote being proposed to cut off plastic bags use in Oregon. If it wins by majority vote, then we have no choice. Why... See More

**Gold Beach Senior Center**  
\$ · Senior Center  
29841 Airport Way, Gold Beach, Oregon 97444

Like · Reply · 4d

8

**Cathy Herbage** I would like to see a default to providing paper instead of plastic unless it is raining, but once the clerks know you, most will remember your preference anyway. We tend to re-use all of the bags; both paper and plastic. However, often the plastic bag... See More

Like · Reply · 3d

5

**Scott Ossinger** Cathy Herbage well said

Like · Reply · 3d

1

**Jeani Hoffer Adams** What will be next? The trash we see is because people are not taught to pick up after themselves. People going to the dump 50 miles an hour on Edson Creek Rd. do not tie down real well and we get insulation blown into our fields. You see beer cans tossed out the window. Wow, did I get off the subject, Sorry!!

Like · Reply · 3d

4

**William Douglas** If the state imposes a 7cent tax and then Gold Beach imposes a 10 cent tax we would be at 17cents tax. Might as well come steal my money, choice and independence.

Like · Reply · 3d

2

**Susan Keller** .5 cents is enough. We need hemp bags! 4Oceans online shows us what is needed. .10 cents per bag would buy a clean up station with machinery in no time. But lets face the facts... Charging .10 cent per bag will not stop plastic from finding the Ocean. C... See More

Like · Reply · 3d

**Scott Ossinger** We bought our house in Gold Beach last year, love the area and the people. I am impressed by this conversation. Most responses see there is a problem, but see ways the people can work together to solve these kinds of issues. Without Government mandates and new laws.

Like · Reply · 3d

3

**Susan Keller** Scott Ossinger Welcome you too and may your lives here be blessed!

Like · Reply · 3d

**Scott Ossinger** Susan Keller thank you, we feel very fortunate and blessed for sure, wonderful town and area.

Like · Reply · 3d

1

**William Douglas** Scott Ossinger this a great place to live, especially as long it keeps it rural life style and values

2

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- Write a reply...
- Barbara Spani** I do not support the ban. 2  
Like · Reply · 3d
  - Hannah Jennings** I don't agree with the ban. I reuse and repurpose. 3  
Like · Reply · 3d
  - Hannah Jennings** Most of the time I bring my own bags, but when I forget, it's nice to have them available. 2  
Like · Reply · 3d
  - David Swindell** We need, at the very least, one-time-use grocery bags that decompose quickly. 1  
Like · Reply · 3d
  - Tina Crump Lanier** Please consider that paper bags are relatively useless in the wet Pacific NW. So a tax or encouragement of re-useable bags would be much better than a ban. 2  
Like · Reply · 3d
  - William Douglas** Tina Crump Lanier encourage yes,tax,no. 2  
Like · Reply · 3d
  - Justin Taylor**  
  
Like · Reply · 3d
  - Kale Casanova** Why just bags though? Why not bottles & caps? Balloons? Those things are what I find on the beach. What about buckets and shoes? Those are plastic too. Packing peanuts, bubble wrap, microfibers, styrofoam. OK, LOL ban your bags, if that's what makes you feel better. 1  
Like · Reply · 3d
  - Kyle Dobson** Don't turn Oregon into another California. 4  
Like · Reply · 3d
  - Hannah Jennings** <https://thesavyvage.com/turn-your-plastic-bags-into.../>  
Like · Reply · 2d
  - Wendy Carpenter** Hannah Jennings maybe this information could be passed along to the Curry County Homeless Coalition 1  
Like · Reply · 2d · Edited
  - Hannah Jennings** It's not just for homeless. These mats are great scout projects and can be used by the kids. 1  
Like · Reply · 2d
  - Ann Stricklin Amato** Spinners  
Like · Reply · 2d
  - Ann Stricklin Amato** Double D for breakfast and hamburger  
Like · Reply · 2d



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Purpose could be strengthened, if passed there were be negative blow back, the stronger this is worded the better.

## BAG BAN

### Purpose

Encourage the use of reusable bags. Ban single-use plastic bags. Charge customers ten cents for each barrel size recyclable paper bag, to discourage their use and offset the cost of the more expensive paper bags compared to the single-use plastic bags that are being banned. Three cents would go to the retail establishment with the remaining seven cents going to the Central Curry School District.

### DEFINITIONS

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

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

- is 100% recyclable and contains a minimum of 40% recycled content;
- is capable of composting consistent with the timetable and specifications of the ASTM Standard as defined in this section.
- Barrel size is approximately 12 inches wide, 7 inches deep and 13-18 inches tall. Its capacity is 1100-1600 cubic inches.

**Carry out 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 from the retail establishments. Carry out bag does NOT include:

- package bulk items, such as fruit, vegetables, nuts, candy or small hardware items.
- contain or wrap frozen foods, meat, fish, whether packaged or not.
- contain or wrap flowers, potted plants, or other items where dampness may be a problem
- contain unwrapped prepared foods or bakery goods; or
- pharmacy prescription bags;
- Laundry-dry cleaning bags or bags sold in packages containing multiple bags intended for use as garbage bags or bags sold in packages containing multiple bags intended for use as garbage waste, pet waste, or yard waste bags;
- Product bags.

**City** - City of Gold Beach, Oregon

**City Administrator.** The City Administrator for the City of Gold Beach or the City Administrator's designee acting under his or her direction.

### **Proposed Bag Ban Initiative**

Filed by Amy Timeus, December 2015  
Ballot Title published December 23, 2015  
Appeal period expiration December 31, 2015  
Approved for circulation January 14, 2016

**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 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, **convince** 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 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. A product bag is not a carry out bag.

**Retail establishment.** Any store or vender 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 reuse and meets all of the following requirements:

- if cloth, is machine washable
- If plastic, has a minimum plastic thickness of 4.0 mils.

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

**Supervision by City Administrator.**

The regulation of Single-use plastic Carryout Bags in the City under the provisions herein shall be under the supervision of the City Administrator or the City Administrator's designee acting **his or her** authority.

Change "his or her" to "their"

**Proposed Bag Ban Initiative**

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**Undue hardship.** Circumstances or situations unique to the particular retail establishment such that there are **no reasonable alternatives to single-use plastic carry out bags or a recyclable paper bag pass-through cannot** be collected. **What does this mean?**

**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.

**1.0 Plastic Bag Use - Regulations.**

Except as exempted in section 1.2 of this code:

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

**1.1 Plastic Bag Use - Cost Pass-Through.**

When a retail establishment makes a barrel size recyclable paper bag available to a customer at the point of sale. The retail establishment shall:

- a) Charge the customer a pass-through cost of ten cents per recyclable paper bag provided to the customer; and
- b) Indicate on the customers transaction receipt the total amount of the recyclable paper bag pass-through charge.

Three cents will stay with the retail establishment to offset the cost of the more expensive paper bags with the remaining seven cents going to the ~~Central Curry School District.~~  
City of Gold Beach

**1.2 Plastic Bag Use - Exemptions.**

Notwithstanding sections 1.1 of this measure:

Single-use plastic carry out 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.

