

ORDINANCE No. 189797

*Amend Prohibition and Restrictions on Single-Use Plastic Code to reflect changes required by State of Oregon House Bill 2509 to maintain enforcement authority over the single-use plastic bag ban (Ordinance; replace Code Sections 17.103.210 and .220)

The City of Portland Ordains:

Section 1. The Council finds:

1. Plastic bags are problematic in the litter stream because they float easily in the air and water, traveling long distances and never fully breaking down. Plastics do not biodegrade, but instead break down into small particles that persist in the ocean, absorb toxins, and enter our food chain through fish, sea birds and other marine life.
2. It is estimated that Americans go through about 100 billion plastic bags a year, or 360 bags per year for every person in the country.
3. The City of Portland adopted a single-use plastic bag ban in 2011. Portland City Code (PCC) 17.103.200-210. The ban was originally adopted in response to environmental issues associated with litter and contamination in the mixed recycling system. These environmental issues continue to be relevant.
4. The Bureau of Planning and Sustainability (BPS) staff have enforced the City's single-use plastic bag ban since 2011.
5. In 2019, the State of Oregon passed House Bill (HB) 2509, a state-wide plastic bag ban, effective January 1, 2020, see Exhibit B. HB 2509 preempts local governments from enforcing local codes with definitions, requirements or restrictions that are not identical to sections 1 and 2 of HB 2509. HB 2509 allows local governments to impose a penalty other than the penalty established by section 4 of HB 2509.
6. To encourage customer use of reusable bags, HB 2509 requires grocers and retailers to charge a fee of not less than 5 cents on paper bags. Grocers and retailers retain the fee – in effect statewide beginning January 1, 2020 – to offset any additional costs to the grocers or retailers of providing paper bags.
7. During the development of HB 2509, the City's Office of Government Relations advocated for low-income customer protections, resulting in an exemption to the charge on paper bags for customers using WIC vouchers or electronic benefits transfer cards.

NOW, THEREFORE, the Council directs:

- a. Portland City Code Sections 17.103.210-220 are replaced, as shown in Exhibit A, so BPS can continue to enforce a ban on single-use plastic bags.

- b. BPS will continue to notify, inform and enforce the single-use plastic bag ban on Portland businesses.

Section 2. The Council declares that an emergency exists because HB 2509 goes into effect January 1, 2020; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: DEC 18 2019

Commissioner: Mayor Wheeler
Prepared by: Pete Chism-Winfield
Date Prepared: December 2, 2019

Mary Hull Caballero

Auditor of the City of Portland

By



Deputy

Agenda No. **189797**
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 Title

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DEC 10 2019

<p>INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler</p>	<p>CLERK USE: DATE FILED _____</p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Hardesty</p> <p>Position 4/Safety - Eudaly</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Planning and Sustainability Bureau Head: Andrea Durbin <i>[Signature]</i></p> <p>Prepared by: Pete Chism-Winfield Date Prepared: 12/3/2019</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances <i>Tom/Ker</i></p> <p>City Attorney Approval: <i>MKH</i> required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date December 18, 2019</p>	<p>ACTION TAKEN:</p>

AGENDA

TIME CERTAIN
 Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	_____	
3. Hardesty	3. Hardesty	✓	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	