



COUNCIL ORDINANCE NO. 20624

COUNCIL BILL 5218

**AN ORDINANCE CONCERNING SINGLE-USE
CHECKOUT BAGS, AMENDING SECTIONS 6.850
AND 6.855 OF THE EUGENE CODE, 1971, AND
REPEALING SECTIONS 6.860 AND 6.865 OF THAT
CODE.**

ADOPTED: November 25, 2019

SIGNED: November 26, 2019

PASSED: 8:0

REJECTED:

OPPOSED:

ABSENT:

EFFECTIVE: December 27, 2019



ORDINANCE NO. 20624

AN ORDINANCE CONCERNING SINGLE-USE CHECKOUT BAGS, AMENDING SECTIONS 6.850 AND 6.855 OF THE EUGENE CODE, 1971, AND REPEALING SECTIONS 6.860 AND 6.865 OF THAT CODE.

The City Council of the City of Eugene finds as follows:

A. In 2013, the City Council adopted Ordinance No. 20498, regulating plastic bag use in the City of Eugene, banning single-use plastic carryout bags, and requiring a five-cent fee for each recyclable carryout paper bag.

B. In 2019, the Oregon Legislature adopted House Bill 2509 which implemented statewide regulation of single-use checkout bags and required local governments to adopt regulations identical to the definitions, requirements, and restrictions in House Bill 2509 (Chapter 434, Oregon Laws 2019).

C. The City Council makes the following amendments to Sections 6.850 and 6.855 of the Eugene Code, 1971, and repeals Sections 6.860 and 6.865 of that Code to bring the Code into conformance with the requirements of HB 2509.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 6.850 and 6.855 of the Eugene Code, 1971, are amended to provide as follows:

6.850 **Single-Use Checkout Bag - Definitions.** For purposes of sections 6.850 to 6.865 of this code, the following words and phrases mean:

Garment bag. Means a large bag that incorporates a hanger on which garments may be hung to prevent wrinkling during travel or storage.

Recycled paper checkout bag. Means a paper bag that contains at least 40 percent post-consumer recycled fiber.

Restaurant. Means an establishment where the primary business is the preparation of food or drink:

(a) For consumption by the public;

- (b) In a form or quantity that is consumable then and there, whether or not it is consumed within the confines of the place where prepared; or
- (c) In consumable form for consumption outside the place where prepared.

Retail establishment. Means a store that sells or offers for sale goods at retail and that is not a restaurant.

Reusable fabric checkout bag. Means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of cloth or other machine-washable fabric.

Reusable plastic checkout bag. Means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of durable plastic that is at least four mils thick.

Single-use checkout bag. Means a bag made of paper, plastic or any other material that is provided by a retail establishment to a customer at the time of checkout, and that is not a recycled paper checkout bag, a reusable fabric checkout bag or a reusable plastic checkout bag.

Single-use checkout bag. Does not mean:

- (a) A bag that is provided by a retail establishment to a customer at a time other than the time of checkout, including but not limited to bags provided to:
 - 1. Package bulk items such as fruit, vegetables, nuts, grains, greeting cards or small hardware items, including nails, bolts or screws;
 - 2. Contain or wrap frozen food, meat, fish, flowers, a potted plant or another item for the purpose of addressing dampness or sanitation;
 - 3. Contain unwrapped prepared food or a bakery good; or
 - 4. Contain a prescription drug;
- (b) A newspaper bag, door hanger bag, garment bag, laundry bag or dry cleaning bag; or
- (c) A bag sold in a package containing multiple bags for uses such as food storage, garbage containment or pet waste collection.

6.855 Single-Use Checkout Bag – Regulations and Exemptions.

- (1) Except as provided in subsection (2) of this section, a retail establishment may not provide:
 - (a) Single-use checkout bags to customers.
 - (b) Recycled paper checkout bags, reusable fabric checkout bags or reusable plastic checkout bags to customers unless the retail establishment charges not less than five cents for each recycled paper checkout bag, reusable fabric checkout bag or reusable plastic checkout bag.
- (2) A retail establishment may provide:

- (a) Reusable fabric checkout bags at no cost to customers as a promotion on 12 or fewer days in a calendar year.
- (b) Recycled paper checkout bags or reusable plastic checkout bags at no cost to customers who:
 - 1. Use a voucher issued under the Women, Infants and Children Program established under ORS 413.500.
 - 2. Use an electronic benefits transfer card issued by the Department of Human Services.
- (3) Except as provided in subsection (4) of this section, a restaurant may not provide:
 - (a) Single-use checkout bags to customers.
 - (b) Reusable plastic checkout bags to customers unless the restaurant charges not less than five cents for each reusable plastic checkout bag.
- (4) A restaurant may provide:
 - (a) Recycled paper checkout bags at no cost to customers.
 - (b) Reusable plastic checkout bags at no cost to customers who use an electronic benefits transfer card issued by the Department of Human Services.

Section 2. Sections 6.860 and 6.865 of the Eugene Code, 1971, are repealed.

Section 3. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

25TH day of November, 2019

Deputy City Recorder

Approved by the Mayor this

26 day of November, 2019

Mayor