**EXEMPTIONS:**

- a) Not for profit retail establishments with 501 (c) designation are exempt from this ordinance.
- b) Retail establishments may distribute product bags and make reusable bags available whether through sale or otherwise.
- c) A retail establishment shall provide a reusable bag or a barrel size recyclable paper bag at no cost at the point of sale upon request of a customer who uses a voucher issued under the Women, Infants and Children Program, (WIC) established in the

Exemption a) why have this one, a 1% profit at a grocery store is not a huge "for profit" so non profits exempt why? Many re-use bags and don't buy new anyway.

c) & d) As a conservative community, not sure this is what the community wants. I am not putting in an opinion, but I believe it should be discussed.

**Proposed Bag Ban Initiative**

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Why the e) exemption and can the wording be clarified?

f) puts a large burden on staff, maybe that should be our job as the policy makers?

Oregon Health Authority under ORS 409.600. For non-WIC cash purchases, a paper bag purchase will be required if the customer does not bring their own reusable bag.

- d) A retail establishment shall provide a reusable bag or a barrel size recyclable paper bag at no cost at the point of sale upon request of a customer who uses the Supplemental Nutrition Assistance Program, (an Oregon Trail Card), as administered federally by the Department of Human Services. For non-SNAP cash purchases, a paper bag purchase will be required if the customer does not bring their own reusable bag.
- e) 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 1.1 of this code.
- f) The City Administrator or the designee may exempt a retail establishment from the requirement set forth in section 1.1 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.

DRAFT

### **Proposed Bag Ban Initiative**

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Ballot Title published December 23, 2015

Appeal period expiration December 31, 2015

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## 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. 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.

---

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 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

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.



# LEGAL COUNSEL MEMO

## SUMMARY OF MARCH 11<sup>TH</sup> LEGAL COUNSEL MEMO

This memo discusses the following issues:

1. How bag bans and fees are traditionally imposed and why;
2. Whether such charges are properly characterized as a tax or a fee;
3. Whether it would be illegally discriminatory to have the ban apply only to certain businesses;
4. Legal Issues related to directing public money to non-governmental, private organizations;
5. Collection and enforcement issues.

### **Cities' Traditional Use of Bag Ban Fees**

Traditionally, when cities impose a bag ban it is for the purpose of preventing litter and promoting environmental-friendly practices. Sometimes cities also include a mandatory "pass through" bag fee which requires the grocer or retailer to collect a fee from their customer (typically five to ten cents per bag) for each paper bag used.

In my overview such ordinances in Oregon, it appears that this type of bag fee is not traditionally collected *by the city*. Instead, it is typically imposed to allow the grocer/retailer to *keep the fee and recoup the costs of the city's regulatory program*. These types of mandated fees are commonly known as "burden offset" fees and are intended to reimburse the grocer/retailer for bearing the cost of a regulatory program which benefits the public as a whole.

I am not aware of an Oregon ordinance which imposes a *non-pass through, municipal fee/tax* on a grocer, retailer, or person for the use of paper or recyclable bags.

### **Tax or Fee?**

There is no Oregon statute which defines, for general municipal purposes, the difference between a "tax" and a "fee." However, a government charge is generally considered to be a "tax" if it is widely imposed on a broad class of persons and used to fund general government purposes. A government charge is generally considered a "fee" if it is based on a person's "use" of a particular government commodity, resource or benefit (such as utility rates or a park user fee) or is designed to recoup regulatory cost burdens (such as a bag fee or an SDC). Such fees are not usually used to fund general government services, but instead fund specific programs related to the purpose of the regulation. However, it's important to note that how a government spends the revenue is not by itself determinative of whether it is considered a "fee" or a "tax."

If the city chooses to draft its ordinance so that the charge imposed is a pass-through, "burden offset" which grocers/retailers keep as a cost recoupment, then the charge is merely a regulatory fee and not a tax. If the City chooses to draft its ordinance so that the charge is collected from the grocers/retailers by the City, it is more likely to be construed as a "tax."

Whether the charge is definitively a tax or a fee will depend upon the specific language of the ordinance.

### **No Illegal Discrimination Concerns**

Cities have home rule authority to adopt bag ban laws and regulations and associated fees/taxes—and to determine from whom they will collect those fees/taxes. To date, the state has not preempted this authority. Cities may also choose to define “grocers” or “retailers” as they see fit, without serious concern about illegally discriminating between different types of retailers or grocers. However, thoughtful councils and staff will carefully consider community and economic fairness issues when drafting such definitions.

### **Public Funding of Private Non-Governmental Organizations**

City funds must be used for a “proper public purpose” and in compliance with Oregon’s budget and ethics laws. This means that the City cannot funnel public funds to a private entity or person *unless* it can be shown that such funds are serving the public good. (For example, sometimes cities help fund projects such as homeless warming centers or tourism promotion agencies which are organized and run by private non-governmental entities. Under these circumstances, the city has provided public funds to a private, non-governmental organization, but the organization also serves the public good.)

Governments who desire to use public dollars to fund private entities should carefully consider the following:

- How will you ensure that the money is used for a proper public purpose?
- How will you track the use of the money?
- What types of controls, “check ins,” or reporting requirements will you use to ensure proper public use over the entire time of the project?
- Does the entity you are proposing to fund have accountability, open and transparent operations, and a method of ensuring the money won’t be spent improperly?
- Is there a way for your government to accomplish its goals without involving a third party?

### **Fee/Tax Collection and Enforcement Issues**

If the City decides to impose a pass-through, burden-offset fee, there is no collection requirement since the grocer/retailer would keep the fee. Such programs don’t usually experience enforcement challenges since the grocer/retailer’s practices are highly public and they are financially-reimbursed for their duties.

If the City decides to impose charges that are more similar to a tax, it must carefully consider how it will collect and account for such funds and how to enforce and prosecute violators.



# **PRIOR BAG BAN REPORTS**



**SECTION 7.**

**CITY REQUESTED AGENDA ITEMS**

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**GOLD BEACH CITY COUNCIL AGENDA REPORT**

Agenda Item No. 7.a.

Council Meeting Date: March 11, 2019

**TITLE: Request to Address Council**

Amy Timeus: Revisit Bag Ban Issue from 2015

**SUMMARY AND BACKGROUND:**

Ms. Timeus requested to address the Council regarding revisions to her original bag ban proposal.

Since the last Council meeting, the state House Energy & Environment Committee held a public hearing on HB 2509, which proposes to ban single use plastic bags statewide. Staff has attached information related to HB 2509. At the end of the bill info is a list of Oregon cities that currently have plastic bag bans. This info was from the website BagLaws.com—please note, staff did not verify their posted info. None of the cities with bans collect a fee/tax to be passed through to another non-governmental/charitable group/agency. Some allow the retailer to collect a modest fee to offset their costs—the retailer retain the fees they collect.

