

**ORDINANCE NO. 9996**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,  
ENACTING CHAPTER 9, ARTICLE 11 OF THE CODE OF THE  
CITY OF LAWRENCE, KANSAS 2018 EDITION AND  
AMENDMENTS THERETO, PERTAINING TO SINGLE-USE  
DISPOSABLE PLASTIC BAGS.**

**WHEREAS**, it is estimated that City of Lawrence, Kansas, residents use and discard between 29 and 36 million single-use disposable plastic bags every year;

**WHEREAS**, the manufacture of single-use disposable plastic bags has significant global environmental consequences, including the over-use of precious natural resources and the generation of dangerous greenhouse gas emissions;

**WHEREAS**, discarded single-use disposable plastic bags are frequently ingested by animals, which contributes significantly to animal morbidity and mortality;

**WHEREAS**, discarded single-use disposable plastic bags degrade into microplastics that subsequently contaminate our food and water supplies and pose significant and distinct human health risks;

**WHEREAS**, single-use disposable plastic bags are difficult to recycle and contaminate material that is recyclable and processed through the City's recycling and composting programs;

**WHEREAS**, discarded single-use disposable plastic bags create a burden on the City's solid waste disposal program, thereby increasing the cost of that service to the residents of the City;

**WHEREAS**, the use of single-use disposable plastic bags significantly affects the City's environment, polluting the City's streets, sidewalks, open areas, and waterways, which has a deleterious effect on the health, safety, and welfare of the environment, as well as its aesthetics;

**WHEREAS**, it is estimated that the operational, environmental, and social costs of the use of single-use disposable plastic bags to the City is between \$0.11 and \$0.20 per bag; and

**WHEREAS**, in order to reduce the harmful and deleterious impacts of the use of single-use disposable plastic bags, the Governing Body of the City of Lawrence, Kansas, finds that it is in the best interests of the residents of the City and the City's environment to regulate the use of single-use disposable plastic bags within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:**

**SECTION 1.** The Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended by enacting Chapter 9, Article 11, which reads as follows:

## ARTICLE 11. SINGLE-USE DISPOSABLE PLASTIC BAGS

9-1101

### **PURPOSE.**

The Governing Body finds that, in order to advance the health, safety, and welfare of the residents of the City of Lawrence, Kansas, as well as the environment, it is necessary to regulate certain activities within the City, including the use of single-use disposable plastic bags.

9-1102

### **DEFINITIONS.**

The following words, terms, and phrases, when used in this Article, shall, except where the context clearly indicates otherwise, have the following meanings:

- (a) **“Consumer”** shall mean any person who purchases or accepts food, beverages, goods, or merchandise for consumption or for use.
- (b) **“Establishment”** shall mean any sole proprietorship, organization, corporation, or other entity, however organized, engaging in the commercial sale or distribution of perishable or non-perishable items to Consumers. The term Establishment includes all commercial vendors of food, beverages, goods, or merchandise.
- (c) **“Produce Bag”** and **“Product Bag”** shall mean any disposable plastic bag used exclusively to carry produce, meats, fish or seafood, frozen foods, breads, pastries, nuts, candy, flowers, prepared foods, jewelry, and bulk items from their location within an Establishment to the point of sale or distribution. Such Produce Bags or Product Bags are used to prevent damage or contamination from other items and are then placed within a Reusable Bag or within a single-use disposable paper bag for transporting food, beverages, goods, or merchandise from the point of departure of the Establishment.
- (d) **“Reusable Bag”** shall mean any bag, whether made of cloth, fiber, plastic, or other material, that is specifically designed and manufactured for the repeated use of transporting food, beverages, goods, or merchandise from an Establishment. If made of plastic, a Reusable Bag must contain at least 40% post-consumer recycled content and must measure at least 4.0 mils in thickness. The plastic Reusable Bags must be labeled with the post-consumer recycled content percentage, the mil thickness, and the word “reusable” on the bag.
- (e) **“Single-use Disposable Plastic Bag”** shall mean any plastic bag, less than 4.0 mils in thickness, with or without handles, provided to a Consumer by an Establishment at a check-out stand, cash register, point of sale or distribution, or other point of departure for the purpose of transporting food, beverages, goods, or merchandise from the Establishment. The term Single-use Disposable Plastic Bag does not include Produce Bags, Product Bags, or Reusable Bags, as those terms are defined herein.

