



# Bag Ban



**Beginning January 1, 2016**

**The City of Port Aransas**

**Has banned the use of single use  
plastic checkout bags.**

**ORDINANCE NO. 2014-15**

**AN ORDINANCE AMENDING THE CITY OF PORT ARANSAS, TEXAS CODE OF ORDINANCES CHAPTER 10 “HEALTH AND SANITATION”, ARTICLE II “LITTER AND WASTE CONTROL” BY ADDING A NEW DIVISION 1 “REGULATION OF SINGLE USE PLASTIC (CHECKOUT) BAGS”; SETTING DEFINITIONS, PROHIBITIONS AND REQUIREMENTS, SCOPE AND APPLICABILITY, AND EXEMPTIONS; ESTABLISHING IMPLEMENTATION OF A VOLUNTARY BAN AND SETTING DATE OF MANDATORY COMPLIANCE; AND PROVIDING FOR EFFECTIVE DATE, READING, PUBLICATION, AND SEVERANCE.**

**WHEREAS,** the City of Port Aransas, Texas has a duty to protect the natural environment, the economy, and the health of its citizens; and

**WHEREAS,** the single use plastic checkout bags create significant litter problems in the City of Port Aransas, ending up in the city’s critical viewscapes being our dunes, wetlands, beaches, and waterways; and

**WHEREAS,** the plastic does not completely biodegrade in the marine environment, but instead breaks down into smaller pieces that are mistaken for food in turn block wildlife digestive systems, killing animals through starvation, exhaustion, or infection from ingesting toxic materials or entanglement; and

**WHEREAS,** discarded plastic bags in Port Aransas last indefinitely and create such an aesthetic blight and hazard to wildlife and the environment that it is in the best interest of the public health, safety, and welfare to adopt the proposed ban on distribution of plastic bags at point of sale within the boundaries of the City of Port Aransas, Texas.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, TEXAS:**

**SECTION 1. ADDITION**

That Chapter 10 “Health and Sanitation”, Article II. “Litter and Waste Control”, Division 1 “Regulation of Plastic Bags” is hereby added to wit:

**Chapter 10. “Health and Sanitation”  
Article II. ”Litter and Waste Control”  
Division I. “Regulation of Single Use Plastic (Checkout) Bags”**

**Sec. 10-26. Definitions:**

**The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter/article/division, except where the context clearly indicates a different meaning:**

***Affected retail establishment*** means any retail establishment or temporary vendor that sells perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items directly to the customer; and is located within the geographical limits of the City of Port Aransas.

***Business establishment*** means a commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity including contractors associated with the business.

***Plastic Checkout Bag*** means a plastic bag that is provided by a business establishment to a customer, typically at the point of sale, for the purpose of transporting goods after sale, and is intended and constructed for single use.

***Recyclable Paper Bag*** means a paper carryout bag provided by a retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and meets all of the following requirements:

1. contains no old growth fiber;
2. is 100% recyclable;
3. contains a minimum of 40% post-consumer recycled content; and
4. displays the words “*Reusable*” and “*Recyclable*” in a highly visible manner on the outside of the bag.

***Reusable Bag*** means a bag that is specifically designed and manufactured for multiple reuse and is made of cloth or other fabric, or other durable material suitable for reuse, and has durable built-in handles or draw-strings.

#### **Sec. 10-27. Prohibitions and Requirements:**

- (a) Affected retail establishments are prohibited from providing plastic checkout bags to their customers at the point of sale. Reusable bags and recyclable paper bags are allowed alternatives.
- (b) Affected retail establishments are strongly encouraged to provide incentives for the use of reusable bags through education, credits, rebates, or tokens for individuals who bring reusable bags.
- (c) Nothing in this section shall be read to preclude affected retail establishments from making reusable or recyclable paper bags available for sale or free to customers.
- (d) No person shall distribute plastic checkout bags at any City sponsored event, City Facility, or any event held on City property.

#### **Sec. 10-28. Implementation of a Voluntary Ban on Plastic Checkout Bags**

**The City will promote a Voluntary Ban of plastic checkout bags throughout the City beginning on January 1, 2015 through December 31, 2015, in preparation for the Mandatory Ban of plastic checkout bags to begin on January 1, 2016.**

**Sec. 10-29. Scope and Applicability**

**Business establishments participating in the Voluntary Ban may begin to provide recyclable paper checkout bags or reusable bags with or without charge, as of January 1, 2015 and be in full compliance with this Ordinance by January 1, 2016.**

**Sec. 10-30. Exemptions**

**This Division does not apply to:**

- 1. Bags used for the purpose of containing bait or seafood sales; or**
- 2. Bags without handles, provided to effect food safety for a purchaser of food by preventing contamination from any raw food; i.e. fruits, vegetables, raw meat, raw seafood, raw poultry.**

**Sections 10-31 through Sections 10-35 Reserved for future use.**

**SECTION 2. PENALTY CLAUSE**

Any violation of this Ordinance may be punished by a fine not to exceed five hundred dollars (\$500.00) for each offense or for each day such offense shall continue.

**SECTION 3. EFFECTIVE DATE**

As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance as provided by Article III, Section 12 (c), in its entirety or in summary (caption) form stating in substance the purposes of same, once in the official newspaper of the City of Port Aransas.

**SECTION 4. READING**

As provided by Article III, Section 13 and Article III, Section 12(b) of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

**SECTION 5. SEVERANCE**

If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this

ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

**PASSED, ORDAINED, APPROVED and ADOPTED** this 20<sup>th</sup> day of December, 2014.

**CITY OF PORT ARANSAS, TEXAS**



  
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Keith McMullin, Mayor

**ATTEST:**

  
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Irma Parker, City Secretary

First Reading: October 16, 2014  
Second Reading: November 20, 2014  
Third Reading: December 18, 2014