**Attached to this report:**

- Statesman Journal article on HB 2509
- Portions of HB 2509 written testimony received at the February 19<sup>th</sup> public hearing

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**PRIOR COUNCIL AGENDA REPORTS TO THIS MATTER – February 2019 reprint:**

*Ms. Timeus requested to the address the Council again regarding her proposed plastic bag ban and bag tax to benefit the local school district. The Council first heard this matter in March, May, June, and July of 2015. Attached are the 2015 agenda reports. Staff provided the full bag ban file from 2015 (approximately 150 pages) in a separate file.*

# Will Oregon become the second state to ban plastic shopping bags?

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 [statesmanjournal.com/story/tech/science/environment/2019/02/19/oregon-plastic-bag-ban-possible-california/2887119002](https://statesmanjournal.com/story/tech/science/environment/2019/02/19/oregon-plastic-bag-ban-possible-california/2887119002)

Tracy Loew, Salem Statesman Journal Published 12:46 p.m. PT Feb. 19, 2019 | Updated 3:51 p.m. PT Feb. 19, 2019

Many cities across the country consider banning the use of plastic bags. Here are a few facts about the impact the bags have on the environment. Statesman Journal

Oregon could become the second state, after California, to ban single-use plastic checkout bags.

Lawmakers, environmental groups and the grocery industry are supporting a bill to get rid of the bags statewide, with a few exceptions.

“As Oregonians, we live in one of the most beautiful places on earth. We have the responsibility to protect the natural resources our environment and our economy depend on,” Rep. Carla Piluso, D-Gresham, one of the bill’s sponsors, said ahead of a public hearing on the proposal Tuesday afternoon.

House Bill 2509, which supporters call the Sustainable Shopping Initiative, would prohibit retail establishments from providing any bag except a recycled paper bag to customers at checkout.

**Voting at 16:** Oregon legislators float plan to lower voting age to 16, opposition likely



#### Buy Photo

A customer uses plastic bags at the Fred Meyer on Commercial St. SE in Salem. (Photo: ANNA REED / Statesman Journal)

Retailers would be required to charge at least 10 cents apiece for the recycled paper bags; or could sell or give customers reusable checkout bags made of cloth or durable, thick plastic.

Stores would be allowed to provide the recycled paper bags for free to low-income customers who use nutrition vouchers or state food benefit cards.

Violators could be fined up to \$250 per day. Penalties collected would go to into the state general fund.

The ban wouldn't apply to meat and vegetable bags, or other non-checkout bags.

And it wouldn't apply to restaurants and other food service operations.

Piluso, however, has proposed an amendment that would also include restaurants. They would be able to provide recycled paper bags at no cost to customers, or reusable plastic bags for a fee of at least 10 cents per bag.

The amendment also contains a provision prohibiting municipalities from adopting rules that are stricter than those in the bill.

The committee did not take action on the bill or proposed amendment on Tuesday.

This isn't the first time Oregon lawmakers have proposed a statewide ban on plastic bags. Similar bills failed in 2010, 2011 and 2012.

**Lost hikers:** Salem woman and child rescued after cold night at Silver Falls State Park

Nearly 40 percent of Oregonians already live in a city with a plastic bag ban, according to Environment Oregon, which is supporting the bill.

“Cities have been acting on their own ordinances for many years now, and we have an opportunity to provide much needed uniformity and predictability to businesses across this state,” said Rep. Janeen Sollman, D-Hillsboro, one of the bill’s sponsors.

The legislation is supported by the grocery industry, but only if it includes the proposed fee for recycled paper bags.

“Paper bags are simply more expensive,” Shawn Miller, of the Northwest Grocery Association, said. “Not providing an incentive to move to reusable bags will raise retailers’ bag costs by at least 40% and will simply shift the problem from one single-use bag to another.”

The Association of Oregon Recyclers also supports the bill, saying plastic bags that end up in recycling bins get tangled in recycling equipment, posing hazards to workers and delays on sorting lines.

There was some opposition to the proposal, however.

**Women sports:** Could Oregon, OSU women both play in NCAA Sweet 16 in Portland?

“I am the only one qualified to choose the right bag for me, even if it means 100 percent virgin bleached paper,” resident Karen Darnell wrote in submitted testimony. “I don’t give consent to this market intervention.”

Others, including Oregon Business and Industry and the Northwest Pulp and Paper Association, objected to a statewide fee on paper bags.

The committee also took comments on HB 2883, which prohibits restaurants and other food vendors from using polystyrene food containers.

*Contact the reporter at [tloew@statesmanjournal.com](mailto:tloew@statesmanjournal.com), 503-399-6779 or follow at [Twitter.com/Tracy\\_Loew](https://twitter.com/Tracy_Loew)*

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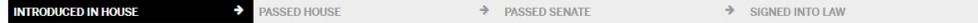
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2019 SESSION

# House Bill 2509

Prohibits use of single-use checkout bags except in certain cases.

## BILL PROGRESS



## Measure activity

**HOUSE Jan 14, 2019:** First reading. Referred to Speaker's desk.

**HOUSE Jan 15, 2019:** Referred to Energy and Environment.

**HOUSE Feb 19, 2019:** Public Hearing scheduled.

**HOUSE Feb 19, 2019:** Public Hearing held.

## Votes

No votes

## Sponsors

Rep Piluso, Rep Sollman, Rep Nosse, Rep Sanchez (Pre-session filed.)

## Full text

From the official Legislature [site](#)

- » [Overview](#)
- » [Measure text \(PDF\)](#)
- » [Amendments](#)

## Committee meetings

House Energy and Environment Committee  
1:00 pm, February 19, 2019  
Public Hearing  
Room: HR D  
Agenda item: 1



**Carla C. Piluso**  
State Representative, House District 50  
900 Court St. NE, H-491, Salem, OR 97301  
503-986-1450  
[rep.carlapiluso@oregonlegislature.gov](mailto:rep.carlapiluso@oregonlegislature.gov)

February 19, 2019

To: House Committee on Energy and Environment  
RE: HB 2509

Chair Helm and members of the committee:

My name is Carla Piluso, and I proudly represent House District 50, the great city of Gresham.

I am testifying in support of House Bill 2509, which ends the use of single-use plastic bags in Oregon. We live in one of the most beautiful places on earth. As state leaders, we have the responsibility to protect the natural resources our environment and economy depend on.

As you will hear today, single-use plastic bags are harmful to our state. They float in our waterways, including Johnson Creek in my district, and turn up on our beaches and in our oceans, where they injure sensitive wildlife.

But this isn't just a "green" issue. Last summer, I toured a sorting facility in southeast Portland that serves my district. I saw firsthand just how much *stuff* there is in our recycling stream that doesn't belong there—including and especially plastic bags. I heard from managers at the facility that plastic bags in our recycling system threaten their ability to do business, and threaten Oregon's ability to recycle at all.

Sixteen cities and towns have already passed ordinances regulating plastic bags. It's now time to take statewide action.

