

1 **SECOND ENGROSSED ORDINANCE BILL NO. 20-18**

2 AN ORDINANCE RELATING TO ~~SINGLE-USE~~ PLASTIC CARRYOUT BAGS; CREATING
3 SRC CHAPTER 48

4 *The City of Salem ordains as follows:*

5 **Section 1.** SRC Chapter 48 – ~~Single-Use~~ Plastic Carryout Bags – is hereby created as set forth in
6 Exhibit A, attached hereto and by this reference incorporated herein.

7 **Section 2.** The Director responsible for enforcement of these provisions may exempt a retail
8 establishment from the implementation deadline for a period of not more than six months upon
9 the retail establishment showing, in writing, that timely imposition of the provisions of this
10 chapter would create an undue hardship not generally applicable to other persons in similar
11 circumstances. The Director shall make a written final decision to grant or deny the exemption
12 request, which shall be the City's final decision on the application.

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

16 **Section 3. Effective Date of Regulations.** The provisions of this chapter shall be
17 effective:

18 (a) April 1, 2019, for retail establishments or food providers ~~of stores~~ within the city
19 that are greater than 10,000 square feet in size, and

20 (b) September 1, 2019, for all other retail establishments or food providers.

21 **Codification.** In preparing this ordinance for publication and distribution, the City
22 Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but
within such limitations, may:

(a) Renumber sections and parts of sections of the ordinance;

(b) Rearrange sections;

(c) Change reference numbers to agree with renumbered chapters, sections or other
parts;

(d) Delete references to repealed sections;

(e) Substitute the proper subsection, section or chapter, or other division numbers;

(f) Change capitalization and spelling for the purpose of uniformity;

1 (g) Add headings for purposes of grouping like sections together for ease of
2 reference; and

(h) Correct manifest clerical, grammatical or typographical errors.

3 **Section 4. Severability.** Each section of this ordinance, and any part thereof, is
4 severable, and if any part of this ordinance is held invalid by a court of competent
5 jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this _____ day of _____, 2018.

6 ATTEST:

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8 City Recorder

9 Approved by City Attorney: _____

10 Checked by: K. Leinenbach
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