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

SECTION 1. Chapter 6.130, Sections 6.130.010 through 6.130.80, is added to Title 6 of the Sacramento County Code to read as follows:

6.130.010 Findings and Purpose.
It is the intent of the County 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. California retailers distribute approximately nineteen billion (19,000,000,000) single-use plastic bags every year, equating to approximately five hundred twenty-two (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. 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.

While the County 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. By enacting this chapter, the County 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.

6.130.020 Definitions.
As used in this chapter, the following definitions apply:
A. “Customer” means any person purchasing goods from a store.
B. “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.
C. “Product Bag” means a bag without handles, made of any material, and 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.

D. “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.

E. “Recycled paper bag” means a paper carryout bag that:
   1. Is one hundred (100) percent recyclable;
   2. Contains a minimum of forty (40) percent 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.

F. “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 twenty-two (22) pounds over a distance of at least one hundred seventy-five (175) feet, one hundred twenty-five (125) times;
   4. Has a minimum volume capacity of fifteen (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.

G. “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. A single-use plastic bag does not include either of the following:
   1. A bag provided by a pharmacy to a customer purchasing a prescription medication.
   2. A nonhandled bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag, a reusable grocery bag, or a compostable plastic bag.
   3. A bag provided to contain an unwrapped food item.
   4. A nonhandled bag that is designed to be placed over articles of clothing on a hanger.
H. “Store” means any of the following retail establishments located within the County:

1. A self-service retail store with gross annual sales of two million dollars ($2,000,000.00), or more, and which sells a line of dry grocery, canned goods, or nonfood items and perishable items;

2. A store of at least ten thousand (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.

4. A convenience food store, foodmart, or other entity that is engaged in the retail sale of goods intended to be consumed off the premises, and that holds a Type 20 or Type 21 license issued by the Department of Alcoholic Beverage Control.

6.130.030 Ban on single-use plastic bags.
Stores shall not provide a single-use plastic bag to any customer.

6.130.040 Permitted bags.
Stores shall make available to customers only recycled paper bags, reusable bags, or product 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.

6.130.050 Store charge for recycled paper bags and reusable bags.
A. Stores shall charge a minimum of ten cents ($0.10) 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 sixty (60) days within any consecutive twelve (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.

6.130.060 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 County, each store shall make these records available for inspection by the County, at no cost, during regular business hours. Each store shall make the records available at the store’s retail establishment unless the County 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 County is a violation of this section.

6.130.070 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 16.18.
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 two hundred fifty dollars ($250.00) or more than twenty-five thousand dollars ($25,000.00) 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 County from the pursuit of any other remedy for the purpose of enforcing the provisions hereof.

6.130.080 Severability and Validity.
If any section, subsection, paragraph or sentence of this ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the County of Sacramento by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance.

6.130.090 Effective Date.
This ordinance shall become effective July 1, 2016.

SECTION 3. Section 16.18.401 of Chapter 16.18, Title 16, of the Sacramento County Code is amended to read as follows:

16.18.401 Generally.
It is hereby declared a public nuisance for any person owning, leasing, occupying, having charge or possession, or making use of any premises in this County to maintain or use such premises in such a manner that any one or more of the conditions or activities described in the following subsections are found to exist:
A. The keeping, storage, depositing, or accumulation on the premises of any personal property, including, but not limited to, abandoned, neglected or broken equipment or machinery, abandoned, wrecked, dismantled or inoperative vehicles, automotive parts and equipment, appliances, furniture, containers, packing materials, scrap metal, wood, building materials, junk, rubbish, and debris, which is within the view of persons on adjacent or nearby real property or the public right-of-way and which constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values; provided, however, that wood and building materials being used or to be used for a project of repair or renovation for which a building permit has been obtained may be stored for such a period of time as is necessary to expeditiously complete the project;

B. The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials, which constitutes blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values;

C. Landscaping, or the lack thereof, that is detrimental to aesthetic and property values in the neighborhood or otherwise detrimental to the public welfare as evidenced by any one or more of the following conditions:
   1. The accumulation of weeds, trees, debris or other vegetation that is overgrown onto a public right-of-way at least twelve (12) inches, or is completely dead, over twelve (12) inches in height, and covers more than fifty (50) percent of the front or side yard visible from any street; or
   2. The failure to regularly maintain plant materials, including, but not limited to, irrigating, mowing, and trimming in a manner consistent with applicable Sacramento County Code requirements; or
   3. The failure to remove and/or replace any overgrown, damaged, dead, diseased, or decaying plant materials likely to harbor vectors; or
   4. The failure to keep irrigation systems in proper working order to provide water and coverage that is consistent with applicable Sacramento County Code requirements; or
   5. The failure to comply with applicable County landscape design plan and permit requirements and development permit requirements for landscaping.