HB 2509 is a balanced policy that avoids loopholes and doesn't burden business or consumers. You'll hear from an unlikely coalition of environmentalists and businesses today that this is a policy we can agree on, and one that is good for our entire state.

Thank you for your time and consideration, and I ask for your support of HB 2509.

Sincerely,

Carla C. Piluso  
Oregon State Representative, House District 50



## HB2509 – Bag Ban Bill Representative Chris Gorsek

---

Chair Helm, Vice Chairs Malstrom and Reschke, members of the House Energy and Environment Committee, for the record I'm Rep. Chris Gorsek from House District 49. Thank you for allowing me to have time to speak with you about HB 2509.

I have been interested and discussed a single use plastic bag ban with advocates since I was first elected in 2012 and I'm very pleased that the stakeholders and public opinion have converged to further this effort.

Mayor Tosterud from Fairview started a process about a year ago that looped in all the municipalities in my district to form a consensus that a state ban would be better for the environment and help businesses with compliance. In support of this consensus I've included as exhibits in testimony articles from our local paper quoting the mayor of Troutdale and their city council supporting state action on this topic.

I've included a list of the legislative priorities of the Metro Council including East County's Councilor Shirley Craddick.

There are also letters of support from Multnomah County Commissioner Stegmann, the mayor of Wood Village, Scott Harden, former Fairview Mayor Ted Tosterud, Gresham City Councilors Mario Palmero and Eddy Morales as well as Reynolds School Board member Ricki Ruiz.

I believe this wide and varied group of elected supporters speaks to the importance this has to my constituents. We're seeing increasing demands from our districts that we make substantive changes to reduce our impact on the environment.

This is such a small inconvenience for most people and when you consider that just among the three small municipalities in my district, we'll be able to discontinue the use of 9 million single use plastic bags per year.



I would also add that my father was a lifelong member of the Association of Western Pulp and Paper Workers Union so when I see an opportunity to increase paper bag production I think that's an effort worth making. We make paper bags in Oregon, not plastic which makes this a jobs bill as much as an environmental effort.

**Representative Susan McLain**  
House District 29  
[rep.susanmclain@oregonlegislature.gov](mailto:rep.susanmclain@oregonlegislature.gov)  
(503) 986-1429



February 19, 2019

**RE: HB 2509-Single Use Plastic Bag Ban**

Dear Chair Helm and Members of the Committee,

I am writing to you in support of House Bill 2509, which would ban single use plastic bags. This bill is needed to help us start reducing the amount of plastic in our waste stream and environment. We cannot continue to use plastic bags because there is not adequate ability to recycle the thin plastic material leading them remain in landfills and ecosystems indefinitely.

Our world is being negatively impacted by the use of plastic bags and packaging in our retail businesses. Plastic hurts all landscapes in our world. The oceans and other bodies of water are being clogged and damaged. Fish and other creatures are being hurt along with their and ecosystems and food chains.

An estimated 500 billion plastic bags are used worldwide each year. 100 billion of which are used in the US. These bags will never completely biodegrade, and there are few options for recycling them. Inevitably, these bags make their way into our environment. They clog up our storm drains and sewers, pollute our waterways, and mar our beautiful landscapes. Land and water animals often eat or nest with plastic bags, which can make them sick and often kill them. According to Environment Oregon, 44% of all seabirds, 43% of all marine mammals and 86% of all sea turtles have ingested plastic.

Single use plastic bags are some of the most difficult forms of plastic to recycle. Most recycling facilities can't take them because they can get caught in machinery and clog up the process. Eliminating plastic bag use in Oregon is an important step to cleaning up our environment and protecting its long term health.

My local jurisdictions of Forest Grove and Hillsboro have been leaders in the state by instituting local bans on single use bags. I am so proud of the Hillsboro Youth Advisory Council and Speech and Debate students who have worked so diligently to pass these progressive policy initiatives. Their hard work and passion are inspiring as they fight to pass on an earth better than the one they received.

Oregon needs to join Forest Grove and Hillsboro and the many other cities across the state in leading the way to provide cleaner water and better futures for our children and grandchildren.

Thank You,

*Susan McLain*

Representative Susan McLain

**HB 2509 -5 STAFF MEASURE SUMMARY**  
**House Committee On Energy and Environment**

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**Prepared By:** Misty Freeman, LPRO Analyst

**Meeting Dates:** 2/19

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**WHAT THE MEASURE DOES:**

Prohibits retail establishment from providing single-use checkout bags to customers, with some exceptions. Defines retail establishment as any store that sells goods at retail, excluding establishments where the primary business is food or drink preparation. Defines single-use checkout bags as bags made of paper, plastic, or material other than recycled paper that are provided by the retailer at the time of checkout. Excludes bags provided to a customer at a time other than checkout. Authorizes retailer to make reusable checkout bags available for sale to customers; provide reusable checkout bags at no cost to customers; provide recycled paper checkout bags for sale for ten cents or more; and to provide recycled paper bags at no cost to customers who use a voucher issued under the Women, Infants, and Children program or an electronic benefits transfer card. Allows retailer to provide single-use checkout bags for items marked with personal health information or other confidential information. Authorizes retailer to provide single-use checkout bags at no cost for fresh meat or seafood if packed in ice. Authorizes Environmental Quality Commission to adopt rules for implementation. Authorizes Department of Environmental Quality (DEQ) to require timely information related to compliance and allows DEQ to impose a civil penalty of up to \$250 per day for noncompliance. Directs penalties to be paid into the General Fund. Repeals ORS 459A.695, a requirement that retailers offer paper bags as an alternative to plastic bags.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-5 Replaces measure. Prohibits restaurants and retail establishments from providing single-use checkout bags to customers, with some exceptions, and sets rules for providing reusable checkout bags to customers. Differentiates rules for "restaurant" and "retail establishment" with respect to prohibition on provision of single-use checkout bags to customers. Defines restaurant as an establishment where the primary business is the preparation of food or drink for consumption by the public, whether at the restaurant or outside the restaurant. Defines retail establishment as a store that sells or offers goods for sale and is not a restaurant. Defines "single-use checkout bag" as a bag made of paper, plastic, or other material that is provided by a retail establishment to a customer at the time of checkout, and that is not a recycled paper checkout bag or a reusable fabric or reusable plastic checkout bag. Exempts certain types of bags from definition of "single use checkout bag" for purposes of prohibition, including bags provided to: package bulk items such as fruit, vegetables, nuts, grains, greeting cards, or small hardware items; contain or wrap frozen food, meat, fish, flowers, a potted plant, or other item because of dampness or sanitation; contain an unwrapped prepared food or bakery good; or contain a prescription drug. Exempts newspaper bags, door hanger bags, laundry bags, dry cleaning bags, bags sold in a package of multiple bags for uses such as food storage, trash bags, or pet waste collection, and other bags provided to a customer at a time other than checkout. Prohibits restaurants from providing single-use checkout bags to customers. Prohibits restaurants from providing reusable plastic bags to customers unless the restaurant charges ten cents or more for each bag. Allows restaurants to provide recycled paper checkout bags at no cost to all customers and reusable plastic checkout bags at no cost to customers who use an electronic benefits transfer card issued by the Department of Human Services (DHS). Prohibits retail establishments from providing single-use checkout bags to

