

ORDINANCE

AMENDING THE CITY OF LAREDO CODE OF ORDINANCES CHAPTER 33, ENVIRONMENTAL PROTECTION, BY CREATING ARTICLE VIII, PLASTIC CHECKOUT BAG REDUCTION, WHICH WILL REDUCE LITTER FROM DISCARDED PLASTIC BAGS AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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, this is not a ban on plastic bags.

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.

Big Box Retail shall mean a singular retail or wholesale user occupying no less than 75,000 square feet of gross floor area, typically requiring high parking to building area ratios, and serving a regional market area. Regional retail or wholesale sales can include, but are not limited to, discount stores, membership warehouse clubs emphasizing bulk sales, and department stores.

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 Mil thick (1 Mil is one thousandth of one inch). This does not include plastic bags used in the sale and distribution of food stuffs such as meat, poultry, produce, etc.

Commercial Establishment(s) for this ordinance shall mean grocery store, convenience store, and or big box retail. After three (3) years from the passage of this ordinance, this definition shall mean any establishment 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.

Convenience Store shall mean a small retail establishment with three (3) or more stores under the same owner and or brand name, that sells goods including but not limited to prepackaged food items, tobacco, beverages/alcoholic beverages, periodicals, and other household goods; gasoline may also be sold.

Grocery Store [also Supermarket] shall mean a retail establishment with three (3) or more stores under the same owner and or brand name and having as its primary purpose the sales of food items, including but not limited to fresh, packaged, and in some cases, prepared foods generally for consumption off-

premises (e.g. bakery and delicatessen items). Other types of merchandise for sale usually include general household goods. Frequently, grocery stores include additional retail and/or personal services such as pharmacies, customer service centers (i.e. bill payment services; photo shops; banks) and may also include gasoline sales.

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).

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 (note definition) 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.

After twelve (12) months of the adoption of this ordinance, all commercial establishments (note definition) shall discontinue providing checkout bags to customers. Commercial establishments may provide reusable bags to customers or may charge a fee for reusable bags.

SEC. 33-457-33-460 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 from and after its publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
THE _____ DAY OF _____ 2008.

RAUL G. SALINAS
MAYOR

ATTESTED:

GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:

RAUL CASSO
CITY ATTORNEY

BY : _____
ANTHONY MCGETTRICK
ASSISTANT CITY ATTORNEY

