

Chapter 114

SINGLE-USE, PLASTIC CARRYOUT BAGS

GENERAL REFERENCES

Solid waste — See Ch. 168.

§ 114-1. Definitions.

The following words, phrases and terms as used in this chapter are hereby defined for the purpose thereof as follows.

BAIT — Any live or previously live and now frozen substance used to attract and catch fish or crabs on the end of a fishing hook or inside a bait trap.

BUSINESS or STORE — For the purposes of this chapter, any retail establishment that engages in the retail sale of goods and products. The definition includes, but is not limited to, pharmacies, supermarkets, grocery stores, convenience stores, clothing stores, surf shops, food marts, and food service establishments.

FOOD SERVICE ESTABLISHMENT — Any establishment which serves made-to-order food for dine-in, takeout, or delivery.

GARMENT BAG — A large, zippered bag incorporating a hanger on which garments may be hung to prevent wrinkling during travel or storage and used to protect and transport clothing or other textiles.

GOODS AND PRODUCTS — Things and items that are prepared and made to be sold, including, but not limited to, clothing, groceries, prepared food, foodstuffs, meat, dairy, merchandise, books, jewelry, alcohol, tobacco products, toys, and any and all other things and items sold at retail by businesses and stores. **[Amended 8-6-2018 by Ord. No. 18-22C]**

PLASTIC — Any of numerous organic, synthetic, or processed materials that are mostly thermoplastic or thermosetting polymers of high molecular weight and that can be made into objects, films, or filaments. The definition of plastic shall also include plastic made from polylactic acid or polylactide, as well as other biodegradable plastic derived from renewable resources, such as corn starch, cassava roots, chips or starch, or sugarcane and that decomposes naturally in the environment. **[Added 8-6-2018 by Ord. No. 18-22C]**

POLYETHYLENE — A tough, light, flexible, and/or synthetic resin made by polymerizing ethylene, chiefly used for plastic bags, food containers, and other packaging. It is a polymer of ethylene; especially any of various partially crystalline lightweight thermoplastics (CH₂CH₂)_x that are resistant to chemicals and moisture, have good insulating properties, and are used especially in packaging and insulation. **[Added 8-6-2018 by Ord. No. 18-22C]**

PRODUCE BAG or PRODUCT BAG — Any bag without handles that is used exclusively to segregate produce, meats, other food items, and merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items, where such contact could damage or contaminate other food or merchandise when placed together in a reusable or recycled bag.

RETAIL — The sale of goods and products for use and/or consumption.

REUSABLE BAG — A bag that is designed and manufactured to withstand repeated uses over a period of time, is machine washable or made from a material that can be cleaned and disinfected regularly, is at least 2.25 mil thick if made from plastic, has a minimum lifetime of 75 uses, and is capable of carrying a minimum of 18 pounds.

SINGLE-USE, PLASTIC CARRYOUT BAG — A bag, sheet, or receptacle produced or manufactured from material commonly known as "plastic" or "polyethylene" provided at the check-out stand, cash register, point of sale, or other point of departure for the purpose of transporting goods or products out of the establishment. The term "single-use, plastic carryout bag" does not include reusable bags, produce bags, product bags, or garment bags.

§ 114-2. Use prohibited.

No business or store shall provide any single-use, plastic carryout bags to a customer at the check-out stand, cash register, point of sale, or other point of departure for the purpose of transporting products or goods out of the business or store, except as otherwise provided in this chapter.

§ 114-3. Exception.

Single-use, plastic carryout bags may be used by businesses or stores to sell bait.

§ 114-4. Violations and penalties.

A violation of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty.