

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: December 6, 2021

Agenda Item: 6	Prepared by: Chris Noury, City Attorney
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: November 23, 2021
Subject: An amendment to change the effective date of Chapter 12, Article VIII – Sale, use, or distribution of single-use carryout bags by retail establishments within the city	Division: Legal

Background:

In an effort to protect local wildlife, Chapter 12, Article VIII – A ban on the sale, use, or distribution of single-use carryout bags by retail establishments within the city, was adopted on April 15, 2019 with an effective date of January 1, 2021. Due to the catastrophic effects of the coronavirus pandemic, the City Council on May 4, 2020 postponed the effective date until January 1, 2022.

City Council has recently received sufficient input from local businesses in North Myrtle Beach that delaying the start of this ordinance would help their economic recovery from losses sustained during, and incidental to, the pandemic. Due to the lack of paper supplies and supply disruption, the City Council seeks to again assist the local businesses and grant economic relief wherever and whenever practical.

The proposed ordinance amends the effective date of Ordinance 19-22 until July 1, 2022.

Recommended Action:

Approve the ordinance on second reading

Reviewed by City Manager		Reviewed by City Attorney
--------------------------	--	---------------------------

Council Action:
Motion By _____ 2nd By _____ To _____

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH AMENDING
THE EFFECTIVE DATE OF ORDINANCE 19-22, SECTION 12, ARTICLE VIII,
IN THE NORTH MYRTLE BEACH CITY CODE OF ORDINANCES,
FROM JANUARY 1, 2022 TO JULY 1, 2022.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORTH
MYRTLE BEACH, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED, THAT:**

Section 1: That the effective date of all items in Ordinance 19-22 shall be amended to July 1, 2022.

Section 2: The Ordinance shall become effective upon the date of passage.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2021.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 11.15.2021
SECOND READING: 12.6.2021

REVIEWED:

City Manager

ORDINANCE: 21-46

ARTICLE VIII. SALE, USE OR DISTRIBUTION OF SINGLE-USE CARRYOUT PLASTIC BAGS BY RETAIL ESTABLISHMENTS WITHIN THE CITY¹

Sec. 12-111. Definitions.

- (a) *Customer* means any person purchasing goods from a retail establishment.
- (b) *Single-use carryout plastic bag* means a bag provided by a company or individual to a customer, typically at the point of sale, for the purpose of transporting purchases, which is made predominantly of plastic derived from petroleum or a biologically-based source. This definition includes bags provided to a customer to transport items provided free of charge, including but not limited to, samples and informational materials.
- (c) *Exempt bags* means any bag without handles provided to a customer (1) to protect food or merchandise from being damaged or contaminated by other food or merchandise, when items are placed together in a reusable bag or recyclable bag, including produce bags; (2) to hold prescription medications dispensed from a pharmacy or veterinary office; (3) designed to be placed over articles of clothing on a hanger, including dry cleaning bags; (4) door hanger bags, (5) newspaper bags, (6) garbage bags; (7) pet waste bags; (8) yard waste bags; (9) bags of any type that a customer previously owned and brings to a retail establishment for his or her own use in carrying away store goods.
- (d) *Reusable bag* means a bag with handles that is specifically designed and manufactured for multiple reuse and made of durable material specifically designed for and provided to consumers with the intention of multiple, long-term use and does not include any film plastic bags.
- (e) *Retail establishment* means any entity or individual engaged in the retail sale of goods. Retail establishment includes any supermarket, grocery store, convenience store, shop, service station, restaurant, farmers' market vendor, and any other sales outlet where a customer can directly purchase goods, materials and products.

(Ord. No. 19-22, § 1, 4-15-19, eff. 1-1-21; Ord. No. 20-11, § 1, 5-4-20, eff. 1-1-22)

Sec. 12-112. Single-use carryout plastic bags prohibited; exceptions.

- (a) No retail establishment shall provide to any customer a single-use carryout plastic bag, unless noted in exceptions below.
- (b) *Exceptions:* Although the discontinuation of the use of single-use carryout plastic bags is strongly encouraged by the City of North Myrtle Beach this article shall not apply to exempt bags as defined in section 12-111(c).

(Ord. No. 19-22, § 1, 4-15-19, eff. 1-1-21; Ord. No. 20-11, § 1, 5-4-20, eff. 1-1-22)

Sec. 12-113. Penalty.

A violation of this article shall be prosecuted in the same manner as misdemeanors and upon conviction the violator shall be punished according to the general penalty provisions of this Code in section 1-6.

(Ord. No. 19-22, § 1, 4-15-19, eff. 1-1-21; Ord. No. 20-11, § 1, 5-4-20, eff. 1-1-22)

¹Editor's note(s)—Ord. No. 20-11, § 1 adopted May 4, 2020, shall become effective January 1, 2022.

Sec. 12-114. Effective date.

The article shall become effective ~~January 1, 2022~~ **July 1, 2022** to allow retail establishments to expend their current stock of single-use plastic bags and transition to acceptable, alternative products.

(Ord. No. 19-22, § 1, 4-15-19, eff. 1-1-21; Ord. No. 20-11, § 1, 5-4-20, eff. 1-1-22)