

**CITY OF BAY CITY
ORDINANCE 682**

**AN ORDINANCE REGULATING SINGLE-USE CARRYOUT BAGS,
BANNING SINGLE-USE PLASTIC CARRYOUT BAGS
AND ALLOWING EXEMPTIONS**

WHEREAS, the City of Bay City is located on Tillamook Bay and is sensitive to water-dependent uses, and

WHEREAS the City of Bay City finds that 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 not cost-effective to recycle in our community, and the local recycler has recently stopped accepting single-use plastic carryout bags for recycling due to no market for them, and

WHEREAS, alternatives to single-use plastic carryout bags exist in most cases, and the City of Bay City wishes to promote recyclable and re-useable options, and

WHEREAS, cities across Oregon, including Portland, Eugene, Corvallis, Ashland, Forest Grove, and Manzanita, have banned single-use plastic carryout bags.

THEREFORE, THE CITY OF BAY CITY ORDAINS AS FOLLOWS:

Section 1. Definitions.

The following words and phrases, as used herein, shall have the following meanings:

- A. Bait. Includes live and dead bait for fishing and crabbing, including, but not limited to the sale of worms, fish carcasses, herring, shrimp and mink.
- B. Food Provider. Any person in the city that provides prepared food for consumption on or off its premises and includes, with limitation, any retail establishment, shop, sales outlet, restaurant, grocery store, delicatessen, or catering truck or vehicle.
- C. Product or produce bags. Any bag, without a handle, 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 and delicate items.
- D. Recyclable paper bags. A paper bag that is 100% recyclable.
- E. Retail establishment. Any store or vendor located within or doing business within the geographical limits of the city, including home occupations, that sells or offers for sale

goods to the public. Retail establishment does not include charity sales, yard sales and public events with booths.

F. Re-useable 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.

G. Iced food carryout bag. A bag designed to hold ice to preserve fresh seafood, meat or bait for transport or designed to limit dripping of the product.

H. 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 re-useable bags, recyclable paper bags, or product or produce bags or iced food carryout 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.

I. 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

No retail establishment, food provider, food outlet, food cart or restaurant, or vendor shall provide or make available to a customer a single-use plastic carryout bag, except bags designed to hold ice for the transport of fresh seafood, meat or bait sold within the City limits.

Section 3. Exemptions. The use of single-use plastic carryout bags is permitted for charity sales, yard sales and for any public event which has booths.

Section 4. Enforcement

Enforcement of this ordinance shall begin 60 days after its adoption 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 5. Penalties

Complaint-based enforcement includes:

A. Written warning. Retail establishments, food providers, or vendors in violation of this Ordinance will receive a written warning notice upon the first violation in any 12 consecutive month period.

- B. Fines. Upon subsequent violations within any 12 consecutive month period, the following penalties will apply:
1. \$25 for the first violation after the written warning.
 2. \$50 for the second violation.
 3. \$500 for any subsequent violation.

Section 6. 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 and ADOPTED by the City Council this 12th day of June 2018 and
APPROVED by the Mayor this 12th day of June, 2018.

By: Shaena E. Peterson
Shaena E. Peterson, Mayor

ATTEST: Linda Downey
Linda Downey, City Recorder

First Reading: June 12, 2018

Second Reading: June 12, 2018

Adoption: June 12, 2018

Ayes: 6

Nays: 0

Abstentions: 0