



Ratification
Number 2019-087

A N O R D I N A N C E

AMENDING ARTICLE V OF CHAPTER 14 OF THE CODE OF THE CITY OF CHARLESTON PERTAINING TO ENVIRONMENTALLY ACCEPTABLE PACKAGING AND PRODUCTS TO PROVIDE CLARIFICATION ON EXEMPTIONS TO ASSIST BUSINESSES IN THE IMPLEMENTATION OF THE REQUIREMENTS OF ARTICLE V.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Sec. 14-55, Exemptions, of the Code of the City of Charleston is hereby amended to read as follows (new text in **bold and underlined** and deleted text with ~~strikethrough~~):

“Sec. 14-55. Exemptions. Although the City of Charleston encourages the use of recyclable or compostable products throughout, the following shall be exempt from the provisions of this Article:

(a) Products made from polystyrene/plastic foam which is wholly encapsulated or encased by a more durable material are exempt from the provisions of this Article. Examples include surfboards, boats, life preservers, and craft supplies which are wholly encapsulated or encased by a more durable material, and durable coolers not principally composed of polystyrene/plastic foam;

(b) Construction products made from polystyrene/plastic foam are exempted from this Article if the products are used in compliance with the City of Charleston Code and used in a manner preventing the polystyrene/plastic foam from being released into the environment;

(c) During a declared state of emergency or in an emergency situation where the immediate preservation of the public peace, health or safety is involved, any organization providing emergency services shall be exempt from the provisions of this Article;

(d) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, recycling, pet waste, yard waste or similar use; although the City of Charleston encourages the use of recyclable or compostable products throughout;

(e) Bags provided by physicians, dentists, pharmacists or veterinarians to contain prescription drugs or other medical necessities;

(f) Bags used by a customer or an employee of ~~inside~~ a business establishment to:

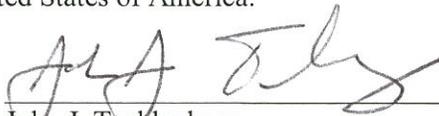
(1) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;

(2) Contain or wrap raw or frozen foods, any meat product, (i.e. beef, pork or poultry, whether seasoned or otherwise processed), or any seafood product fish, whether or not prepackaged;

- (3) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or
- (4) Contain unwrapped prepared foods or bakery goods;
- (g) Bags used by a non-profit corporation or other hunger relief charity to distribute food, grocery products, clothing, or other household items;
- (h) Bags of any type that the customer brings to the store for their own use for carrying away from the store goods that are not placed in a bag provided by the store;
- (i) Meat **and seafood** trays, egg cartons, plastic ~~drink~~ lids **used to contain foods and liquids**, to-go condiment packages and cutlery (i.e.: forks, spoons, knives) are exempt from the provisions of this Article;
- (j) Plastic drinking straws when needed by customers due to medical or physical conditions and for whom other straws are unsuitable are exempt from the provisions of this Article.
- (k) Any product purchased, prepared or packaged outside the City of Charleston and thereafter sold in or delivered into the City of Charleston are exempt from the provisions of this Article.**
- (l) Any packaging used by Food or Grocery Establishments that is required in order to comply with South Carolina Department of Health and Environmental Control Retail Food Establishment Regulation 61-25 or similar food safety regulation, or with federal food safety laws or regulations.**
- (m) Packaging used by Food or Grocery Establishments that are predominantly made of paper, including wax paper products, paper products that have a clear plastic window and paper products, like paper cups or soup bowls that are lined in plastic, which are used to package ready-to-eat foods.”**

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this 24th day of September in the Year of Our Lord, 2019, in the 244th Year of Independence of the United States of America.

By: 
 John J. Tecklenburg
 Mayor, City of Charleston

ATTEST:


 Vanessa Turner-Maybank
 Clerk of Council