

SCC NO. _____

**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE
REQUIRING THE USE OF RECYCLABLE AND/OR REUSABLE CHECKOUT BAGS**

The Board of Supervisors of the County of Sacramento, State of California,
ordains as follows:

SECTION 1. Chapter ____, Sections _____.010 through _____., is
added to Title ____ of the Sacramento County Code to read as follows:

____.010 Purpose.

A. The County of Sacramento has a duty to protect the natural environment, the economy, and the health of its citizens.

B. The expansive usage of single use, non-recyclable shopping bags and their typical disposal creates an impediment to the County's landfill diversion goals.

C. Single use, non-recyclable shopping bags are difficult to recycle and currently contaminate material that is processed through the County's recycling and composting programs.

D. Single use, non-recyclable shopping bags create significant litter problems in the County's neighborhoods, also litter, sewer systems and the Sacramento and American Rivers and their tributaries.

E. Single use, non-recyclable shopping bags have significant environmental impacts each year, including the felling of over 14 million trees, and use of over 12 million barrels of oil for bags in the U.S., as well as the deaths of over 100,000 marine animals from plastic entanglement.

F. Reusable bags are considered to be the best option to reduce waste and litter, protect wildlife and conserve resources.

____.020 Definitions.

For purposes of this Ordinance, the following words shall have the following meanings:

A. "ASTM standard" means the American Society for Testing and Materials (ASTM)'s International standard D6400 for compostable plastic, as that standard may be amended from time to time.

B. "Department" means the Department of the Environment Management.

C. "Director" means the Director of the Environment Management.

D. "Green carryout bag" means a single-use carryout bag that meets all of the following requirements:

1. is composed of at least 40 percent post-consumer recycled content material;

2. is accepted by curbside recycling; and

3. is capable of composting, consistent with the timeline and specifications of the ASTM Standard without regard to material type.

E. "Person" means an individual, trust, firm, joint stock company, corporation, cooperative, partnership, or association.

F. "Pharmacy" means a retail use where the profession of pharmacy by a pharmacist licensed by the State of California in accordance with the business and Professions Code is practiced and where prescriptions (and possibly other merchandise) are offered for sale, excluding such retail uses located inside a hospital.

G. "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is either:

1. made of machine washable material that has handles; or
2. made of other durable material specifically designed for and provided to consumers with the intention of multiple, long-term use.

H. "Single-use carryout bag" means a bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. Single-use carryout bags do not include bags provided solely for produce, bulk food or meat at a produce, bulk food or meat department within a store.

I. "Store" means a retail establishment located within the unincorporated territory of the County that meets either of the following requirements:

1. is a full-line, self-service supermarket with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items. For purposes of determining which retail establishments are supermarkets, the County shall use the annual updates of the Progressive Grocer Marketing Guidebook and any computer printouts developed in conjunction with the guidebook; or
2. is a retail pharmacy with at least 10,000 square feet of retail space.

____.____.030 Mandatory Use of Recyclable and Compostable Checkout Bags.

- A. Stores shall provide only green carryout bags or reusable bags as checkout bags to customers.
- B. Violation of the requirements set forth in subsection (a) shall subject a Store to penalties set forth in Section _____.060.
- C. Nothing in this section shall be read to preclude stores from making reusable bags available for sale to customers.
- D. All stores are strongly encouraged to educate their staff to promote reusable bags as the best option and to post signs and engage in other education efforts encouraging consumers to use reusable bags.

____.____.040 Implementation.

The Director, after a public hearing, may adopt and may amend guidelines, rules, regulations and forms to implement this Chapter. Such guidelines, rules, regulations and forms shall become effective upon filing a copy with the Clerk of the Board of Supervisors.

___.___.050 Enforcement and Penalties.

A. Any person who violates this Chapter shall be guilty of an infraction. If charged as an infraction, upon conviction thereof, said person shall be punished by 1) a fine not exceeding \$100.00 for a first violation, 2) a fine not exceeding \$200.00 for a second violation within the same year, and 3) a fine not exceeding \$500.00 for each additional violation within the same year.

B. The County Counsel may seek legal, injunctive, or other equitable relief to enforce this Chapter, including without limitation, civil penalties in an amount not exceeding \$200.00 for the first violation, \$400.00 for the second violation, and \$600.00 for each subsequent violation in any given year.

C. The County may not recover both administrative and civil penalties for the same violation.

___.___.060 Operative Date.

All of the requirements set forth in this Chapter shall become operative as to stores that are supermarkets six (6) months after its effective date. All of the requirements set forth in this Chapter shall become operative as to stores that are pharmacies one (1) year after its effective date.

___.___.070 Severability.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The Board of Supervisors hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

SECTION 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on _____, and on _____, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this ____ day of _____ 200__, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST: _____
Clerk, Board of Supervisors