

QUESTIONS FOR CLARIFICATION

#180809

- 1) How do we define “durable” (line 103 of ordinance)?
 - ❖ See below a question that JC penny Sr. Legal Analyst sent re: “Reusable bags with handles made of a durable material specifically designed for multiple, long-term use”
 - *For all of our current bag ban stores we supply a thicker multi-use plastic bag with handles in a 2.25mil and 4.0mill which fit into the below qualifications. Are we able to use these in store?? These are acceptable in all other bag ban ordinances.*
- 2) The definition of “single use plastic bags” seems to be in conflict with the description of “reusable bags” on line 102 (many reusable shopping bags are made predominantly of plastic, including Aldi’s bags which were referred to as legal in line 31).
 - ❖ Code Enforcement Supervisor in Coral Gables about how they were enforcing the ban, he said that they don’t allow any plastic bags other than the specific exceptions listed under *Section 27-90(1)c, d and e* , which means the reusable plastic bags sold by Aldi’s, Publix and many others are not legal because they’re made from non-compostable plastic.
- 3) How much leeway can we allow for compliance after August 1? (many people don’t understand that they are in the grace period already)
- 4) For non-compliant businesses receiving citations, how often will they be cited? Until they come into compliance? Each plastic bag used? Each day plastic bags are used? Each week plastic bags are used?
 - ❖ Several small restaurants have voiced their willingness to accept the fine instead of paying the annual 20k it will cost them to switch from Styrofoam to plastic.
- 5) Will these civil citations go through the Special Magistrate or the court system?
 - ❖ Clarity between enforcement agencies: Code Enforcement? Public Works? Both?
- 6) Who are we citing and what information will be needed on the citation? (Manager? Corporation? Whoever’s on duty at the time?)
- 7) How will citations be processed, and who will put them on the magistrate’s or the court’s agenda?

