

ARTICLE V
Single-Use Carryout Bags
[Adopted 9-5-2018 by Ord. No. 21-2018]

§ 210-50. Definitions.

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

CARRYOUT BAG — A bag, sheet, or receptacle produced or manufactured from material commonly known as "plastic" or "polyethylene" provided by a commercial establishment at the point of sale for customers to carry their goods and/or products out of the premises.

COMMERCIAL ESTABLISHMENT — Any business required to obtain a mercantile license pursuant to Chapter 210. This includes, but is not limited to, drug stores, pharmacies, grocery stores, supermarkets, convenience food stores, food marts or restaurants that provide carryout bags to consumers in which to place items purchased or obtained at such establishment.

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 cotton or polyester or other fabric, has a minimum lifetime of 75 uses, and is capable of carrying a minimum of 18 pounds.

SINGLE-USE CARRYOUT BAG — Any carryout bag that is not a reusable carryout bag, except that "single-use carryout bag" shall not include any nonhandled bag intended to separate and prevent an item from damaging or contaminating another item.

§ 210-51. Single-use carryout bags prohibited.

It shall be unlawful for any commercial establishment to provide single-use carryout bags to any customer or individual for the purpose of transporting products or goods out of the business or store, except as otherwise provided in this article.

§ 210-52. Exceptions to prohibition.

Single-use carryout bags may be provided by a commercial establishment in the following circumstances:

- A. Any single-use carryout bag which is a maximum of 11 inches by 17 inches, without handles, provided for the customer to:

- (1) Transport produce, bulk food, meat, or seafood from a produce, bulk food, meat or seafood department within a store to the point of sale; or
 - (2) Hold prescription medication dispensed from a pharmacy.
- B. Any single-use carryout bag provided for the purposes of transporting any live or previously live and now frozen substance used to attract and catch fish and/or crabs.
- C. A forty-inch dry cleaner poly garment bag.

§ 210-53. Enforcement.

The City Licensing Officer shall have the authority to enforce the provisions of this article.

§ 210-54. Violations and penalties.

Any commercial establishment who violates any provision of this article shall be subject to a fine of not less than \$5 and not more than \$500 for each individual violation.