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*This summary has not been adopted or officially endorsed by action of the committee.*

**HB 2509 -5 STAFF MEASURE SUMMARY**

customers. Allows retail establishments to provide recycled paper or reusable plastic checkout bags if the retail establishment charges ten cents or more for each bag. Allows retail establishment to provide reusable fabric checkout bags at no cost to all customers and recycled paper and reusable plastic checkout bags at no cost to customers who use a voucher under the Women, Infants, and Children Program or use an electric benefits transfer card issued by DHS. Characterizes a violation by a restaurant or retail establishment as a Class D violation subject to a maximum fine of \$250. Clarifies that each day a restaurant or retail establishment commits a violation constitutes a separate offense. Prohibits a city, county, or local government from adopting or enforcing any provision that does not substantially conform to, or that exceeds, the requirements in this Act. Repeals ORS 459A.695, a requirement that retailers offer paper bags as an alternative to plastic bags.

**BACKGROUND:**

Across the US, twelve state legislatures have considered measures to regulate the use of single-use checkout bags, especially plastic bags, at grocery stores and other businesses. The first such measure was enacted by the state of Maine in 1991, which required retailers to provide checkout bag recycling as a condition of providing plastic bags to customers at the time of sale of goods. Other states have imposed bans or fees on single-use checkout bags. In Oregon, ten cities have enacted bans on single-use checkout bags, beginning with Portland in 2011. Each local regulation is slightly different, but all require retail stores, including grocery stores, to cease offering single-use bags and instead offer reusable bags or paper bags that are either made of recycled materials or that are recyclable.

House Bill 2509 would prohibit retail establishments from providing single-use checkout bags to customers, with some exceptions.

Requested by Representative PILUSO

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2509**

1 On page 1 of the printed bill, delete lines 4 through 31.

2 On page 2, delete lines 1 through 22 and insert:

3 **“SECTION 1. As used in this section and section 2 of this 2019 Act:**

4 **“(1) ‘Recycled paper checkout bag’ means a paper bag made by a**  
5 **manufacturer whose total production of paper checkout bags in the**  
6 **preceding calendar year averaged at least 40 percent recycled fiber.**

7 **“(2) ‘Restaurant’ means an establishment where the primary busi-**  
8 **ness is the preparation of food or drink:**

9 **“(a) For consumption by the public;**

10 **“(b) In a form or quantity that is consumable then and there,**  
11 **whether or not it is consumed within the confines of the place where**  
12 **prepared; or**

13 **“(c) In consumable form for consumption outside the place where**  
14 **prepared.**

15 **“(3) ‘Retail establishment’ means a store that sells or offers for sale**  
16 **goods at retail and that is not a restaurant.**

17 **“(4) ‘Reusable fabric checkout bag’ means a bag with handles that**  
18 **is specifically designed and manufactured for multiple reuse and is**  
19 **made of cloth or other machine-washable fabric.**

20 **“(5) ‘Reusable plastic checkout bag’ means a bag with handles that**  
21 **is specifically designed and manufactured for multiple reuse and is**

1 made of durable plastic that is at least four mils thick.

2 “(6)(a) ‘Single-use checkout bag’ means a bag made of paper, plastic  
3 or any other material that is provided by a retail establishment to a  
4 customer at the time of checkout, and that is not a recycled paper  
5 checkout bag, a reusable fabric checkout bag or a reusable plastic  
6 checkout bag.

7 “(b) ‘Single-use checkout bag’ does not mean:

8 “(A) A bag that is provided by a retail establishment to a customer  
9 at a time other than the time of checkout, including but not limited  
10 to bags provided to:

11 “(i) Package bulk items such as fruit, vegetables, nuts, grains,  
12 greeting cards or small hardware items, including nails, bolts or  
13 screws;

14 “(ii) Contain or wrap frozen food, meat, fish, flowers, a potted plant  
15 or another item for the purpose of addressing dampness or sanitation;

16 “(iii) Contain unwrapped prepared food or a bakery good; or

17 “(iv) Contain a prescription drug;

18 “(B) A newspaper bag, door hanger bag, laundry bag or dry cleaning  
19 bag; or

20 “(C) A bag sold in a package containing multiple bags for uses such  
21 as food storage, garbage containment or pet waste collection.

22 “SECTION 2. (1) Except as provided in subsection (2) of this section,  
23 a retail establishment may not provide:

24 “(a) Single-use checkout bags to customers.

25 “(b) Recycled paper checkout bags or reusable plastic checkout bags  
26 to customers unless the retail establishment charges not less than 10  
27 cents for each recycled paper checkout bag or reusable plastic check-  
28 out bag.

29 “(2) A retail establishment may provide:

30 “(a) Reusable fabric checkout bags at no cost to customers.

1       **“(b) Recycled paper checkout bags or reusable plastic checkout bags**  
2 **at no cost to customers who:**

3       **“(A) Use a voucher issued under the Women, Infants and Children**  
4 **Program established under ORS 413.500.**

5       **“(B) Use an electronic benefits transfer card issued by the Depart-**  
6 **ment of Human Services.**

7       **“(3) Except as provided in subsection (4) of this section, a restau-**  
8 **rant may not provide:**

9       **“(a) Single-use checkout bags to customers.**

10       **“(b) Reusable plastic checkout bags to customers unless the res-**  
11 **taurant charges not less than 10 cents for each reusable plastic**  
12 **checkout bag.**

13       **“(4) A restaurant may provide:**

14       **“(a) Recycled paper checkout bags at no cost to customers.**

15       **“(b) Reusable plastic checkout bags at no cost to customers who**  
16 **use an electronic benefits transfer card issued by the Department of**  
17 **Human Services.**

18       **“SECTION 3. A city, county or other local government may not**  
19 **adopt or enforce a charter provision, ordinance, resolution or other**  
20 **provision unless the charter provision, ordinance, resolution or other**  
21 **provision substantially conforms to, and does not exceed, the require-**  
22 **ments of sections 2 and 4 of this 2019 Act.**

23       **“SECTION 4. (1) Notwithstanding ORS 153.018 (3), a violation of**  
24 **section 2 of this 2019 Act by a restaurant or retail establishment, as**  
25 **those terms are defined in section 1 of this 2019 Act, is a Class D vio-**  
26 **lation subject to a maximum fine of \$250.**

27       **“(2) Each day that the restaurant or retail establishment commits**  
28 **a violation constitutes a separate offense.”.**

29       In line 23, delete “4” and insert “5”.

30

# Oregon - Bag Legislation

BL [baglaws.com/legislation.php](http://baglaws.com/legislation.php)



## Statewide Legislation

top

Status Pending

Updated January 02, 2019

## 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

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Ordinance 3094

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More Information [Link to more information](#)

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Updated March 02, 2018

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## Bend City

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top

Status Approved

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Status Date 12/19/2018

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Plastic Summary Requirements: 2.25 mil. thick

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Paper Summary Recyclable paper bag means a paper bag that is 100% recyclable and contains a minimum of 40% post-consumer recycled content, and is capable of composting consistent with the timeline and specifications for the ASTM Standards as defined in this section

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Reusable Definition Reusable bag means a bag, with or without handles, that is specifically designed and manufactured for long-term multiple reuses made of either durable plastic with a thickness no less than 2.25 mils thick or other non-plastic material such as machine washable cloth or woven synthetic fiber.

