

**ORDINANCE 2014-O-064**

**AMENDING THE CITY OF LAREDO CODE OF ORDINANCES CHAPTER 33, ENVIRONMENTAL PROTECTION, ARTICLE VIII, PLASTIC CHECKOUT BAG REDUCTION, BY CHANGING NAME TO CHECKOUT BAG REDUCTION, ADDING SINGLE-USE PAPER BAG TO DEFINITIONS, CHANGING THE EFFECTIVE DATE TO APRIL 30, 2015, DELETING SEC. 33-457, AND PROVIDING EXEMPTIONS TO FURTHER CLARIFY EXEMPTIONS THAT ARE LISTED UNDER DEFINITIONS.**

Whereas, in December 2003, the City Council adopted a strategic plan that included a Clean City component which includes a goal to create a “trash-free city”; and,

Whereas, as part of this comprehensive plan, the City has created the Keep Laredo Beautiful organization, implemented strategies to deal with the litter in downtown, and passed the Commercial Litter Prevention Ordinance; and,

Whereas, the last element of the plan is to reduce litter from discarded plastic bags; and,

Whereas, the reduction of litter from one-time-use plastic bags will help bring the City one step closer to being a trash-free city; and,

Whereas, the results of a city wide survey reveals that big box retail, grocery stores, and convenience stores, are by far, the biggest generator of plastic checkout bag usage; and,

Whereas, this is not a ban on plastic bags, but an incremental implementation plan towards a cleaner city; and,

Whereas, City Council approved the Plastic Checkout Bag Ordinance on August 19, 2013; and,

Whereas, City Council made motions to amend the Checkout Bag Ordinance on April 21, 2014;

Whereas, City Council discussed and made motions to amend the Checkout Bag Ordinance on May 19, 2014;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:**

Section 1. Amendment.

The City of Laredo Code of Ordinances, Chapter 33, Environmental Protection, Article VIII, be amended as follows:

## **Chapter 33, Article VIII Plastic Checkout Bag Reduction**

### **SEC. 33-451 PURPOSE AND GOALS:**

- A. To promote the beautification of the City through prevention of litter generated from discarded ~~plastic~~ checkout bags.
- B. To reduce costs associated with floatable trash controls and the maintenance of the municipal separate stormwater sewer system.
- C. To protect life and property from flooding that is a consequence of improper stormwater drainage attributed in part to obstruction by litter from ~~plastic~~ checkout bags.

### **SEC. 33-452 SCOPE AND INTENT:**

This ordinance sets forth provisions, which regulate the distribution of ~~plastic~~ checkout bags by commercial establishments within the city limits.

### **SEC. 33-453 APPLICABILITY:**

The provisions of this ordinance shall apply to all commercial establishments as defined in this ordinance.

### **SEC. 33-454 DEFINITIONS:**

For the purpose of this ordinance only, the following terms, words, phrases, and their derivations, shall have the meanings set forth below except where the context clearly indicates a different meaning.

*Checkout bag* means a plastic one-time-use carryout bag that is provided by a commercial establishment to a customer at the point of sale and is less than 4 Mills thick (1 Mil is one thousandth of one inch), or a single-use paper bag. This does not include plastic or paper bags used in the sale and distribution of food stuffs such as meat, poultry, produce, ~~etc.—laundry, newspaper, waste bags,~~ pharmaceutical bags, veterinarian bags, restaurant bags, and bags used in charity and fundraising events.

*Commercial establishment* shall mean any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not and includes all employees of the business and any independent contractors associated with the

business that sells retail goods to the general public, including establishments located in the Central Business District as defined by the Official Zoning Map of the City of Laredo, Texas.

Single-use paper bag means a checkout bag provided by a commercial establishment at the point of sale that is made from paper and contains old growth fiber and or contains less than forty percent post-consumer recycled material.

Reusable bag means a bag with handles that is specifically designed and manufactured for multiple reuse and is either (1) made of cloth or other washable fabric, and/or (2) made of durable plastic that is at least 4 Mils thick (1 Mil is one thousandth of one inch). (3) a paper bag that contains no old growth fiber and a minimum of forty percent post-consumer recycled material.

### **SEC. 33-455 GENERAL PROHIBITIONS:**

It shall be unlawful for any commercial establishment to provide plastic checkout bags to customers except as outlined by this ordinance.

### **SEC. 33-456 REQUIREMENTS AND TIMELINES:**

Upon adoption of this ordinance all commercial establishments (as defined under Sec. 33-454) shall notify their customers through signage of the following:

- 1.) Timeline for phasing out checkout bags.
- 2.) Customer's right to use their own reusable bags and or provided shopping cart to carry out their purchased goods.

On ~~January 10, 2015~~ April 30, 2015 all commercial establishments (as defined under Sec. 33-454) shall discontinue providing checkout bags to customers. Commercial establishments may provide reusable bags to customers for free or may charge a fee for reusable bags. Commercial establishments may also chose not to provide any bags to customers.

