

Chapter 6.18 - REGULATION OF SINGLE-USE CARRYOUT BAGS

Sections:

6.18.010 - Purpose.

The purpose of this chapter is to reduce the amount of plastic bag pollution in the environment, to reduce the impacts of paper bags which cause other forms of pollution and greenhouse gas emissions, and to encourage the use of reusable bags by consumers and retailers.

(Ord. No. 949, § 2, 6-16-2015)

6.18.020 - Definitions.

For the purpose of this chapter, the following words and phrases are defined as follows:

- A. "Checkout bag" means a carryout bag intended to convey or protect goods, products or packaged food products provided by a store to a customer at the point of sale.
- B. "Customer" means any person purchasing goods from a store.
- C. "Operator" means the person in control of, or having the responsibility for, the operation of a store, which may include, but is not limited to, the owner of the store.
- D. "Plastic carryout bag" means any bag made predominantly 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. "Plastic carryout bag" includes compostable and biodegradable bags but does not include reusable bags or product bags.
- E. "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed 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.
- F. "Product bag" means any bag without handles used exclusively to carry produce, meats, or other food items such as bulk foods to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.
- G. "Public event" means an event which is open to and may be attended by the general public, including but not limited to such events as farmers' markets, parades, craft fairs, festivals, concerts, performances or other exhibitions, regardless of any fee or age requirement.
- H. "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. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.
- I. "Recyclable paper carryout bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber, (2) is one hundred percent recyclable overall and contains a minimum of forty percent post-consumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; (4) is accepted for recycling in curbside programs in the town of Corte Madera; (5) has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the percentage of postconsumer recycled material used; and (6) displays the word "recyclable" in a highly visible manner on the outside of the bag.

- J. "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) has a minimum volume of 15 liters; (3) is machine washable or is made from a material that can be cleaned or disinfected; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts; (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (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 material used, if any; and (6) if made of plastic, is a minimum of at least 2.25 mils thick.
- K. "Single-use carryout bag" means a bag made of plastic, paper, or other material, that is provided by a store to a customer at the point of sale that is not a reusable bag and does not meet the requirements of a reusable bag. A "single-use carryout bag" does not include a "product bag" or a bag provided by a pharmacy pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the California Business and Professions Code to a customer purchasing a prescription medication.
- L. "Store" means a retail establishment located within the incorporated area of the town of Corte Madera that meets any one or more of the following definitions:
 1. A full-line, self-service retail store with gross annual sales of two million dollars, or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;
 2. A store of at least ten thousand 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 drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

(Ord. No. 949, § 2, 6-16-2015)

6.18.030 - Plastic carryout bags prohibited.

- A. No operator of a store shall provide to any customer a plastic carryout bag.
- B. This prohibition applies to bags provided for the purpose of carrying away goods from the point of sale and does not apply to product bags.
- C. No vendors at a public event shall provide to any customer a plastic carryout bag, except product bags.

(Ord. No. 949, § 2, 6-16-2015)

6.18.040 - Permitted bags.

All operators of stores and vendors at a public event shall provide or make available to a customer only recyclable paper carryout 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 or public event themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store or vendor.

(Ord. No. 949, § 2, 6-16-2015)

6.18.050 - Regulation of recyclable paper carryout bags.

- A. Any operator of a store or vendor at a public event that provides a recyclable paper carryout bag to a customer shall charge the customer at least ten cents for each bag provided, except as otherwise provided in this chapter.
- B. The Corte Madera Town Council may increase the ten cent minimum charge by resolution.
- C. No operator of a store or vendor at a public event shall rebate or otherwise reimburse a customer any portion of the minimum charge required in Subsection A, except as otherwise provided in this chapter.
- D. All operators of stores and vendors at public events shall post signage clearly indicating the per bag charge for recyclable paper carryout bags.
- E. All operators of stores shall indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags.
- F. All monies collected by an operator of a store or a vendor at a public event for recyclable paper bags under this chapter shall be retained by the operator of the store or the vendor.

(Ord. No. 949, § 2, 6-16-2015)

6.18.060 - Use of reusable bags.

- A. All stores shall make reusable bags available for purchase by a customer for at least ten cents for each bag provided, except as otherwise provided in this chapter.
- B. The Corte Madera Town Council may increase the ten cent minimum charge by resolution.
- C. A store may provide reusable bags to customers at no cost until three months after the effective date of this chapter. On and after three months after the effective date of this chapter, a store may provide reusable bags to customers at no cost only when combined with a time-limited store promotional program. Such events shall not exceed a total of sixty days within any consecutive twelve-month period.
- D. Each store is strongly encouraged to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags.
- E. No store shall rebate or otherwise reimburse a customer any portion of the minimum charge required in Subsection A, except as otherwise provided in this chapter.
- F. All stores must post signage clearly indicating the per bag charge for reusable bags.
- G. All stores must indicate on the customer receipt the number of reusable bags provided and the total amount charged for the bags.
- H. Each store is strongly encouraged to charge for a reusable bag at least what it cost to procure the reusable bags in order to encourage maximum reusability and not cause them to be treated as throw-away.
- I. All monies collected by a store for reusable bags under this chapter will be retained by the store.

(Ord. No. 949, § 2, 6-16-2015)

6.18.070 - Exempt customers.

All stores must provide at the point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option, to any customer participating either in the California Special Supplemental 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 Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the Welfare and Institutions Code.

(Ord. No. 949, § 2, 6-16-2015)

6.18.080 - Operative date.

The town of Corte Madera shall commence enforcement of this chapter three months from the date of adoption.

(Ord. No. 949, § 2, 6-16-2015)

6.18.090 - Enforcement and penalties.

- A. The town manager, or his/her designee, shall have primary responsibility for enforcement of this chapter. The town manager, or his/her designee, is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours.
- B. If the town manager, or his/her designee, determines that a violation of this chapter has occurred, he/she will issue a written warning notice to the operator of a store that a violation has occurred and the potential penalties that will apply for future violations as set forth in Title 1, General Provisions, of the Corte Madera Municipal Code.

(Ord. No. 949, § 2, 6-16-2015)