

**AN ORDINANCE AMENDING CHAPTER 20, HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED) BY ADDING A NEW ARTICLE 5 PERTAINING TO PLASTIC BAG REDUCTION.**

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

SECTION 1. Findings and purpose. The production and use of plastic bags have significant impacts on the environment, including: contributing to unsightly litter; contributing to injuries and potential death of marine and pasture animals through ingestion and entanglement; and requiring the use of millions of barrels of crude oil for their manufacture when there is a limited supply of that natural resource.

The council finds that 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’s Environmental Quality Element 4.3 specifies the following policies for the County:

- “(a) 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 universally recognized 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. While the best outcome to this regulatory plan would be to encourage consumers to routinely b.y.o.b. (bring your own reusable bag), this bill takes a more limited approach by initially only prohibiting plastic bags that are harmful to other species when they become entangled in the bags or accidentally ingest the bags. The current bill addresses only plastic shopping bags which are distributed to customers as checkout bags, and not other plastic bags which are used for garbage, greenwaste, etc.

SECTION 2. Chapter 20, Hawai‘i County Code 1983 (2005 Edition, as amended), is amended by adding a new article 5, to read as follows:

**“Article 5. Plastic Bag Reduction.**

**Section 20-50. 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 20-51. 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, whether for profit or not for profit, and includes all employees of the business or any independent contractors associated with the business.

“Checkout bag” means a carryout bag that is provided by a business to a customer at the point of sale for the purpose of transporting groceries or other goods.

“Director” means the director of environmental management:

“Plastic bag” means a bag that is made from non-compostable plastic or compostable plastic and that is not specifically designed and manufactured for multiple re-use.

“Recyclable paper bag” means a paper checkout bag provided by a business to a customer at the point of sale for the purpose of transporting groceries or other goods which meets the following requirements: (1) contains no old growth fiber, (2) is one hundred percent recyclable, and (3) contains a minimum of forty percent post-consumer recycled content.

“Reusable bag” means a bag that is specifically designed and manufactured for multiple re-use and is (1) made of cloth or other washable fabric, or (2) made of other durable material suitable for re-use.

**Section 20-52. Administration.**

- (a) The director shall administer this article and shall adopt administrative rules pursuant to chapter 91, Hawaii Revised Statutes, within one hundred eighty days from the effective date of this ordinance.
- (b) On or before September 1 of each year, the director shall submit to the council a report assessing any reduction in the use of plastic bags.

**Section 20-53. Plastic bag restrictions.**

- (a) Businesses are prohibited from providing plastic checkout bags to their customers at the point of sale beginning one year from the effective date of this ordinance.
- (b) Businesses may instead provide only recyclable paper bags or reusable bags as checkout bags for their customers.
- (c) Nothing in this article shall preclude a business from making reusable or recyclable paper checkout bags available either for sale or without charge to their customers.

**Section 20-54. 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 20-55. Penalty.**

(a) Any person who violates the provisions of this article shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and/or not more than 200 hours of community service for each offense and shall be required to remove their plastic bags or shall be liable for the costs of removing the plastic bags.

(b) Each day of violation shall constitute a separate offense.

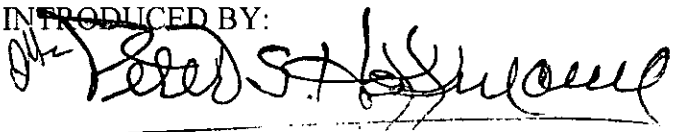
(c) Fines collected pursuant to this chapter shall be deposited into the public access, open space, and natural resources fund, as authorized by section 2-214(b)(3), which permits monies to be deposited to the fund from "any source of revenue dedicated by the Hawai'i County Charter or the Hawai'i County Code for the purposes of this article." "

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. New material is underscored. In printing this ordinance, the underscoring need not be included.

SECTION 5. This ordinance shall take effect upon approval.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI'I

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

REFERENCE: **Comm.** 1332.12 / Council