9-1103

### **SINGLE-USE DISPOSABLE PLASTIC BAGS PROHIBITED.**

Unless otherwise exempted under this Article, the use of Single-use Disposable Plastic Bags is hereby prohibited within the City limits.

9-1104

**UNLAWFUL CONDUCT.**

It shall be unlawful for any person, who owns, manages, operates, or otherwise controls an Establishment, to provide or permit to be provided to any Consumer, at a check-out stand, cash register, point of sale or distribution, or other point of departure, any Single-use Disposable Plastic Bag, for the purpose of enabling the Consumer to transport from the Establishment food, beverages, goods, or merchandise.

9-1105

**ENFORCEMENT.**

The Director of Planning and Development Services, or designee ("Code Official"), shall be responsible for enforcing the provisions of this Article. However, nothing in this section shall be construed to prohibit any other person who would otherwise be lawfully entitled to enforce the provisions of this Article from taking enforcement action under this Article.

9-1106

**WARNING.**

If the Code Official has probable cause to believe that an Establishment is in violation of the provisions of this Article and that Establishment has not previously been cited or given a warning for violation of the provisions of the Article, then the Code Official shall issue a Warning to the Establishment. The Warning shall be dated, shall summarize the facts of the alleged violation, shall give the Establishment seven days to come into compliance with this Article, shall warn the Establishment that any future violation may result in the prosecution of any person who owns, manages, operates, or otherwise controls the Establishment, and shall be signed by the Code Official. The Code Official shall retain a copy of the Warning in the Code Official's files.

- (a) For the purposes herein, the term "probable cause" shall mean evidence, if reviewed by a reasonable person, from which a reasonable person could conclude that a person has violated the provisions of this Article.

9-1107

**MUNICIPAL OFFENSE.**

Engaging in any violation of the provisions of this Article shall be a municipal offense. Any person, who owns, manages, operates, or otherwise controls an Establishment previously having received a warning, shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject:

- (a) to a maximum fine of \$100.00 upon first conviction;
- (b) to a maximum fine of \$200.00 upon second conviction, occurring within one calendar year of the first conviction; and
- (c) to a maximum fine of \$500.00 upon third or any subsequent conviction, occurring within one calendar year of the first conviction.

9-1108

**REUSABLE BAGS; SINGLE-USE DISPOSABLE PAPER BAGS**

- (a) An Establishment may provide to any Consumer, at a check-out stand, cash register, point of sale or distribution, or other point of departure, Reusable Bags -- free of charge, for sale, or upon deposit -- for the purpose of enabling the Consumer to transport from the Establishment food, beverages, goods, or merchandise. The City strongly encourages the use of Reusable Bags.
- (b) An Establishment may provide to any Consumer, at a check-out stand, cash register, point of sale or distribution, or other point of departure, single-use disposable paper bags for the purpose of enabling the Consumer to transport from the Establishment food, beverages, goods, or merchandise. Permitted single-use disposable paper bags include **only** those paper bags containing at least 40% post-consumer recycled content. The single-use disposable paper bags must be labeled with the post-consumer recycled content percentage.

9-1109

**EXEMPTIONS.**

The prohibition against the use of Single-use Disposable Plastic Bags shall not apply to the following:

- (a) Religious and charitable institutions, except when engaged in the commercial sale or distribution of perishable or non-perishable items to Consumers.
- (b) Schools, except when engaged in the commercial sale or distribution of perishable or non-perishable items to Consumers.
- (c) Not-for-profit organizations, except when engaged in the commercial sale or distribution of perishable or non-perishable items to Consumers.
- (d) Farmers' markets.
- (e) The sale of live animals, such as fish, insects, or the like.
- (f) Prescriptions.
- (g) Newspapers.
- (h) Laundry, dry cleaning, or garment bags.
- (i) Produce Bags or Product Bags.

9-1110

**ADMINISTRATIVE REGULATIONS.**

In order to protect the health, safety, and welfare of the community, the Governing Body shall have the power to promulgate, by resolution, Administrative Regulations governing the administration of this Article.

**SECTION 2.** If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

**SECTION 3.** After passage, approval, and publication, as provided by law, this ordinance shall be in full force and effect commencing January 1, 2024.

**PASSED** by the Governing Body of the City of Lawrence, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2023.

**APPROVED:**

\_\_\_\_\_  
Lisa Larsen  
Mayor

**ATTEST:**

\_\_\_\_\_  
Sherri Riedemann  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Toni R. Wheeler  
City Attorney