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Stores Affected Retail establishment means any store, grocery store, vendor, sales outlet, shop, pharmacy or other commercial establishment located within or doing business within the geographic limits of the City that sells or offers for sale perishable or nonperishable goods.

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Fees \$0.10 per bag

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Compliance Date 07/01/2019

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Ordinance Chapter 5.60

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More Information [Link to more information](#)

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Updated February 28, 2019

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## City of Manzanita

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top

Status Approved

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Status Date 09/05/2017

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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

top

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.

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More Information [Link to more information](#)

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Updated July 02, 2012

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## Eugene

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top

Status Approved

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Status Date 10/22/2012

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Plastic Summary Requirements: durable plastic that is a least 4.00 mil. thick

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Paper Summary Requirements: 100% recyclable, 40% minimum of PCW

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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.

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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.

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Fees Paper Fee: not less than \$0.05 per bag

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Compliance Date 05/01/2013

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Ordinance 20498

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Notes 5/23/2013 Note, the city is considering removing the fee on paper bags. Update expected in June. 2012 this summer drafting ban

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More Information [Link to more information](#)  
[Link to more information](#)

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Updated September 16, 2013

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## Forest Grove

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top

Status Approved

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Status Date 06/13/2016

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Plastic Summary Requirements: durable plastic that is a least 4.00 mil. thick

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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

top

Status	Approved
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

## Lake Oswego

top

Status	Approved
Status Date	12/04/2018
Plastic Summary	No plastic
Paper Summary	Recyclable Paper Bag. A paper bag that meets all of the following requirements: a. Is 100 percent recyclable and contains a minimum of 40 percent post-consumer recycled content; and b. Is capable of composting consistent with the timeline and specifications of the American
Reusable Definition	Reusable Bag. A bag made of machine washable cloth, woven synthetic fiber, or woven and nonwoven polypropylene with handles that is specifically designed and manufactured for long-term multiple reuses
Stores Affected	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.
Fees	Paper Fee: not less than \$0.10 per bag
Compliance Date	07/01/2019
Ordinance	2806
More Information	<a href="#">Link to more information</a>
Updated	February 28, 2019

## Manzanita

top

Status	Approved
Status Date	09/05/2017
Plastic Summary	Requirements: 4.0 mils thick

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

top

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

## Milwaukee

top

Status	Approved
Status Date	08/21/2018
Plastic Summary	Requirements: 4.0 mils thick
Paper Summary	Recycled paper bag means a paper checkout bag provided by a retail establishment or food provider to customers, meeting the following requirements: I. Contains a minimum of 40 percent recycled content;
Reusable Definition	"Reusable bag" means a bag with handles that is specifically designed and manufactured for long-term multiple reuse and is 1. Made of cloth or other machine washable fabric; or 2. Made of durable plastic that is at least 4.0 mils thick.
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 any other form of organization located within the City that sells or offers for sale goods to a customer.
Compliance Date	03/01/2019
Ordinance	2162
More Information	<a href="#">Link to more information</a>
Updated	November 13, 2018

## Newport

top

Status	Pending
Updated	February 28, 2019

## Portland

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	<a href="#">Link to more information</a> <del>Link to more information</del> <del>Link to more information</del>
Updated	September 11, 2013

## Salem

top

Status	Approved
Status Date	11/26/2018
Paper Summary	Recyclable paper bag means a paper bag that is 100% recyclable and contains a minimum of 40% post-consumer recycled content.
Reusable Definition	Reusable bag means a bag made of machine washable cloth, woven synthetic fiber, or woven and non-woven polypropylenewith handles that is specifically designed and manufactured for long-term multiple reuses.
Stores Affected	Retail establishment means any store or vendor located within or doing business within the geographic limits of the City that sells or offers for sale goods at retail.
Fees	\$0.05 on paper and reusable bags
Compliance Date	04/01/2019
Ordinance	Bill #20-18

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More Information [Link to more information](#)

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Updated January 02, 2019

## Silverton

top

Status Approved

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Status Date 01/07/2019

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Plastic Summary Requirements: 2.25 thick and Specific ID requirements.

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Paper Summary "Recyclable paper bag" means a paper bag that meets all of the following requirements: Exhibit A City of Silverton Ordinance No. 18-26 Page 3 of 4 1. Is 100 percent recyclable and contains a minimum of 40 percent post-consumer recycled content; and 2. Is capable of composting consistent with the timeline and specifications of the ASTM Standard.

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Reusable Definition "Reusable bag" means a bag with handles that is either: 1. Made of cloth or other machine washable material; or 2. Made of woven synthetic fiber; or 3. Made of woven and non-woven polypropylene; or 4. Made of durable plastic that is at least 2.25 mils thick

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Stores Affected "Retail establishment" means any person, corporation, partnership, business venture, public sports or entertainment facilities, government agency, street vendor or vendor at public events or festivals or organizations that sell or provide merchandise, goods or materials including, without limitation, clothing, food, beverages, household goods, or personal items of any kind directly ...view more

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Fees \$0.05 on paper and reusable bags

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Compliance Date 07/01/2019

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Ordinance NO 18-26

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More Information [Link to more information](#)

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Updated February 28, 2019



**SECTION 7.**

**CITY REQUESTED AGENDA ITEMS**

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**GOLD BEACH CITY COUNCIL AGENDA REPORT**

Agenda Item No. 7.a.

Council Meeting Date: February 11, 2019

**TITLE: Request to Address Council**

Amy Timeus: Revisit Bag Ban Issue from 2015

**SUMMARY AND BACKGROUND:**

Ms. Timeus requested to the address the Council again regarding her proposed plastic bag ban and bag tax to benefit the local school district. The Council first heard this matter in March, May, June, and July of 2015. Attached are the 2015 agenda reports. Staff provided the full bag ban file from 2015 (approximately 150 pages) in a separate file.

# **GOLD BEACH CITY COUNCIL AGENDA REPORT**



Agenda Item No. 7 a.  
Council Hearing Date: July 13, 2015

## **TITLE: DECISION: Decision on Citizen Initiated Request to ban plastic grocery bags within the City**

### **SUMMARY AND BACKGROUND:**

#### **JULY UPDATE**

We posted an online survey a little over a month ago and then mailed out the survey with June water billing. We received a total of 115 electronic responses and 30 paper responses. The totals with comments are listed below.

