

STATE OF SOUTH CAROLINA)

)

ORDINANCE No. 2019-____

TOWN OF ARCADIA LAKES)

AN ORDINANCE AMENDING THE ARCADIA LAKES TOWN CODE, CHAPTER 6, ARTICLE VI.

BE IT ORDERED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ARCADIA LAKES IN COUNCIL DULY AND LAWFULLY ASSEMBLED, THAT THE ARCADIA LAKES TOWN CODE IS AMENDED TO ADD THE SECTION BELOW AS FOLLOWS:

§ 6.601: SINGLE-USE PLASTIC BAGS, POLYSTYRENE COOLERS, CONTAINERS AND CUPS

§ 6.602 PURPOSE.

This article is adopted to improve the environment of the town 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. Thereby reducing litter along the streets and in the waterways, as well limiting the introduction of “slow to decompose” material into the landfill. Business establishments are encouraged to make reusable bags available for sale and recyclable paper carryout bags available for distribution.

§ 6.603 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.

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 bio-degradable but does not include compostable bags or reusable carryout bags.

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; or
 - (b) Recyclable plastic, with a minimum thickness of 2.25 mils;

CUSTOMER. A person who purchases merchandise from a business establishment.

EXPANDED POLYSTYRENE COOLER, SINGLE USE CONTAINER, OR CUP ALSO KNOWN AS STYROFOAM™. Any cooler/ice chest, single-use container, or cup made of polystyrene foam, where such foam is not fully encased in a durable material.

§ 6.604 REGULATIONS.

- (A) No person may provide single-use plastic carryout bags at any town facility, town-sponsored event, or any event held on town property.
- (B) No business establishment within the town limits may provide single use plastic carryout bags to its customers.
- (C) 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.
- (D) All business establishments shall provide or make available to a customer reusable carryout bags, recyclable paper bags, compostable bags, or reusable carryout bags.
- (E) No business establishment in the town may sell, rent or otherwise provide an expanded polystyrene foam (also known as Styrofoam™) cooler single-use container, or cup; or purchase, obtain, keep, distribute sell, or give for home or personal use, or otherwise provide to customers any expanded polystyrene foam coolers, single-use containers, or cups in the town.

§ 6.605 EXEMPTIONS.

This chapter shall not apply to:

- (A) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;
- (B) Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities;
- (C) Bags used by a customer inside a business establishment to:
 - (1) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;
 - (2) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;
 - (3) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or
 - (4) Contain unwrapped prepared foods or bakery goods; and
- (D) 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.

§ 6.606 EFFECTIVE DATE AND WAIVERS.

All of the requirements set forth in this chapter shall take effect March 1, 2020. In the event that compliance with the effective date of this chapter 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 24 months in upon application of the business owner or owner's representative in two, 12-month increments.

§ 6.607 PENALTIES.

(A) Any business establishment that violates or fails to comply with any of the provisions of this chapter after a written warning notice from the Town Clerk, in consultation with the Town Attorney, 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.

(B) In addition to the penalties set forth in this section, repeated violations of this chapter 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 chapter are paid in full.

(C) Violation of this chapter is hereby declared to be a public nuisance, which may be abated by the town by 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.

PASSED AND ADOPTED this 7th day of February, 2018.

Mark W. Huguley, Mayor

ATTEST:

Christine W. Murphy, Clerk/Treasurer

Scott Elliott, Town Attorney

First Reading: 01/03/2019

Second Reading 02/07/2019