

**AN ORDINANCE OF THE CITY OF CAMDEN, SOUTH CAROLINA
ADDING TITLE IX, CHAPTER 103: SINGLE-USE PLASTIC BAGS TO
THE CODE OF ORDINANCES; AND OTHER MATTERS RELATED
THERETO.**

WHEREAS, the City of Camden, South Carolina (the “*City*”) is a municipal corporation created under the laws of the State of South Carolina; and

WHEREAS, the City desires to eliminate the use of single-use plastic bags in order to protect flora, fauna and waterways within the City, maximize the operating life of solid waste landfills and lessen the economic and environmental costs of managing waste; and

WHEREAS, to discourage and decrease the use of single-use plastic bags in the City, the City Council of the City of Camden, as the governing body of the City (the “*Council*”), has determined that it is necessary to regulate such use.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE COUNCIL MEMBERS OF THE CITY OF CAMDEN AS FOLLOWS:

Section 1. *Addition of Title IX, Chapter 103.* Title IX, Chapter 103: Single-Use Plastic Bags shall be added to the Code of Ordinances of the City as follows:

Chapter 103 “SINGLE-USE PLASTIC BAGS” shall be added to Title IX “GENERAL REGULATIONS” of the City’s Code of Ordinances as follows:

CHAPTER 103: SINGLE-USE PLASTIC BAGS

Section 103.01 Purpose

This chapter is enacted to improve the environment of the City by encouraging the use of reusable checkout bags and recyclable paper carryout bags and banning the use of single-use plastic bags for retail checkout of purchased goods. Business establishments are encouraged to make reusable bags available for sale and recyclable paper carryout bags available for distribution.

Section 103.02 Definitions

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

BUSINESS ESTABLISHMENT. 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.

CUSTOMER. A person who purchases merchandise from a Business Establishment.

REUSABLE CARRYOUT BAG. A carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:

- (1) Displays in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled;
- (2) Has a handle; except that handles are not required for carryout bags constructed out of recyclable paper with a height of less than 14 inches and width of less than eight inches; and
- (3) Is constructed out of any of the following materials:
 - (a) Cloth, other washable fabric, or other durable materials whether woven or non-woven;
 - (b) Recyclable plastic, with a minimum thickness of 2.25 mils; or
 - (c) Recyclable paper.

SINGLE-USE PLASTIC CARRYOUT BAG. A bag provided by a Business Establishment to a Customer typically at the point of sale for the purpose of transporting purchases, which is made predominantly of plastic derived from either petroleum or a biologically-based source. "Single-Use Plastic Carryout Bag" includes compostable and biodegradable bags but does not include any Reusable Carryout Bags.

Section 103.03 Regulations

- (1) No person may provide Single-Use Plastic Carryout Bags at any City facility, City-sponsored event, or any event held on City property.
- (2) No Business Establishment within the City limits may provide Single-Use Plastic Carryout Bags to its Customers.
- (3) Business Establishments within the City 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 by Customers.
- (4) A Business Establishment within the City limits may provide or sell Reusable Carryout Bags to its Customers or any person. Subject to hours of operation and applicable regulations regarding the use of public property, including

those pertaining to solicitation and commercial activities on public property, a person may provide or sell Reusable Carryout Bags at any City facility, City-sponsored event, or any event held on City property.

Section 103.04 Exemptions

This chapter shall not apply to:

- (1) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of bags intended for disposal of garbage, pet waste, or yard waste;
- (2) Single-Use Plastic Carryout Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities;
- (3) Single-Use Plastic Carryout Bags used by a Customer inside a Business Establishment to:
 - (a) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;
 - (b) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;
 - (c) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or
 - (d) Contain unwrapped prepared foods or bakery goods;
- (4) Single-Use Plastic Carryout Bags of any type that the Customer brings to a Business Establishment for their own use for carrying away from the Business Establishment any goods that are not placed in a bag provided by the Business Establishment.

Section 103.05 Penalties

- (1) Each Business Establishment shall receive one written warning regarding a violation of this Ordinance prior to any penalties being assessed. After a first written warning is provided, any Business Establishment that violates or fails to comply with any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor. The penalty shall not exceed \$100 for a first violation; \$200 for a second violation occurring within any 12-month period of the first violation; and \$500 for each additional violation occurring within any 12-month period of the first violation. Each day that a violation continues constitutes a separate offense under this Ordinance.

(2) In addition to the penalties set forth in this section, repeated violations of this Ordinance 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 City business license shall be issued or renewed until all fines outstanding against the applicant for violations of this Ordinance are paid in full.

(3) Violations of this Ordinance are hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary injunction, permanent injunction, or other means provided for by law. The City may take any action available at law to recover the costs of the nuisance abatement.

Section 2. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. That nothing in this Ordinance hereby enacted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict or inconsistency.

Section 5. The provisions of this Ordinance shall take effect January 1, 2020. In the sole discretion of the City Manager of the City, if compliance with the effective date of this Ordinance is not feasible for a business establishment because of either (i) unavailability of alternative carryout bags or (ii) economic hardship, the City Manager may grant a waiver of such enforcement for a period of time not to exceed 12 months upon the written request of the business owner or owner's representative.

DONE AND ORDAINED IN COUNCIL ASSEMBLED, this __ day of _____, 2019.

CITY OF CAMDEN, SOUTH CAROLINA

(SEAL)

Alfred May Drakeford, Mayor

Attest:

Brenda Davis, City Clerk
City of Camden, South Carolina

First Reading:
Second Reading: