

180809B

Single Use Plastic Bag Ordinance

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City of Gainesville

GENERAL POLICY COMMITTEE MEETING
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Implementation Clarification



Issues needing clarification

- What determines whether a bag is “single use”?
- How should “durable” be defined (Line 103)?
- Definition of “single use bags” seems to be in conflict with description of “reusable bags” (Line 102) since so many reusable bags are made with plastic. (See Line 77)
- Does the type of handle affect whether a bag is deemed to be “reusable”?

Example of clarifying language from Surfside, S.C.

● *Reusable carryout bag means a carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria: i) Displays in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled; ii) Is constructed out of any of the following materials: (1) Cloth, other washable fabric, or other durable materials whether woven or non-woven; (2) Recyclable plastic, with a minimum thickness of 2.25 mils; or (3) Recyclable paper.*

Enforcement issues needing clarification

- How often should noncompliant businesses be cited until they come into compliance?
- Who should be cited? Manager, Corporation, Property Owner, whoever's on duty at the time?
- Will these citations go through the Special Magistrate or the court system?
- How much leeway can we allow for compliance after August 1?

Some additional points for consideration:

- Should there be a graduated system of fines based upon repeat violations, or perhaps based upon the number of employees (size of the business)?
- Should the compliance date be revised to January 1, 2020 to allow businesses more time to locate compliant bags and use up old inventory?
- What will be the impact on local food banks?

Hardship Waiver

- Removes the burden of compliance for smaller businesses
- Weakens the effect of the ordinance
- Would need to identify staff to review requests and issue waivers
- Would need to establish hardship criteria

- (a) Any food service provider or retail establishment that reported an annual gross income/revenue under \$500,000 per location on its income tax filing for the most recent tax year, and that is not a chain store (three or more stores located within the city that conduct business under the same business name, or operate under common ownership or management or pursuant to a franchise agreement with the same franchisor), may request from the city [commission, or staff?] a financial hardship waiver from compliance with the requirements of this Division. The city [commission, or staff] may grant a waiver if the food service provider or retail establishment provides reasonable evidence of the following:

- (1) there is no comparable alternative product not composed of expanded polystyrene or a single-use carry out plastic bag that would cost the same as or less than the expanded polystyrene container or single-use carry out plastic bag, and

- (2) the purchase or use of an alternative product would create an undue financial hardship.

- (b) If granted, a financial hardship waiver shall be valid for twelve (12) months and may be renewed upon submittal of a new request for financial hardship waiver.

Questions?