

**Ordinance 2017-20**

**AN ORDINANCE ADOPTING TITLE 6 HEALTH; NUISANCE ABATEMENT; NOISE, CHAPTER 1 ABATEMENT OF GARBAGE AND OTHER DELETERIOUS MATERIAL, SECTION 13 BAN OF THE DISTRIBUTION OF DISPOSABLE SINGLE USE PLASTIC BAGS (LESS THAN 2.25 MILLIMETERS IN THICKNESS) IN THE PARK CITY MUNICIPAL CODE**

WHEREAS Park City has an obligation to protect the environment, public health, and the economy.

WHEREAS disposable single use plastic bags increase litter which adversely impacts wildlife and water quality.

WHEREAS disposable single use plastic bags negatively impact recycling equipment and are a large source of contamination of recycling. Plastic bags are seldom recycled through proper channels.

WHEREAS compostable plastic single use bags as currently manufactured do not solve the above-mentioned statements of litter and recycling contamination. These bags are manufactured to remain intact until placed in a professional compost facility. Compostable plastic single use bags are often mixed with non-compostable single use bags, which prevent them from composting.

WHEREAS options to replace the disposable plastic bags are readily available that are recyclable or reusable.

**NOW, THEREFORE IT BE ORDAINED** by the City Council of Park City, Utah, as follows:

SECTION 1. Adoption. Title 6 Chapter 1 Section 13 of Park City Municipal Code is hereby adopted as follows

**6-1-13 BAN OF THE DISTRIBUTION OF DISPOSABLE SINGLE USE PLASTIC BAGS (LESS THAN 2.25 MILLIMETERS IN THICKNESS)**

**(A) DEFINITIONS**

- (1) "Disposable single use plastic bag" means a bag made from either non-compostable plastic or compostable plastic provided by a business to a customer at the point of sale for the purpose of transporting goods that is less than 2.25 millimeters in thickness according to ASTM D6988-08 or ISO 4593-1993 or ISO 4591:1992 standards. The term "disposable plastic bag" does not include:

- a. Bags provided by pharmacists to contain prescription drugs
  - b. Newspaper bags, door hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
  - c. Reusable bags that are made of cloth or other machine washable fabric that has handles, or a durable plastic bag that is at least 2.25 mil thick with handles and is specifically designed and manufactured for multiply use. The bag shall not contain lead, cadmium or any other heavy metal in toxic amounts
  - d. Disposable paper bags; or
  - e. Bags used by consumers inside stores to:
    - i. Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
    - ii. Contain or wrap frozen foods, meat, or fish, regardless of whether the items are prepackaged;
    - iii. Contain or wrap flowers, potted plants, or other items where dampness may be a problem; or
    - iv. Contain unwrapped prepared foods or bakery goods.
- (2) "Large Grocery" is a retail business that is located in a permanent building containing retail space that: a) operates year round as a full line, self-service market offering for sale staple foodstuffs, meats, produce, or other perishable items; and b) is over 12,000 square feet. Large Grocery is defined as Large Retail, and falls under Retail and Service, Commercial-Major as defined in Land Management Code Title 15, Chapter 15, Section 1.220 (B).

#### (B) PROHIBITION

It is unlawful for any Large Grocery to distribute disposable single use plastic bags to customers. Recyclable paper bags or reusable bags should be made available to customers.

#### (C) ENFORCEMENT

The City Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Section. If the City Manager or his/her designee(s) determines that a violation of this Article has occurred, he/she shall issue a written warning notice to the Store that a violation has occurred. Subsequent violations of the Article shall be subject to the penalties set forth below.

Violations of this Section shall be an infraction punishable by fines as follows:

- (a) A fine not exceeding \$250 for the first violation following a written warning in a one-year period;
- (b) A fine not exceeding \$500 for the second and each subsequent violation in a one-year period.

SECTION 2. EFFECTIVE DATE: This Ordinance shall be effective 45 days after adoption by the City Council.

PASSED AND ADOPTED this 11<sup>th</sup> day of May, 2017.

PARK CITY MUNICIPAL CORPORATION

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Mayor Jack Thomas

Attest:

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Michelle Kellogg, City Recorder

Approve as to Form:

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Mark Harrington, City Attorney