D. The operation of a junkyard or automobile dismantling yard, except in an industrial zone pursuant to a special use permit;

E. Any abandoned drive-in enterprise;

F. Any dangerous, unsightly, or blighted condition which is detrimental to the health, safety or welfare of the public;

G. Any devices, signs, decorations, designs, and/or fences which are visible from the public right-of-way or neighboring properties that are in a state of disrepair and/or create a health or safety hazard;

H. Any condition in violation of Title 4 of the Sacramento County Code (Business License);
   I. Any condition in violation of Chapter 6.120 of the Sacramento County Code (Graffiti);
   J. Any condition in violation of Chapter 6.20 of the Sacramento County Code (Solid Waste);
K. Any condition in violation of Chapter 6.68 of the Sacramento County Code (Noise);
L. Any condition in violation of Chapter 6.96 or 6.98 of the Sacramento County Code (Hazardous Materials);
M. Any condition in violation of Title 8 of the Sacramento County Code (Animal Control Law);
N. Any condition in violation of Chapter 16.02, 16.04, 16.20 or 16.22 of the Sacramento County Code (Building Code), including, but not limited to, buildings or structures which are abandoned, partially destroyed, or permitted to remain in a state of partial construction or partial demolition; and unpainted buildings causing dry rot, warping and lack of weather protection;
O. Any condition in violation of Chapters 17.04 and 17.12 of the Sacramento County Code (Fire Protection);
P. Any condition in violation of Chapter 6.28 of the Sacramento County Code (Wells and Pumps);
Q. Any condition in violation of Chapter 6.32 of the Sacramento County Code (Sanitary Sewage Systems);
R. Any condition in violation of Health and Safety Code Section 115700, including abandoned excavations, septic tanks and swimming pools;
S. Any condition in violation of the Sacramento County Zoning Code (Zoning Code);
T. Any condition in violation of Chapter 16.36 of the Sacramento County Code (Swimming Pools);
U. Any condition in violation of Chapter 16.38 of the Sacramento County Code (Sign Code);
V. Any condition in violation of Chapter 16.44 of the Sacramento County Code (Land Grading and Erosion Control);
W. Any condition in violation of Chapter 17.12 of the Sacramento County Code (Weed Control) including, but not limited to, overgrown, dead, dry, decayed, diseased or hazardous trees, weeds, and other vegetation, brush or weeds likely to cause a fire hazard to adjacent or nearby improved property or to the public, or which are noxious, dangerous or which cause a health hazard;
X. Any condition recognized in law or in equity as constituting a public nuisance;
Y. The failure to maintain and monitor any vacant building or property so as to constitute a condition detrimental to property values in the neighborhood or otherwise detrimental to the public welfare.

The existence of any one or more of the following property conditions constitutes a violation of this subsection:
1. The property contains overgrown, diseased, dead or decayed trees, weeds or other vegetation that:
   a. Constitutes a fire hazard or other condition that is dangerous to the public health, safety, welfare, or
   b. Creates the potential for the harboring of rats, vermin, vector, or other similar nuisances, or
c. Substantially detracts from the aesthetic and property values of neighboring properties, or
d. Is overgrown onto a public right-of-way at least twelve (12) inches, or
e. Is completely dead, over twelve (12) inches in height, and covers more than fifty (50) percent of the front or side yard visible from any street,
2. The property fails to comply with applicable development permit requirements with respect to any landscaping requirements,
3. The property contains exterior trash, debris, junk, or graffiti not regularly removed,
4. The property and all building entry points including doorways, windows or other openings are not closed, maintained or secured to prevent entry into the property and building by persons or animals,
5. Criminal activity is occurring on the premises, including, but not limited to, use and sale of controlled substances, prostitution, criminal street gang activity, loitering or trespassing.

Except as modified by this subdivision, all enforcement and cost recovery provisions of this chapter shall be applicable to violations of this subsection;

Z. Any unimproved real property which has become a dumping ground for litter, garbage, junk, debris, or discarded vehicles, vehicle parts and/or vehicle hulks, and which real property has been subject to abatement on one or more occasions by the County;

AA. Any conditions in violation of Chapter 15.12 (Stormwater Management and Discharge Control). Once proceedings have been commenced pursuant to this chapter to declare a property to be a public nuisance under this subsection, no such property shall be deemed to be in compliance with this chapter solely because such property thereafter becomes occupied;

BB. Any condition in violation of Chapter 6.88 of the Sacramento County Code (Marijuana Cultivation Outdoors);

CC. Any condition in violation of Chapter 6.89 of the Sacramento County Code (Marijuana Cultivation Indoors);


SECTION 4. 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 _____________ 201__, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

RECUSAL: Supervisors,

(Per Political Reform Act (§ 18702.5.))

__________________________
Chair of the Board of Supervisors of Sacramento County, California

(SEAL)

ATTEST: ______________________
Clerk, Board of Supervisors