

ORDINANCE 2019-13

AN ORDINANCE AMENDING TITLE 3, PUBLIC WORKS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, CHAPTER 4, SINGLE-USE PLASTIC BAGS.

WHEREAS, City Council of the City of Isle of Palms, South Carolina has a duty to protect its natural environment, its economy, and the health of its citizens;

WHEREAS, in an effort to further this goal, the City desires to eliminate the use of single use plastics on its pristine beaches;

WHEREAS, City Council of the City of Isle of Palms finds that it is in the best interests of the environment, marine life, and residents of the City to prohibit the use of single-use plastic bags, plastic straws, polystyrene coolers and polystyrene food containers, cups, and balloons from its beaches;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Title 3, Public Works, Chapter 4 is hereby amended to state as follows:

“CHAPTER 4. – ENVIRONMENTALLY ACCEPTABLE PACKAGING AND PRODUCTS

Sec. 3-4-6. Prohibited Sales and Uses.

- a) No Business Establishment or event promoter in the City of Isle of Palms may sell, rent, or otherwise provide any single-use plastic bag, Disposable Food Service Ware, or polystyrene/plastic foam product which is not wholly encapsulated or encased within a more durable material, except as exempted in this Ordinance. This specifically includes, but is not limited to cups, plates, bowls, clamshells, and other products intended primarily for food service use.
- b) To improve and maintain the pristine beach and ocean environment of the City of Isle of Palms, single-use plastic bags, plastic straws, polystyrene coolers and polystyrene food containers, cups, and balloons will be prohibited on the beach.

Sec. 3-4-5. – Enforcement and penalties.

- (1) The Police Department has primary responsibility for enforcement of this chapter. The designated Livability Officer 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, investigating violations, issuing fines and entering the premises of any business establishment during business hours.

(2) If the Livability Officer determines that a violation of this chapter has occurred, he/she will issue a written warning notice to the owner or operator of the business establishment that a violation has occurred and the potential penalties that will apply for future violations.

(3) Any business establishment that violates or fails to comply with any of the provisions of this chapter after a written warning notice has been issued for that violation shall be deemed guilty of a misdemeanor and shall for each violation, upon conviction thereof, be punished as provided in section 1-3-66. The penalty shall not exceed One Hundred (\$100.00) Dollars for a first violation; Two Hundred (\$200.00) Dollars for a second violation within any twelve (12) month period; and Five Hundred (\$500.00) Dollars for each additional violation within any twelve (12) month period. Each day that a violation continues will constitute a separate offense.

(4) For offenses of section 3-4-6 (b) a verbal warning may be issued; however, violators are subject to a penalty of one hundred (\$100) dollars per offense.

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction; the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.


SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 25th DAY OF JUNE, 2019.


Jimmy Carroll, Mayor



Attest:


Marie B. Copeland, City Clerk

First Reading: May 28, 2019
Second Reading: June 25, 2019
Ratification: June 25, 2019