

**ORDINANCE NO. 172**

**An Ordinance Amending Title 8 (Health and Safety) of the Mosier Municipal Code, by Adding a New Chapter 8.65 (Single-Use Plastics and Polystyrene Takeout Materials) and Imposing Restrictions on the Distribution of Single-Use Plastic Bags, Plastic Straws and Polystyrene Foam Containers in the City.**

**WHEREAS**, the City of Mosier 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 implied, grant or allow as though each such power was specifically enumerated; and

**WHEREAS**, as a City that is located on the Columbia River that drains into the Pacific Ocean, too many single-use plastic bags, plastic straws and polystyrene foam containers are released or find their way into the local environment and the Columbia River, either being blown by the wind or as part of stormwater flow; and

**WHEREAS**, plastic consumer waste, including single-use plastic bags, plastic straws and polystyrene foam (styrofoam) cups and containers are a significant form of highly persistent environmental pollution that is harmful to wildlife; and

**WHEREAS**, plastic bag, plastic straw and polystyrene foam contamination of yard debris, household compost, wastepaper 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 reusable bags and recyclable containers for day-to-day retail purchases reduces these troubling sources of contamination and reduces the need to manufacture plastic film from raw material, collect, and then discard to landfills after a single use; and

**WHEREAS**, the City aims to be a leader in Environmental Sustainability; and

**WHEREAS**, the City desires to amend the Mosier Municipal Code by adopting Chapter 8.65, set forth in the attached Exhibit A, and held a duly noticed public hearing for consideration of single-use plastic bags, plastic straws, and polystyrene foam regulations at its regular meeting on March 7, 2018, at which time the Council will take public testimony on the proposal.

**NOW THEREFORE**, the City of Mosier ordains as follows:

Section 1. Amendment. Title 8 (Health and Safety) of the Mosier Municipal Code is hereby amended by adding a new Chapter 8.65 (Single-Use Plastic Bags, Plastic Straws, and Polystyrene Foam containers) consisting of the provisions set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 2. Severability. If any provision, paragraph, word, section, or article of this Ordinance or the Mosier Municipal Code Chapter 8.65 is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

READ FOR THE FIRST TIME on March 7, 2018.

READ FOR THE SECOND TIME and adopted on April 4, 2018. This Ordinance shall take effect on the thirtieth day after adoption.

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Mayor, Arlene C. Burns

Attest:

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Jayme Bennett, City Recorder

Approved as to Form:

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Laura Westmeyer, City Attorney

## **Exhibit A**

### Chapter 8.65 - SINGLE-USE PLASTIC BAGS AND STYROFOAM CONTAINERS

#### **Sections:**

#### **8.65.010 - Definitions**

#### **8.65.020 - Supervision and Enforcement by the City Manager**

#### **8.65.030 - Retail Bag, Styrofoam Container and Plastic Straw Regulations**

#### **8.65.040 - Enforcement and Penalties**

#### **8.65.010 - Definitions.**

For purposes of this Chapter:

1. "City" means the City of Mosier, Oregon.
2. "City Manager" means the City Manager for the City of Mosier or the City Manager's designee.
3. "Food Provider" means any store, shop, restaurant, cart, or vendor located within the City of Mosier that sells food or beverage to customers.
4. "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;
5. "Retail Establishment" means any store, shop, sales outlet, or vendor located within the City of Mosier that sells goods at retail.
6. "Reusable Bag" means a bag that is either:
  - a) Made of cloth or other machine washable material, or
  - b) Made of durable plastic that is at least 2 mils thick.
7. "Single-Use Plastic Bag" means a plastic bag made from synthetic or natural organic materials that is provided by a Retail Establishment or Food Retailer to a customer at the point of sale for use to transport or carry away purchases from the establishment or retailer.
8. "Polystyrene Foam Containers" means cups, take out containers, and similar, single-use food and drink containers made of polystyrene material.
9. "Plastic Straws" means take out straws for single-use food and drink containers made of plastic or synthetic material.
10. "Biodegradable Paper Straws" means straws used for take out food and drinks made from biodegradable paper.

**8.65.020 - Supervision and Enforcement by the City Manager.** The regulation and enforcement of Single-use Plastic Bags, Styrofoam Containers and Plastic Straws under this Chapter shall be under the supervision of the City Manager or the City Manager's designee.

**8.65.030 - Retail Bag, Styrofoam Container and Plastic Straw Regulations.**

1. Prohibition on Single-use Plastic Bags, Styrofoam Containers and Plastic Straws. Retail Establishments and Food Providers shall not provide or make available Single-use Plastic Bags, non-Recyclable Paper Bags, Styrofoam Containers or Plastic Straws.

2. Availability of Reusable Bags and Recyclable Straws, Cups and Containers. Retail Establishments and Food Providers shall make Reusable Bags, Recyclable Containers and Straws available at a reasonable cost to all customers.

3. Requirements for Paper Bags. Where a Retail Establishment or Food Provider makes a paper bag available to a customer at the point of sale, the bag shall meet the definition of a Recyclable Paper Bag.

4. Requirements for Paper Straws. Where a Retail Establishment or Food Provider makes a paper straw available to a customer at the point of sale, the straw shall meet the definition of a Biodegradable Paper Straws.

**8.65.040 – Enforcement and Penalties.**

1. Responsible Party. A person who is in charge or in control of a Retail Establishment or Food Provider or who exercises authority over the establishment or business that is not in compliance with this Chapter 8.65 shall be liable for any violations of this Chapter.

2. Penalty. A violation of this Chapter is a Civil Infraction enforceable under City of Mosier Municipal Code Chapter 2.10 (Civil Enforcement), with a minimum fine of not less than \$200 for each offense. Each single-use plastic bag, plastic straw, polystyrene foam container, and non-recyclable paper bag provided or made available in violation of this Chapter constitutes a separate offense.

3. Enforcement implementation. Enforcement of this Chapter shall will begin May 5, 2018 for retailers.