#### **The Council has three (3) options:**

- 1) Decide YES on the topic (or a version of YES) on your own authority**
- 2) Decide NO and the matter is done (unless a citizen wants to propose an initiative for the ballot)**
- 3) Refer it to the voters for their decision**

OPTION 1: I checked with legal counsel--the Council has the authority to impose the tax. If that is the Council's wish then I will need some direction on what you would like to see, and then I can speak with legal counsel so she can draft us a proposed ordinance.

OPTION 2: We are done tonight. It's up to the citizen to get enough signatures for an initiative measure.

OPTION 3: We should decide tonight if we want it on the November ballot. Friday, August 14<sup>th</sup> is the absolute last day for us to get it to the County Clerk in time for the November ballot. I would still need to put together the ballot title and a resolution calling for the election.

### **SURVEY RESULTS**

#### **Intro on the electronic and mailed survey:**

*"The Gold Beach City Council is seeking input on a citizen initiated request to ban plastic bags at local retailers. The proposal would replace plastic bags with paper, and institute a \$0.10 cent per bag tax with \$0.07 cents to go to the local school district. \$0.03 would be retained by the retailer for administration of the tax and for additional cost associated with the paper bags."*

**QUESTION #1: Would you like to see plastic bags banned and replaced by paper bags in Gold Beach?**

YES	NO	MAYBE, depends on the particulars
61	64	19

**QUESTION #2: Would you support a \$0.10 cent per bag fee with \$0.07 cents to go to a fund for the local schools?**

YES	NO	MAYBE, depends on the particulars
56	76	13

**Comments received on the surveys**

**PLEASE NOTE: these are EXACT quotes no correction has been made for grammar, language, or spelling**

COMMENTS RECEIVED IN FAVOR OF THE PROPOSAL
About time! Save an oil well.
anything that reduces possible property taxes for schools is a good thing. We dont need plastic bags so why have them.
I believe that this is a step in the right direction for our environment and our community.
Just returned from a trip to Palm Springs CA and the Bay area. EVERY store we were in charges 10 cents for a bag. And NO plastic bags except in meat and produce. We need to get on board with the future. People will learn to bring their own bags....or spend a dime. Let's do it!
Sounds wonderful!
Ordinances like this are what keep our schools and town in check. Rays Food place has already taken the step in eliminating plastic bags. It wont take much effort or cost for Mckays to follow suit. Other towns in oregon have already implemented this and as far as I know, there isnt another town in oregon that is giving back to the school such as this. With the funding our schools currently have, this would help tremendously. Would it fix this issues? No, most likely not. But, it will make a difference. This will not be taxing just home owners,

but everyone. This would be including not only locals, but people traveling through. Please, pass this and not waste time or money sending to the voters.

I think this is a no-brainer, a fabulous idea, I am all for it.

no brainer! save the environment and support the school!

I take care of Century 21's property and I pick up all kinds of garbage from McKay's (since the fence was taken out) and I always find plastic grocery bags. And find them in the creeks/streams. What about degradable plastic? They make plastic from corn for example.

The consideration of this is overdue as is the banning of burning barrel in the city which is contributing to the low 25% recycling rate for Curry County. Hopefully, you all know that the state average is a 50% recycling rate. Get to work on that. Brent Thompson

#### NEUTRAL RESPONSES

Tax all bags but continue to give the option of paper or plastic

Would the retailers not then provide "Company bags" such as Fred Meyers and other retailers do, at a minimal cost to the customer, to get around this whole process?? Hope not. Don

offer cloth bags that are washable and reusable

It would be near impossible for a retail store to determine how many customers are charged for each bag. Plastic bags can be returned to the store. We save them up and return them the next visit.

And encourage people who don't want to pay the tax to bring their reusable bags and continue to get a .05 cent discount.

#### COMMENTS AGAINST THE PROPOSAL

If you don't like plastic bag move to Ashland Oregon.

Enough fees/taxes already! We choose to use reusable bags but it should be a personal choice!

I am totally against this proposal!!

I think McKays Market would be hurt by this move. I believe Greg Marstall has donated to just about every fund raiser we have in Gold Beach. He is the one who brought in a big water tanker-when we had to boil our water for such a long time period-and it was free to everyone-you didn't have to shop at his store to get it. Is this anyway to treat a man who has done so much for Gold Beach??

Would prefer consumers are encouraged to bring and reuse their own bags above all, then paper bags available if not. Banned—last resort!!

Enough taxes here and there already! Let's pay for a sherriff staff and jail first!

There are enough other ways to improve our community without banning and adding more taxes here and there. Please let this thing go. Focus on other positive improvement please!

Groceries are already so d\*\*\*\*\* expensive to begin with and now an additional tax on top of it!! I recycle my plastic bags, the schools get enough of my tax dollars as it is, enough is enough! Leave people be. Find something good to do with your time that makes us feel that

we are getting something for our tax dollars, stay out of my wallet and stop wasting my money on stupidity. You were elected to govern the community not stick your elected nose into things that you should not be into. Have a good day.

This is just another form of taxation. If people want to pay more and more and more for schools, then let them pay - not me. Far too much money goes out of my pocket for schools. For those with kids, they can pay the tax.

Too much Portland politics!

These are two different issues. If you want to eliminate plastic bags for environmental purposes that is one thing, but the city should not be in the business of raising money for schools---that is why we have a school board. This plan is a gimmick that we don't need.

we reuse our plastic bags for other things, you can get paper or plastic bags at the stores, why not have the option?

I wasn't aware that plastic grocery bags were such a huge problem in this community. This proposal seems random in concept, at best, and blindly copycat of other large municipalities, at worst. If plastic bags were the cause of a major impact to human health and welfare, then yes, I may be in favor of a ban. However, the fact is, plastic bags are simply an inexpensive means of transporting groceries home (in an area where the groceries themselves are already expensive). People are currently free to bring their own bags if they so desire. Others, should be free to use the bags provided by the retailers if they so desire. So too, retailers are free to provide, or not provide, any bag of their own choosing.

A very important question we should ask ourselves is this... in general, is it local government's place to regulate the manner in which a business conducts it's operations? And, what relevance do grocery bags have with schools? If it's a school tax one wants, then such a proposed use "tax" (which is precisely what this is) should be directly related to schools and education, not grocery shopping.

1. I am not interested in contributions to the school. My taxes pay a heavy amount for schools and I see no reason to pay them another dime. 2. Plastic bags are used over and over in my house and are a mainstay for us. We are older and when I go to the store, I always use plastic bags because I can carry 4 or 5 plastics from the car to the kitchen at once...I have stairs to climb and plastic is much easier to carry to the kitchen and cuts down my trips to the car and back. Another thing, please remember the non profits in town that use the plastic during their sales of goods. At the Sr. Center, we use sometimes 100 a day or more. I know all the thrift stores use them by the hundreds. Restaurants use them for take-out meals, people use them to carry garbage and other stuff. When we go hunting, I use them for all kinds of things. I can't even begin to tell you how people could get by without having the convenience of grabbing a plastic bag for nearly anything I needed. I cannot tell you even ONE reason why we should forced to be deprived of plastic bags. I hope you will all pass on this silly idea just to make one woman happy. If this passes, it will make me go to Brookings

to do all my shopping. This idea is probably the silliest thing that any city council would pass. If the school needs \$\$ this badly, apparently they need to lower their spending just like the rest of us do. budgets, just like I do at home.

