

## 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.

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Michael Scott, Mayor

**ATTEST:**

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Jerald P. Taylor, City Manager/Recorder