

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ANN ARBOR BY ADDING A NEW CHAPTER, WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 71 (PLASTIC CARRY-OUT BAGS) OF TITLE VI OF SAID CODE AND TO AMEND SECTION 1:17 OF CHAPTER I OF TITLE I OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1. That Title VI of the Code of the City of Ann Arbor be amended by adding a new chapter, which shall be designated as Chapter 71 and shall read as follows:

CHAPTER 71 PLASTIC CARRY-OUT BAGS

6:500. Definitions.

(1) "Affected retail establishment" means any retail establishment, excluding restaurants, located within the City of Ann Arbor that has gross annual sales of one million dollars (\$1,000,000) or more.

(2) "Compostable bag" means a carry-out bag that is certified and labeled as meeting the current ASTM-Standard Specification for compostability by a recognized verification entity such as the Biodegradable Product Institute and which can be easily differentiated, through color coding and other markings, from non-compostable plastic carry-out bags.

(3) "Customer" means any person purchasing food or other materials from an affected retail establishment.

(4) "Operator" means a person in control of, having daily responsibility for, the daily operation of an affected retail establishment, which may include, but is not limited to, the owner of the affected retail establishment

(5) "Plastic carry-out bag" means a non-compostable plastic bag provided by a store to a customer at the point of sale. These bags are often referred to as "t-shirt" bags.

(6) "Recyclable Paper Bag" means a paper carry-out bag provided by an affected 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, and (3) contains a minimum of 40% post-consumer recycled content.

(7) "Reusable Bag" means a bag that is specifically designed and manufactured for multiple reuse and is (A) made of cloth or other machine washable fabric, or (B) made of other durable material suitable for re-use.

6:501. Prohibitions.

(1) No affected retail establishment shall provide plastic carry-out bags to its customers at the point of sale.

(2) Nothing in this section shall be read to preclude affected retail establishments from making reusable bags, compostable bags, recyclable paper bags, and compostable plastic bags available for sale or free to customers.

6:502. Enforcement.

(1) Enforcement of this Chapter will be by the City Administrator or his/her designee. The City Administrator or his/her designee is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to entering the premises of any affected retail establishment to verify compliance.

(2) If the City Administrator or his/her designee determines that a violation of this Chapter occurred, he/she will issue a written warning notice to the operator of an affected retail establishment that a violation has occurred.

(3) An affected retail establishment that is operated in violation of any of the requirements of this Chapter is deemed a public nuisance and any person who causes or permits such violations shall be subject to the issuance of a civil infraction ticket and/or the filing of a lawsuit.

(4) The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Chapter.

6:503. Penalties.

(1) If an affected retail establishment fails to discontinue its violation of this Chapter within 24 hours after receiving a written warning notice, the City Administrator or his/her designee and/or the City Attorney may take further enforcement action including but not limited to the issuance of a citation and/or the filing of a civil lawsuit.

(2) Each violation of this chapter shall be a civil infraction punishable by a civil fine of up to \$1,000.00, plus costs and all other remedies available by statute. Violation of this chapter shall be punishable by a civil fine of not less than \$100.00 for the first offense, not less than \$250.00 and up to \$500.00 for the second offense, and not less than \$500.00 and up to \$1,000.00 for each

additional or subsequent offense within a 2-year time period, plus costs and all other remedies available by statute. The maximum fine for any offense shall not exceed \$1,000.00. The fine imposed is payable by the owner of the affected retail establishment or the corporation itself

6:504. Exemptions.

(1) Retail establishments in the City with gross annual sales of less than one million dollars are exempted from the provisions of this Ordinance. All retail establishments in the City are encouraged to comply with the provisions of this Ordinance.

(2) This ordinance applies only to non-compostable carry-out plastic bags provided at the point of sale, otherwise known as "t-shirt" bags. The provisions of this ordinance do not apply to single use plastic bags exclusively used to transport produce such as apples, oranges, grapes, carrots and other similar fruits or vegetables to the point-of-sale counter of the affected retail establishment.

Section 2. That Section 1:17 of Title I of the Code of the City of Ann Arbor be amended to read as follows:

1:17. Code violation citations.

The administrators of the following services areas and the persons holding the positions or performing the functions listed within each services area are authorized to issue citations for violations of the indicated chapters of this Code. This designation of authority is in addition to that otherwise provided by law.

- (1) *Community services area.*
 - (a) Planning and Development Services Unit (Chapters 2, 26, 27, 28, 33, 38, 47, 50, 55, 56, 57, 59, 60, 61, 62, 63, 65, 79, 82, 94, 98, 99, 100, 101, 103, 104, 105, 106, 116 and 119):
 - Assistant land development coordinator.
 - Building inspectors.
 - Electrical inspectors.
 - Inspection supervisors.
 - Housing inspectors.
 - Mechanical inspectors.

Ordinance inspector.

Plan examiner.

Plumbing inspectors.

Zoning coordinator.

- (b) Community television network - public information services unit (Chapter 32):

Cable administrator.

- (2) *Public services area.*

- (a) Field operations services unit (Chapters 26, 27, 28, 33, 38, 39, 40, 47, 49, 82, 106 and 119):

Field operations manager.

City forester.

Field operations supervisor.

Field operations technician.

Park ranger.

Natural area preservation manager.

Natural area preservation technician.

Conservation worker.

Outreach coordinator.

Conservation crew leader.

Field biologist.

- (b) Wastewater Treatment Services Unit (Chapters 27, 28 and 33):

Wastewater treatment services manager.

Administrative assistant to wastewater treatment services manager.

- (c) Systems planning unit (Chapters 33, 47, 55, 56, 57, 59, 60, 62, 63, 69, 70, 71, 98, 100, 104, 106, 116 and 119):

Environmental coordinator.

Fertilizer program administrator.

Land development coordinator.

Environmental Systems Analyst.

Solid Waste Coordinator.

- (3) *Safety services area.*

- (a) Fire services unit (Chapters 27, 93, 98, 99, 100, 101, 105, 111, 115, 116 and 126):

Fire chief.

Assistant fire chief.

Battalion chief.

Captain.

Lieutenant.

Driver operator.

Fire fighter.

Fire marshal.

Fire inspectors.

- (b) Police services unit.

Community service assistants (Chapters 38, 39, 47, 49, 70, 82, 85, 106, 107, 111, 114, 115, 119, 126 and 127)

Community standards officers/safety services area

(Chapters 26, 30, 40, 47, 49, 56, 59, 61, 70, 79, 82, 105, 106, 111 and 126).

Parking enforcement personnel (Chapters 30, 59 and 126).

Telecommunicator (Chapter 93).

(4) *Human Resources Services Unit (Chapters 23 and 112):*

Human resources manager.

Human rights coordinator.

Human rights investigator.

Section 3. That this Ordinance shall take effect on the tenth day following legal publication.