

ORDINANCE NO. 3587

BILL NO. 69 (2008)

A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.18,
MAUI COUNTY CODE, PERTAINING TO PLASTIC BAG REDUCTION

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Title 20, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

“Chapter 20.18

PLASTIC BAG REDUCTION

Sections:

- | | |
|-----------|---------------------------|
| 20.18.010 | Purpose. |
| 20.18.020 | Definitions. |
| 20.18.030 | Administration. |
| 20.18.040 | Plastic bag restrictions. |
| 20.18.050 | Violation and penalties. |

20.18.010 Purpose. A. The production and use of plastic bags have significant impacts on the environment, including, but not limited to: contributing to unsightly litter; creating an additional burden on landfills; contributing to potential death of marine animals through ingestion and entanglement; and requiring the use of millions of barrels of crude oil for their manufacture.

B. The council finds and declares that to preserve the health, safety, welfare, and scenic and natural beauty of the County of Maui, the use of plastic bags must be regulated.

C. The purpose of this chapter is to encourage the use of environmentally preferable alternatives to plastic bags, such as recyclable paper bags or reusable bags.

20.18.020 Definitions.

“Business” means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships and corporations, or any other legally cognizable entity, whether for profit or not for profit, and includes all

employees of the business or any independent contractors associated with the business.

“Director” means the director of environmental management.

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

“Recyclable paper bag” means a paper bag that:(1) is one hundred percent recyclable, (2) contains a minimum of forty percent post-consumer recycled content, and (3) displays the words “Reusable” and “Recyclable” in a highly visible manner on the outside of the bags.

“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 durable material suitable for reuse.

20.18.030 Administration. A. The director shall administer this chapter 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 the estimated increase in the number of business customers using recyclable paper bags or reusable bags.

20.18.040 Plastic bag restrictions. A. Businesses are prohibited from providing plastic bags to their customers at the point of sale for the purpose of transporting groceries or other goods.

B. Nothing in this chapter shall preclude a business from making reusable bags or recyclable paper bags available for sale or without charge to customers at the point of sale for the purpose of transporting groceries or other goods.

20.18.050 Violation and penalties. A. Violations of this chapter shall be subject to the civil penalties and enforcement procedures of section 19.530.030 of this code.

B. Fines collected pursuant to this chapter shall be deposited into the open space, natural resources, cultural resources, and scenic views preservation fund.”

SECTION 2. This ordinance shall take effect January 11, 2011.

APPROVED AS TO FORM AND
LEGALITY:



DAVID A. GALAZIN

Department of the Corporation Counsel
County of Maui

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WE HEREBY CERTIFY that the foregoing BILL NO. 69 (2008)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 22nd day of August, 2008, by the following vote:

| | | | | | | | | |
|-------------------------|-------------------------------|-------------------|-----------------|-----------------|---------------------|-------------------|-------------------|----------------------|
| G. Riki HOKAMA Chair | Dennis A. MATEO Vice-Chair | Michelle ANDERSON | Gladys C. BAISA | Jo Anne JOHNSON | William J. MEDEIROS | Michael J. MOLINA | Joseph PONTANILLA | Michael P. VICTORINO |
| Aye | Aye | Excused | Aye | Aye | Aye | Aye | Aye | Aye |

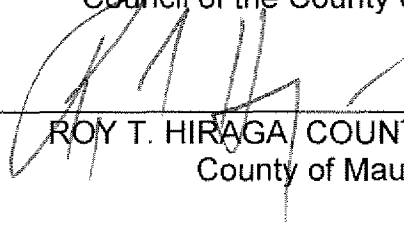
2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 22nd day of August, 2008.

DATED AT WAILUKU, MAUI, HAWAII, this 22nd day of August, 2008.

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OFFICE OF THE MAYOR

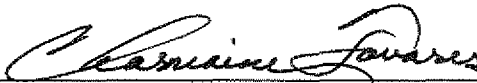


G. RIKI HOKAMA, CHAIR
Council of the County of Maui



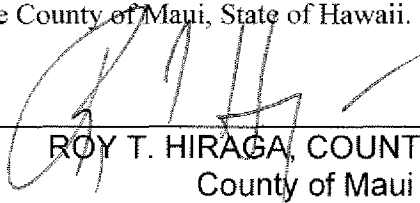
ROY T. HIRAGA, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 25th DAY OF AUGUST, 2008.



CHARMAINE TAVARES, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 3587 of the County of Maui, State of Hawaii.



ROY T. HIRAGA, COUNTY CLERK
County of Maui

Passed First Reading on August 8, 2008.
Effective date of Ordinance January 11, 2011.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3587, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

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COUNTY CLERK