

## Legislation Details (With Text)

**File #:** 18-415 **Version:** 1

**Type:** Public Hearings **Status:** Tabled

**In control:** City Council

**On agenda:** 9/10/2018 **Final action:**

**Title:** Public hearing on Ordinance Bill No. 20-18, restricting use of single-use plastic bags

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance Bill No. 20-18, 2. Ordinance Bill No. 20-18 Exhibit A, 3. Public Comment, 4. Public Comment Addition for August 27, 2018, 5. Public Comment after August 27, 2018, 6. Additional Public Comment Received by 5:00 p.m. 9-5-18, 7. Public Comment received through 9:30 a.m. 9-10-2018, 8. Public Comment received to 5:00 p.m. 9-10-18

Date	Ver.	Action By	Action	Result
9/10/2018	1	City Council	tabled	Pass

**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Kacey Duncan, Deputy City Manager

**SUBJECT:**

Public hearing on Ordinance Bill No. 20-18, restricting use of single-use plastic bags

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**ISSUE:**

Shall City Council hold a public hearing, and advance to second reading for enactment Ordinance Bill No. 20-18, restricting use of single-use plastic bags?

**RECOMMENDATION:**

Hold a public hearing, and advance to second reading for enactment Ordinance Bill No. 20-18, restricting use of single-use plastic bags.

## **SUMMARY AND BACKGROUND:**

On May 14, 2018, City Council passed a motion directing staff to research and prepare an ordinance to ban single-use plastic bags in the City of Salem, including consideration of a pass-through fee and an exemption for safeguarding public health and farmers markets, to be scheduled for a public hearing before Council.

City Council conducted first reading of Ordinance Bill No. 20-18 on August 27, 2018.

Notice of the Public Hearing for Ordinance Bill No. 20-18 was published in the *Statesman Journal* on August 30, 2018.

## **FACTS AND FINDINGS:**

Eight municipalities in Oregon, beginning with Portland in 2011, currently have a ban on single-use plastic bags. The cities of McMinnville and Manzanita were most recent with effective dates in 2017.

In preparing a Salem ordinance to restrict single-use plastic bags, staff considered the recommendation of the Grocers' Association and comments from Roth's Fresh Markets to use the McMinnville ordinance as a starting point. After review of the McMinnville ordinance and other ordinances banning single-use plastic bags in Oregon, staff prepared Ordinance Bill No. 20-18 (Attachment 1) for Council consideration. The major elements of the proposed ordinance and exhibit A (Attachment 2):

- A reusable bag is defined as a bag made of machine washable cloth, woven synthetic fiber, or other non-plastic material with handles that is specifically designed and manufactured for long-term multiple reuses.
- Retail establishments are prohibited from providing single-use plastic bags, and the bags may not be distributed on City property or at City-sponsored events, unless the provider is otherwise exempt, such as a food provider.
- Retail establishments with more than 10 employees are required to charge at least five cents for each recyclable paper bag.
- Exceptions to the ordinance include allowing retailers to provide free, reusable or recyclable bags to low-income customers; exempts specific businesses from showing a bag charge on the receipt; and safeguards public health by allowing single-use plastic bags for prepared foods and product bags for produce or meat.
- Hardship exceptions may be approved for up to six months when a retailer cannot collect a pass-through fee or has no reasonable alternatives to using single-use plastic bags.
- Reports of violations to the ordinance will be addressed by Code Enforcement. Penalties for violations are consistent with other fines issued by Code Enforcement and range from \$50 to \$250 per violation.
- A phased implementation is proposed, with larger retailers complying by April 1, 2019 and all other retail establishments by September 1, 2019.

KALI LEINENBACH  
MANAGEMENT ANALYST I

Attachments:

1. Ordinance Bill No. 20-18
2. Ordinance Bill No. 20-18, Exhibit A
3. Public Comment
4. Public Comment, Addition for August 27, 2018
5. Public Comment after August 27, 2018