My husband agrees with this, so count this as TWO NO VOTES..

Visitors will purchase groceries and other items elsewhere, as do the people in Eugene. Plastic bags are saved and used for other uses, paper bags break, and particularly grocery items fall on the ground.

I volunteer at a local Food Bank and we'd be sunk if we didn't have plastic bags.

This is not a solution to litter. I see more plastic bottles laying around than I do plastic bags and they already have a deposit fee. We have anti-litter laws on the books. Let's enforce those. Most people I know reuse their plastic bags.

I would support this ONLY if the \$ goes to the schools. Otherwise, it will come in its own time from state or federal regulations. I think it may be hard on our lower income population. I would like to see this on the ballot if it goes that far. Thanks.

I feel this may be a problem for our tourists and being this is a tourist driven town it is a problem for Gold Beach. Ten cents a bag for a basically non-reusable bag is a bit much. I say charge the 10 cents if they request plastic.

I don't want plastic bags banned. I would be willing to pay the bag fee for the plastic bags, but I can't stand paper bags

Plastic Bags forever!

They are used by every pet owner for the removal of feces, regardless of pet type, without fear of the bag ripping open because of a too wet poo.

They are stonger than a comparable paper bag.

They take up far less space to store in that they can be crumpled and smashed into a small tube or other similar container without damaging their ability to carry objects. Try that with a paper bag!

The handles don't come off because of glue failure.

They will keep your feet dry and warm on cold, wet rainy days when used over socks.

Advertising on plastic bags has more "pop" than on brown paper bags.

Paper bags are heavier than plastic and therefore cost more to ship.

They are almost perfect for storing wet paint brushes and rollers over night.

Figure our another way to fund schools rather than removing plastic bags which are a very convenient and flexible container.

You can charge \$0.07 for a paper bag without removing plastic bags from use.

Sunlight destroys plastic bags in a very short period of time...not so for paper bags.

Paper bags promote the growth of mold when they become wet.

Paper bags absorb moisture and are weakened because of this. How far will you get with a leaking container in a paper bag compared to a plastic bag? Not very far.

Why does the .07 go to the local schools? I would like to see the money shared with the local watershed group. I would also like to see this idea put before the voters.
what a stupid idea
This is ridiculous!!!
A bag should be included with a purchase. Bag cost is already factored into item prices; being charged for a bag at checkout would be paying twice for a bag. If a customer doesn't bring their own bag and doesn't have money to buy a bag (food stamps won't cover a bag) do you really expect them to pack their groceries to the car by the armload? even better yet, say they have no car, walking their groceries home by the armful? Folks already struggle enough - there are plenty of other options to fund our schools
I think a ban on plastic bags would be consider a major inconvenience to tourists and residents who would simple switch to larger platic bags to line their wastebaskets and other containers.
Let me choose what I want! Not what you want! You niggers!
We can choose to use paper,plastic or reusable bags without big brother telling us which is best for us. No more taxes.
There should be no fee for the paper bags. Incentives like \$0.10 credit off your purchase if you provide your own bags would be better idea. Positive reinforcement rather than punishment... Catch more bees with sugar then vinegar!
When I am visiting other cities with these bans/costs, I am an unhappy tourist. I have to decide whether to try to carry my goods out in my arms or pay for a bag. It does not make me want to go back. Surely there are other ways to manage and solve our schools' financial struggles.
If I want to have plastic, THEN LET ME HAVE PLASTIC! I'm sick of this communist attitude of telling me what is good for me! FOR FUCK SAKE!
Plastic bags take up much less space in land fill. They also are much stronger. I reuse them many times.

## PREVIOUS COUNCIL REPORTS:

### **JUNE UPDATE** *(info only--matter will be formally brought back next month)*

The Council heard additional testimony from supporters of the bag ban and from the manager of one of the local grocery stores last month. Councilor Kaufman also provided information she found researching the pros/cons of plastic and paper. The Council tabled the matter to request additional citizen input. Since the May meeting the following has occurred:

- Councilor Campbell composed a draft letter to parents for the school to send out. Minor revisions were made to that draft and then sent on to the school district. The school superintendent said the letter will go out with the year-end report cards. A copy of the letter is attached.
- I put a very short (2 questions and spot for comments) Survey Monkey internet survey together and had posted to the city website soliciting input on the proposal. A copy of the survey is attached. The survey will stay live until one week prior to the July meeting (survey will end July 6<sup>th</sup>). We put a tickler on facebook and will continue to push out the info. I am also going to ask KGBR if they will do a short PSA about it.

- We will send a hardcopy survey on the back of the June waterbills which will go out about June 22<sup>nd</sup>
- We posted the pro/con info Councilor Kaufman compiled from last month as well as information we received from the citizen proponent, Amy Timeus. A brief letter from Timeus is attached to this report.

**FROM MAY REPORT:** The Council first heard this request at the March meeting. Testimony was received and the Council tabled the request until May to gather more information. I don't have a lot more to provide but I did get some direction from our Legal Counsel:

- The City does have the authority to enact a tax which would be passed on to another group—provided the money is used for a public purpose.
- If the City decides to enact a tax Legal Counsel recommended that it be set up like the Transient Room Tax: collected by the operators and remitted to the City with the operators keeping a portion of the tax for their administrative trouble.
- Legal Counsel questioned whether there would be a profit to collect/remitt—most bag bans allow operators to collect a nominal fee to offset the cost of the paper recycled bags but it doesn't usually cover the actual increased cost—we heard testimony last month from the manager of McKay's stating the paper is significantly higher in cost than the plastic ones.
- Another thought: typically taxes have some nexus to the use—in this particular case is the concern environmental or school funding? It should be made clear.
- How much money are we really talking? Is it worth the hassle?

**FROM MARCH REPORT:** A Citizen Requested Agenda Item was submitted by Amy Timeus requesting the Council ban all bags in grocery stores in Gold Beach.

Her specific request is:

“What I propose is to do away with all bags at Rays and McKay's. Many other towns have gone to no bags and the consume is responsible for bringing their own bags which not only save the stores from having to purchase bags but also save the environment. I want to propose that we go bagless here and if a customer needs or wants bags from the store there is a .05 cent per bag charge. I would like that .05 cent charge per bag to then be given to the schools to fund any programs or projects they may be short funding. Since the stores already purchase the bags I don't see why they would have an issue giving the money to the school should this all come into play. The stores would ultimately be paying less for the bags as more people would bring their own. Obviously it would take a while to see how much revenue this would generate for the schools but I feel it would be a win win situation and I want to do all I can to make sure this happens.”