

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: July 6, 2022

Agenda Item: 2A	Prepared for: Mike Mahaney, City Manager
Agenda Section: Business: Ordinance. Second Reading	Date: July 1, 2022
Subject: To amend Chapter 12, Article VIII, Section 12-111 (d), Definitions.	Division: Legal

**Background:**

In Chapter 12, Article VIII, Section 12-111 (d), Definitions, a reusable bag is defined as:

*“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.”*

Research indicates that ...

1. Film plastic bags in excess of 2.25 mils thick are washable and may be reused up to 125 times.
2. Film plastic bags with a minimum thickness of 2.25 mils or 50+ microns are less expensive than paper or cloth alternatives and more readily available to merchants.
3. Film plastic bags with a thickness greater than 50 microns will not be mistaken as food by animals.
4. The worldwide standard since 2016 for film plastic bags calls for a minimum thickness of 50 microns.

Subsequently, the proposed amendment to the ordinance would allow film plastic bags with a thickness equal to or greater than 2.25 mils.

At the Special Called City Council meeting on June 29, 2022, the motion was amended to allow film plastic bags with a thickness equal to or greater than 2.25 mils for a period of 24 months, then evaluate the supply and demand.

**Recommended Action:**

Approve the ordinance on second reading

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney
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Council Action:  
Motion By \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

## **ARTICLE VIII. SALE, USE OR DISTRIBUTION OF SINGLE-USE CARRYOUT PLASTIC BAGS BY RETAIL ESTABLISHMENTS WITHIN THE CITY<sup>1</sup>**

### **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~~ if a reusable bag is plastic, it shall be 2.25 mils or more in thickness, measured according to the American Society of Testing and Materials (ASTM) Standard D6988-13.
- (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; Ord. No. 21-46, § 1, 12-6-21, eff. 7-1-22)

### **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; Ord. No. 21-46, § 1, 12-6-21, eff. 7-1-22)

### **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.

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<sup>1</sup>Editor's note(s)—Ord. No. 21-46, § 1 adopted December 6, 2021, shall become effective July 1, 2022.

(Ord. No. 19-22, § 1, 4-15-19, eff. 1-1-21; Ord. No. 20-11, § 1, 5-4-20, eff. 1-1-22; Ord. No. 21-46, § 1, 12-6-21, eff. 7-1-22)

**Sec. 12-114. Effective date.**

The article shall become effective ~~January 1, 2022~~October 1, 2022 to allow retail establishments to expend their current stock of single-use plastic bags and transition to acceptable, alternative products. An evaluation of the ordinance will be 24 months from that date (i.e., October 1, 2024).

(Ord. No. 19-22, § 1, 4-15-19, eff. 1-1-21; Ord. No. 20-11, § 1, 5-4-20, eff. 1-1-22; Ord. No. 21-46, § 1, 12-6-21, eff. 7-1-22)

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DONE, RATIFIED AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
Mayor Marilyn Hatley

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED:

\_\_\_\_\_  
City Manager

FIRST READING: 6.29.2022

SECOND READING: 7.6.2022

ORDINANCE: 22-26