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2 **RESOLUTION NO.**  
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5 **WHEREAS**, the City of Austin has had a Single-Use Bag Ordinance in  
6 effect since March 1, 2013; and  
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8 **WHEREAS**, this ordinance has been successful in reducing litter,  
9 decreasing instances of single-use bags clogging stormwater drains and waterways,  
10 and fewer bags in the recycling stream; and  
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12 **WHEREAS**, no fines have been levied against any business for violating  
13 the ordinance since its implementation; and  
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15 **WHEREAS**, the Supreme Court of Texas ruled on June 22, 2018, that  
16 ordinances such as this one are preempted by Texas law; and  
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18 **WHEREAS**, Texas cities including Laredo, Galveston, and Houston, as  
19 well as the Texas Municipal League and the Texas City Attorneys Association  
20 have formally put forward legal arguments contesting the fact of preemption;  
21 **NOW, THEREFORE,**  
22

23 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**  
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25 That while the Council recognizes the City’s Single-Use Bag Ordinance is  
26 not enforceable at this time, we affirm it as part of the laws of the City of Austin,  
27 and  
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29 **BE IT FURTHER RESOLVED:**  
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31 That the City Manager work with Austin Resource Recovery and the Zero  
32 Waste Advisory Commission in encouraging retailers and other affected parties to  
33 continue to honor the ordinance as they have since 2013, and work to identify  
34 opportunities for retailer and community education to continue voluntary reduction  
35 of single-use bags.  
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37 **ADOPTED:** \_\_\_\_\_, 2018 **ATTEST:** \_\_\_\_\_  
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Jannette S. Goodall  
City Clerk