

ORDINANCE NO. 2015-

Adopted by the Sacramento City Council

March 31, 2015

AN ORDINANCE ADDING CHAPTER 5.154 TO THE SACRAMENTO CITY CODE, RELATING TO THE REDUCTION OF SINGLE-USE PLASTIC AND PAPER BAGS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Chapter 5.154 is added to the Sacramento City Code to read as follows:

Chapter 5.154 REDUCTION OF SINGLE-USE PLASTIC AND PAPER BAGS

5.154.010 Legislative findings and intent.

- A. It is the intent of the city in enacting this chapter to reduce the use of single-use plastic bags and paper bags, and encourage the use of reusable bags by consumers and retailers.
- B. California retailers distribute approximately 19 billion single-use plastic bags every year, equating to approximately 522 bags per person. It is estimated that less than five percent of those bags are recycled. The bags end up in landfills, rivers, bays, oceans, and other natural environments. Plastic bags can break down into small pieces that contaminate soils and waterways, and can be ingested by marine life causing suffocation.
- C. Due to their light weight, single-use plastic bags can easily become caught in the wind, contributing to litter and visual blight. Collecting these bags is challenging as they snag on trees and fences and are difficult to retrieve.
- D. While the city accepts single-use plastic bags in the curbside recycling program, handling these bags at the recycling center is cumbersome. The bags clog and slow sorting machines. On average, the processor must shut down its sorting machinery six times per day to remove tangled bags, which increases the processing cost for commingled recyclables.
- E. By enacting this chapter, the city intends to mitigate the negative environmental and public health impacts resulting from single-use plastic bags, reduce litter and visual blight caused by plastic bags, and minimize the cost and inconvenience of handling single-use plastic bags at local recycling centers.

5.154.020 Definitions.

As used in this chapter, the following definitions apply:

“City manager” means the city manager or his or her designee.

“Customer” means any person purchasing goods from a store.

“Postconsumer recycled material” means material that is recycled after completing its intended end use and product-life cycle. Postconsumer recycled material does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

“Single-use plastic bag” means any bag made of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. The term includes compostable and biodegradable bags. The term does not include reusable bags or bags without handles provided to a customer to:

1. Transport produce, bulk food, or meat from a produce, bulk food, or meat department within a store to the point of sale;
2. Hold a prescription medication dispensed from a pharmacy; or
3. Segregate food or merchandise that could be damaged or that could damage or contaminate other food or merchandise when placed together in one bag.

“Recycled paper bag” means a paper carryout bag that:

1. Is 100% recyclable;
2. Contains a minimum of 40% postconsumer recycled material;
3. Is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400, as amended from time to time;
4. Displays the name of the manufacturer, the country where the bag was manufactured, and the percentage of postconsumer content the bag contains; and
5. Indicates that it is recyclable in a highly visible manner on the outside of the bag.

“Recyclable” means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product.

“Reusable bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements:

1. Is made of cloth, washable woven fabric, or other durable material that is at least 2.25 mils thick;
2. Is machine washable or capable of being cleaned and disinfected;
3. Is capable of carrying a minimum of 22 pounds over a distance of at least 175 feet, 125 times;
4. Has a minimum volume capacity of 15 liters;
5. Does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable state and federal regulations for packaging or reusable bags; and
6. Has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer; the country where the bag was manufactured; a statement that the bag does not

contain lead, cadmium, or any other heavy metal in toxic amounts; and the percentage of postconsumer recycled materials used, if any.

“Store” means any of the following retail establishments located within the city:

1. A supermarket, defined as a full-line, self-service retail store with gross annual sales of \$2,000,000, or more, and which sells a line of dry grocery, canned goods, or nonfood items and perishable items;
2. A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
3. A convenience food store, foodmart, or other entity that is engaged in the retail sale of a limited line of goods, including milk, bread, soda, and snack foods, and that holds a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

5.154.030 Ban on single-use plastic bags.

Stores shall not provide a single-use plastic bag to any customer.

5.154.040 Permitted bags.

Stores shall make available to customers only recycled paper bags or reusable bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this chapter. Nothing in this chapter prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag in lieu of using bags provided by the store.

5.154.050 Store charge for recycled paper bags and reusable bags.

- A. Stores shall charge a minimum of ten cents for each recycled paper bag or reusable bag provided to customers at the point of sale. Stores shall not reimburse or credit a customer any portion of the fee, except as otherwise provided in this section.
- B. Notwithstanding subsection A, a store may provide a reusable bag, free of charge, to any customer during a limited-time, in-store promotional event. Such events shall not exceed a total of 60 days within any consecutive 12-month period.
- C. Notwithstanding subsections A and B, stores shall provide, free of charge, either reusable bags or recycled paper bags or both, at the store’s option, to any customer using a payment card or voucher issued by the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code, or an electronic benefit transfer card issued pursuant to Section 10072 of the California Welfare and Institutions Code.

D. Stores shall indicate on the customer receipt the number of recycled paper bags and reusable bags provided and the total amount charged for the bags.

5.154.060 Recordkeeping and inspection.

Stores shall keep complete and accurate records, for a minimum of three years from the date of sale, of the total number of recycled paper bags and reusable bags provided and the total amount of monies collected for providing recycled paper bags. Upon request by the city, each store shall make these records available for inspection by the city, at no cost, during regular business hours. Each store shall make the records available at the store's retail establishment unless the city agrees to an alternative location or method of review. A responsible agent or officer of the store shall confirm that the information provided is accurate and complete. Providing false or incomplete information to the city is a violation of this section.

5.154.070 Violations.

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to chapter 1.28.

B. Violations of this chapter are hereby declared to be a public nuisance.

C. Any person who violates a provision of this chapter is liable for civil penalties of not less than \$250 or more than \$25,000 for each day the violation continues.

D. Any person who violates a provision of this chapter is guilty of an infraction.

E. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy for the purpose of enforcing the provisions hereof.

5.154.080 Operative date.

This chapter becomes effective January 1, 2016.