BILL NO. 193

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 14, HAWAI‘I COUNTY CODE 1983
(2005 EDITION, AS AMENDED) BY ADDING A NEW ARTICLE RELATING TO
PLASTIC BAG REDUCTION.**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI‘I:

SECTION 1. Findings and purpose. It is the County’s responsibility to preserve the health of its residents and natural beauty of the island. Plastic bags, though a convenient commodity, have been recognized as a nuisance to the environment and to the Island of Hawai‘i for the following reasons:

1. Plastic bags do not degrade into safe compounds. Consequently, they introduce unsafe chemicals into the environment.
2. Whether because of poor management or irresponsible disposal, plastic bags contribute to unsightly litter. Moreover, these plastic bags create the potential for death of marine and pasture animals through entanglement and ingestion.
3. Because plastic bags do not biodegrade, but instead break down into smaller and smaller pieces, plastic bags simplify the introduction of toxins into the marine environment, increasing the overall toxin concentration into the oceans, and inevitably into fish and other marine wildlife.
4. The manufacture of plastic bags requires the use of millions of barrels of crude oil, a limited natural resource.
5. Plastic bags create an impediment to the County’s landfill diversion goals.

The council finds that, in order to preserve the health, safety, welfare, and scenic and natural beauty of the County of Hawai‘i, the use of plastic bags must be regulated. The Hawai‘i County General Plan, Environmental Quality Element 4.3, includes the following policies for the County:

- “(a) Take positive action to further maintain the quality of the environment.
- (b) Reinforce and strengthen established standards where it is necessary, principally by initiating, recommending, and adopting ordinances pertaining to the control of pollutants that affect the environment.
- (d) Encourage the concept of recycling agricultural, industrial, and municipal waste material.”

The council recognizes the need to proactively address the environmental harm resulting from the proliferation of plastic bags. The purpose of this article is to reduce the use of plastic

bags and to encourage the use of environmentally preferable alternatives, such as reusable bags. This ordinance addresses only plastic shopping bags distributed to customers at checkout.

SECTION 2. Chapter 14, Hawai'i County Code 1983 (2005 Edition, as amended), is amended by adding a new article to be appropriately designated and to read as follows:

“Article _ . Plastic Bag Reduction.

Section 14-_. Purpose.

The purpose of this article is to reduce the use of plastic bags and to encourage the use of environmentally preferable alternatives, such as reusable bags.

Section 14-_. Definitions.

As used in this article:

“Business” means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships and corporations, or any other legal entity, and includes all employees of the business or any independent contractors associated with the business.

“Plastic checkout bag” means a carryout bag that is provided by a business to a customer for the purpose of transporting groceries or other retail goods, and that is made from non-compostable or compostable plastic and not specifically designed and manufactured for multiple re-use.

“Reusable bag” means a bag that is specifically designed and manufactured for multiple re-use and is (1) made of cloth or other machine washable fabric or (2) made of other durable material specifically designed for multiple and long-term use, and is at least 2.25 millimeters thick.

Section 14-_. Administration.

The director of the department of environmental management shall administer this article and shall adopt administrative rules pursuant to chapter 91, Hawai'i Revised Statutes, within one hundred eighty days from the effective date of this ordinance.

Section 14-_. Plastic checkout bags prohibited.

Businesses shall not provide plastic checkout bags to their customers.

Section 14-_. Exemptions.

- (a) Organizations classified under Section 501 (c) of the United States Internal Revenue Code and non-incorporated community booster organizations are exempt from the provisions of this article.
- (b) Businesses may make plastic checkout bags available for purchase for one calendar year after the effective date of this ordinance.

Section 14-_. Summons or citation for violation.

A police officer shall use a form of summons or citation provided by the County in citing a violator of any provision of this article.

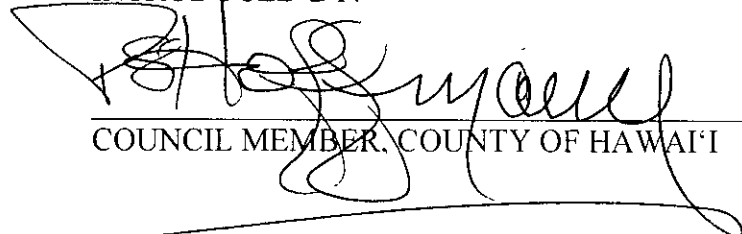
Section 14-_. Penalty.

- (a) Any business that violates the provisions of this article shall be sentenced to pay a fine not exceeding \$100 for the first violation and up to \$500 for a third violation within a single year.
- (b) Any business that violates the provisions of this article shall be required to remove all plastic checkout bags from its premises and shall be liable for any associated costs.
- (c) Each day of violation shall constitute a separate offense.
- (d) Fines collected pursuant to this article shall be deposited into the public access, open space, and natural resources fund, as authorized by Hawai'i County Code section 2-214(b)(3)."

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall take effect on January 1, 2011.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

_____, Hawai'i
 Date of Introduction:
 Date of 1st Reading:
 Date of 2nd Reading:
 Effective Date:

REFERENCE: **Comm:** 663