### **SEC. 33-457 SURCHARGE FOR CHECKOUT BAG**

~~The intent of this section is to facilitate the transition by commercial establishments and consumers to the use of reusable bags.~~

~~To the extent single use bags are requested by a customer, an environmental fee of \$[x.xx] per [transaction or bag] is hereby established and must be paid to the commercial establishment at the time the bag(s) is provided to the customer. The environmental fee remitted to or collected by the City shall be used towards environmental programs, recycling, litter prevention, and clean-up initiatives. The fee shall be shown as a separate item on the consumer transaction receipt.~~

~~The environmental fees collected shall be remitted to the City by the commercial establishment, less a reasonable administrative fee of 5% to remain with the business to offset costs incurred.~~

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~~Motion 1:~~

~~Option 1:~~

~~Establishment of a per bag fee — Amount in Dollars~~

~~Option 2:~~

~~\$1.00 per transaction with limit of 15 checkout bags~~

~~Motion 2:~~

~~Establishment of percentage (%) of fee that merchant may keep for an administrative fee~~

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**SEC. 33-459 EXEMPTIONS:**

This ordinance does not apply to:

- 1.) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;
- 2.) Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities;
- 3.) Bags used by restaurants to take away prepared food\*;
- 4.) Bags used by a consumer 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; and
- 5.) Bags used by a non-profit or charity to distribute food, grocery products, clothing, or other household items.

**\*Note: Commercial establishments that sell prepared food may use checkout bags for customers to take away prepared food only. Checkout bags for any other items are not permitted.**

~~SEC. 33-458-33-460 Reserved~~

**SEC 33-460 Reserved**

**SEC. 33-461 PENALTIES FOR NONCOMPLIANCE.**

Violation of the provisions of this ordinance by failure to comply with any of its requirements shall constitute a Class C misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2000.00 for each violation, and in addition shall pay all court costs and expenses involved in the case. Each day of violation and each violation of a particular section of this ordinance shall constitute separate offenses. Nothing herein contained shall prevent the City of Laredo from taking such other lawful action as is necessary to prevent or remedy any violation.

**Section 2. SEVERABILITY.**

The City Council, hereby declares that it would have passed each and every word, phrase, sentence, section, and subsection hereof, regardless of the validity of any other word, phrase, sentence, section or subsection hereof, and if any word, phrase, sentence, section or subsection hereof should be declared invalid, in whole or in part, such invalidity, if any shall not affect the remaining provisions of this ordinance.

**Section 3. PUBLICATION.**

That this ordinance shall be published one time in a local newspaper, pursuant to the City Charter 2.09 (D).

**Section 4. EFFECTIVE DATE.**

That this ordinance shall take effect and be in force on ~~January 10, 2015~~ April 30, 2015.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE 2nd DAY OF June 2014.

  
\_\_\_\_\_  
RAUL G. SALINAS  
MAYOR

ATTESTED:

  
\_\_\_\_\_  
GUSTAVO GUEVARA, JR.  
CITY SECRETARY



APPROVED AS TO FORM:

BY:   
\_\_\_\_\_  
for RAUL CASSO  
CITY ATTORNEY

## Final Reading of Ordinances

**City Council-Regular**

**Meeting Date:** 06/02/2014

**Initiated By:** Jesus Olivares, Assistant City Manager

**Staff Source:** Riazul I. Mia, Environmental Services Director

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### SUBJECT

**2014-O-064** Amending the City of Laredo Code of Ordinances Chapter 33, Environmental Protection, Article VIII, Plastic Checkout Bag Reduction, by changing name to checkout bag reduction, adding single-use paper bag to definitions, changing the effective date to April 30, 2015, Deleting sec. 33-457, and providing exemptions to further clarify exemptions that are listed under definitions.

### PREVIOUS COUNCIL ACTION

The City Council approved the Plastic Checkout Bag Ordinance (2013-O-105) on August 19, 2013.

The City Council made motions to amend the Checkout Bag Ordinance (2013-O-105) on April 21, 2014. Council made the following motions: To change the effective date from January 10, 2015 to April 30, 2015, reduce the bag thickness from 4 Mils to 2 Mils, implement a \$1.00 per transaction fee for checkout bags, dedicate funds collected towards and environmental fund, and to include paper checkout bags.

On May 19, 2014 Council discussed previous motions and made motion to revert back to originally passed ordinance and to include a ban on paper bags.

### BACKGROUND

At the request of Council CEAC began developing an ordinance to deal with plastic bags. The committee has discussed and developed an ordinance through a multitude of meetings open to the public. At these meetings numerous individuals including merchants, business owners, environmentalists, and concerned citizens have been allowed to voice their concerns both for and against the proposed ordinance.

### COMMITTEE RECOMMENDATION

NA

### STAFF RECOMMENDATION

Final reading of the ordinance.

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### Attachments

Bag Ordinance

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