

Chapter 8.10 - DISPOSABLE AND REUSABLE BAGS

Sections:

8.10.010 - Definitions.

For the purpose of this chapter, the following definitions shall apply to the capitalized terms unless the context clearly indicates or requires a different meaning.

"Customer" means any person obtaining goods from a retail establishment.

"Post-Consumer Recycled Content" means material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Post-consumer recycled content does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

"Prepared Food" means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

"Recycled Content Paper Bag" means a paper 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 that contains no old growth fiber and a minimum of forty percent post-consumer recycled content and is one hundred percent recyclable.

"Retail Establishment" means any commercial establishment and/or vendor that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer; and is located within or doing business within the geographical limits of the Town of Mammoth Lakes. "Retail establishment" does not include a restaurant, take-out food establishment, or any other business that receives ninety percent or more of its revenue from the sale of prepared food to be eaten on or off its premises.

"Reusable Bag" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse.

"Single-Use Carryout Bag" means a bag with handles, other than a reusable bag, provided at the check stand, cash register, point of sale or other point of departure, including departments within a store, for the purpose of transporting food or merchandise out of the establishment. "Single-use carryout bags" do not include bags which form part of a product's packaging or bags without handles provided to the customer, including but not limited to bags provided: (1) to transport prepared food, produce, bulk items such as loose beads or small hardware items, bulk food or meat from a department within a store to the point of sale (2) to protect items which have been dry-cleaned; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a reusable bag or recycled paper bag.

(Ord. No. 15-06, § 2(Exh. A), 9-16-2015)

8.10.020 - Effective date.

This chapter shall take effect March 1, 2016.

(Ord. No. 15-06, § 2(Exh. A), 9-16-2015)

8.10.030 - Carryout bag regulations.

- A. No retail establishment shall provide a single-use carryout bag to a customer, 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, except as provided in this section.
- B. On or after the date of implementation, a retail establishment may make available for sale to a customer a recycled content paper bag or a reusable bag for a minimum price of ten cents. No retail establishment shall provide a customer with a credit, rebate, or refund of this charge. The collection of sales tax on such sales shall comply with state law and any direction provided by the State Board of Equalization.
- C. No retail establishment may make available for sale a recycled content paper bag or reusable bag unless the price of the recycled paper bag and reusable bag is separately itemized on the sales receipt.
- D. A retail establishment may provide a reusable bag at no charge if it is distributed as part of an infrequent and limited time promotion. No such promotion or series of promotions offered by a retail establishment shall exceed a total of ninety days in any consecutive twelve-month period.
- E. Nothing in this chapter prohibits customers from using bags of any type that they bring to a retail establishment themselves or from carrying away goods that are not placed in a bag at point of sale, in lieu of using bags provided by the establishment.

(Ord. No. 15-06, § 2(Exh. A), 9-16-2015)

8.10.040 - Exemptions.

The town manager, or his or her designee, may in his or her sole discretion exempt a retail establishment from the provisions of Section 8.10.030 of this chapter for a period of up to six months from the implementation date of this chapter upon the retail establishment furnishing written evidence that the enforcement of such provisions would create an undue hardship or practical difficulty not generally applicable to other retail establishments in similar circumstances. The town manager or his or her designee's decision shall be final.

(Ord. No. 15-06, § 2(Exh. A), 9-16-2015)

8.10.050 - Record keeping and inspection.

Every retail establishment shall keep complete and accurate records on forms provided by the town, of the sale of any recycled content paper bag or reusable bag provided by the retail establishment for a minimum period of three years from the date of purchase and sale, which record shall be available for inspection at no cost to the town during regular business hours by any Town employee authorized to enforce this part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the retail establishment address. The provision of false information including incomplete records or documents to the town shall be a violation of this chapter.

(Ord. No. 15-06, § 2(Exh. A), 9-16-2015)

8.10.060 - Enforcement.

This chapter may be enforced by any legal means available to the town, including but not limited to those means provided by Chapters 1.04, 1.12, and 8.32 of this code.

(Ord. No. 15-06, § 2(Exh. A), 9-16-2015)

8.10.070 - Supersession.

This chapter may be superseded by the approval by California voters of Senate Bill 270, which would implement a statewide ban on plastic bags that would supersede local bans adopted after 2014, as part of a referendum to be held with the November 2016 election. However, this chapter shall remain in effect until and unless Senate Bill 270 is approved by the voters at the referendum election.

(Ord. No. 15-06, § 2(Exh. A), 9-16-2015)