

**CITY OF LOGAN, UTAH
ORDINANCE NO. 18-21**

**AN ORDINANCE ENACTING TITLE 8 CHAPTER 36 OF THE LOGAN MUNICIPAL
CODE PROHIBITING THE DISTRIBUTION OF DISPOSABLE PLASTIC BAGS**

WHEREAS, the City of Logan desires to protect the environment, public health, and the economy; and

WHEREAS, disposable single use plastic bags increase litter, and adversely impact wildlife, water quality and landfill operations; and

WHEREAS, disposable single use plastic bags negatively impact recycling equipment and are a large source of contamination of recycling. Plastic bags are rarely recycled; and

WHEREAS, alternatives to disposable plastic bags are readily available that are biodegradable, recyclable or reusable; and

WHEREAS, the City possesses the authority, pursuant to Utah Code Ann. §10-11-1 to regulate the abatement of solid waste and pursuant to Utah Code Ann. § 10-1-203(2) to regulate businesses generally.

NOW BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN that the distribution of disposable plastic bags is prohibited as set forth in Title 8 Chapter 36 of the Logan Municipal Code hereby adopted as follows:

SECTION 1.

CHAPTER 8.36

PROHIBITION OF THE DISTRIBUTION OF DISPOSABLE PLASTIC BAGS

8.36.010 DEFINITIONS

- A. Disposable plastic bag: means a bag made from either noncompostable plastic or compostable plastic that is less than 2.25 mil in thickness according to ASTM D6988-08 or ISO 4593-1993 or ISO 4591:1992 standards, and which is provided by a vendor to a customer at the point of sale for the purpose of transporting goods or merchandise. The term “disposable plastic bag” does not include:
1. Bags provided by pharmacists to contain prescription drugs;
 2. Newspaper bags, door hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags and intended for food storage, garbage, pet waste, or yard waste;

3. Reusable bags that are made of cloth or other machine washable fabric that have handles, or a durable plastic bag that is at least 2.25 mil thick with handles and specifically designed and manufactured for multiple uses. Reusable bags shall not contain lead, cadmium, or any other heavy metal in toxic amounts;

4. Disposable paper bags; or

5. Bags used by consumers inside retail stores to:

a. Package bulk items, such as produce, nuts, grains, candy or small hardware items;

b. Contain or wrap frozen foods, meat, or fish, regardless of whether the items are prepackaged; or

c. Contain or wrap flowers, potted plants, or other items where moisture may be a problem.

B. Owner: a person, firm, partnership, corporation, or other entity that exercises control over a retail store.

C. Retail Store: means a place of business that sells any goods or household items to the ultimate consumer including, but not limited to: grocery stores; convenience stores; drugstores; hardware stores; and similar outlets selling general merchandise of any kind, apparel, food (whether prepared or not), beverages, tools, recreational products, or the like. Retail Stores include premises that may be operated temporarily, seasonally, or for a nonprofit purpose.

8.36.020 DISTRIBUTION OF DISPOSABLE PLASTIC BAGS PROHIBITED

A. It is unlawful for the Owner of any Retail Store to distribute disposable plastic bags to customers at or before the point of sale. The Owners of Retail Stores are encouraged to provide recyclable paper bags, reusable bags, or boxes to customers and establish an at-store recycling program that provides customers the opportunity to return clean carryout bags.

B. Retail Stores distributing paper bags to customers shall use bags containing a minimum of forty percent recycled paper content.

C. The City Code Compliance Inspector or his/her designee(s) shall have the primary responsibility for enforcement of this section. If the City Code Compliance Inspector or his/her designee(s) determines that a violation of this section has occurred, he/she shall issue a written warning to the Owner or manager of the Retail Store indicating that a violation has occurred, and allowing a reasonable period of time, but not less than thirty days, in which to cure or abate the violation(s). Subsequent violations of this section shall be subject to the penalties set forth below.

D. A person violating this section shall be liable for a civil penalty as follows:

1. A fine not exceeding two hundred fifty dollars (\$250.00) for the first violation following a written warning within a one-year period.

2. A fine not exceeding five hundred dollars (\$500.00) for the second and each subsequent violation within a one-year period.

3. The City may obtain civil injunctive relief, without requirement of bond, upon proof of three or more violations within a one-year period. In any civil injunctive proceeding the City may also recover its reasonable attorney's fees and court costs.

SECTION 2: Effective Date. This ordinance shall become effective on April 22, 2019.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS _____ DAY OF DECEMBER _____ 2018, BY THE FOLLOWING VOTE:

AYES:

NAYS:

ABSENT:

/s/ Thomas C. Jensen, Chair

ATTEST:

/s/ Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this _____ day of _____, 2018.

/s/ Thomas C. Jensen, Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this _____ day of _____, 2018.

/s/ Holly H. Daines, Mayor