

# Discussion Paper

Written by: Jon Harrah

1/23/2018

- 1) SUBJECT: Second reading of Ordinance #18-0863 adding Article IV to Chapter 7.
- 2) PURPOSE: To establish a ban on single use plastic bags.
- 3) ASSUMPTIONS:
  - a) Town Council desires to reduce plastic waste in the sanitation cycle.
  - b) Town Council wishes to minimize the toxic exposure these bags represent to our wildlife and environment at large.
- 4) FACTS:
  - a) All business establishments may currently provide single-use carryout bags to their customers.
  - b) All persons may currently provide single-use carryout bags to patrons at any town facility, town sponsored event, or any event held on town property.
  - c) Responses to the online questioner showed that over 70% of business respondents were in favor of such a ban.
  - d) First reading of this ordinance was adopted at the January 9<sup>th</sup> regular meeting.
  - e) Second reading is presented without change.
- 5) RECOMMENDATION: Move to adopt second reading of Ordinance #18-0863.

12/12/2017 Council Meeting Discussion  
1/9/2018 Council Meeting 1<sup>st</sup> Reading  
1/23/2018 Council Meeting 2<sup>nd</sup> Reading

STATE OF SOUTH CAROLINA) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH  
COUNTY OF HORRY ) TO ADD CHAPTER 7, ARTICLE IV, TO BAN THE USE OF SINGLE  
TOWN OF SURFSIDE BEACH ) USE PLASTIC BAGS AND TO ENCOURAGE BUSINESSES TO USE  
MULTI-USE BAGS

**WHEREAS**, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled on this 23<sup>rd</sup> day of January 2018; and

**WHEREAS**, the Mayor and Town Council discussed this matter at the December 12, 2017 regular meeting, and heard multiple public comments supporting the ban of single use plastic bags; and

**WHEREAS**, Town Council directed staff at the December 12, 2017 regular meeting to bring an ordinance forward at this meeting for consideration; and

**WHEREAS**, Town Council adopted first reading at the January 9, 2018 regular meeting without amendment.

**NOW, THEREFORE**, by the power and authority granted to the Surfside Beach Town Council by the State of South Carolina that Chapter 7 of the Code of Ordinances of the Town of Surfside Beach, South Carolina, shall henceforth Article IV as set forth hereinbelow:

## **Chapter 7 – Health and Sanitation**

### **Article IV. – Single – Use Plastic Bags**

1. **PURPOSE.** This chapter is adopted to improve the environment of the Town of Surfside Beach by encouraging the use of reusable checkout bags and banning the use of single-use plastic bags for purchased goods. Business establishments are encouraged to make reusable bags available for sale and recyclable paper carryout bags available for distribution.

2. **DEFINITIONS.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 1) *Business establishment* means any commercial enterprise that provides carryout bags to its customers through its employees or independent contractors associated with the business. The term includes sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not for profit.

- 2) *Carryout bag* means a bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting goods or purchases.
- 3) *Reusable carryout bag* means a carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:
  - i) Displays in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled;
  - ii) Is constructed out of any of the following materials:
    - (1) Cloth, other washable fabric, or other durable materials whether woven or non-woven;
    - (2) Recyclable plastic, with a minimum thickness of 2.25 mils; or
    - (3) Recyclable paper.
- 4) *Single-use carryout bag* means a carryout bag that is not a reusable carryout bag.
- 5) *Customer* means a person who purchases from a business establishment.

### 3. REGULATIONS.

- 1) No person may provide single-use carryout bags at any town facility, town-sponsored event, or any event held on town property.
- 2) No business establishment within the town limits may provide single-use carryout bags to its customers.
- 3) Business establishments within the town limits are strongly encouraged to provide prominently displayed signage advising customers of the benefit of reducing, reusing and recycling and promoting the use of reusable carryout bags and recyclable paper carryout bags by customers.
- 4) All business establishment within the town limits shall provide or make available or sell reusable carryout bags or recyclable paper bags to its customers or any person.

### 4. EXEMPTIONS. This chapter shall not apply to:

- 1) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage;
- 2) Bags used by a customer inside a business establishment to:
  - i) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;
  - ii) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;
  - iii) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or

- iv) Contain unwrapped prepared foods or bakery goods; and
- 3) Bags of any type that the customer brings to the store for their own use for carrying away from the store goods that are not placed in a bag provided by the store.

**5. EFFECTIVE DATE AND WAIVERS.** All of the requirements set forth in this chapter shall take effect June 1, 2018. In the event that compliance with the effective date of this article is not feasible for a business establishment because of either unavailability of alternative checkout bags or economic hardship, Town Council may grant a waiver of not more than 12 months upon application of the business owner or owner's representative.

#### **6. ENFORCEMENT AND PENALTIES.**

- 1) The police department has primary responsibility for enforcement of this article. The officer is authorized to take any and all other actions reasonable and necessary to enforce this article, including, but not limited to, investigating violations, issuing fines and entering the premises of any business establishment during business hours.
- 2) Any business establishment that violates or fails to comply with any of the provisions of this article after a written warning notice has been issued for that violation shall be deemed guilty of a misdemeanor. The penalty shall not exceed \$100 for a first violation; \$200 for a second violation within any 12-month period; and \$500 for each additional violation within any 12-month period. Each day that a violation continues will constitute a separate offense.
- 3) In addition to the penalties set forth in this section, repeated violations of this article by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of the business license issued to the premises on which the violations occurred. No town business license shall be issued or renewed until all fines outstanding against the applicant for violations of this article are paid in full.
- 4) Violation of this article is hereby declared to be a public nuisance, which may be abated by the town by a restraining order, preliminary and permanent injunction, or other means provided for by law, and the town may take action to recover the costs of the nuisance abatement.

**SEVERABILITY.** If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

**EFFECT OF SECTION HEADINGS.** The headings or titles of the sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

**REPEAL AND EFFECTIVE DATE.** All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon second reading by the Mayor and Town Council of the Town of Surfside Beach.

**BE IT ORDERED AND ORDAINED** by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

**Surfside Beach Town Council**

VOTE: Yes No

☐☐

Robert F. Childs, III, Mayor

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Ron Ott, Mayor Pro Tempore

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Timothy T. Courtney, Town Council

☐☐

Mark L. Johnson, Town Council

☐☐

David L. Pellegrino, Town Council

☐☐

Julie M. Samples, Town Council

☐☐

Randle M. Stevens, Town Council

Attest:

Debra E. Herrmann, CMC, Town Clerk