

## Chapter 6.40 REUSABLE BAGS

### 6.40.010 Findings and purpose.

The city council finds and determines that:

- A. The use of ~~single-use~~ carryout bags by consumers at retail establishments and food facilities is detrimental to the environment, public health and welfare.
- B. The manufacture and distribution of ~~single-use~~ carryout bags requires utilization of natural resources and results in the generation of greenhouse gas emissions.
- C. ~~Single-use~~ Carryout bags contribute to environmental problems, including litter in stormdrains, creeks, the bay and the ocean.
- D. ~~Single-use~~ Carryout bags provided by retail establishments and food facilities impose unseen costs on consumers, local governments, the state and taxpayers and constitute a public nuisance.

The city council does, accordingly, find and declare that it should restrict the use of ~~single-use~~ carryout bags.

The city has a substantial interest in protecting its residents and the environment from negative impacts from ~~plastic~~ carryout bags.

(Ord. No. 2013-390, § 1, 3-12-2013)

### 6.40.020 Definitions.

- A. "Customer" means any person obtaining goods or prepared food from a retail establishment or food facility.
- B. "Garment bag" means a travel bag made of pliable, durable material with or without a handle, designed to hang straight or fold double and used to carry suits, dresses, coats, or like without crushing or wrinkling the same.
- C. "Nonprofit charitable reuser" means a charitable organization, as defined in Section 501 (c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty (50) percent of its revenues from the handling and sale of those donated goods or materials.
- D. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- E. "Prepared food" means foods or beverages, which require no further preparation to be consumed and are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing. "Prepared food" does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.
- F. "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 byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.
- G. ~~"Public eating establishment"~~ Food facility means ~~a restaurant, take-out food establishment, or any other business that receives ninety (90) percent or more of its revenue from the sale of prepared food to be eaten on or off its premises.~~ an operation that stores, prepares, packages, serves, vends, or otherwise provides food to the public for human consumption, as defined by California Health and Safety Code Section 113789 or successor. "Food facility" includes, but is not limited to, restaurants, retail food establishments, caterers, cafeterias, stores, shops, sales outlets, grocery stores, pubs, coffee shops, convenience stores, liquor stores,

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supermarkets, delicatessens, fraternal clubs serving the public, itinerant restaurants, mobile food vendors, vehicles or carts, or roadside stands. It includes both permanent and temporary food facilities. Public schools are exempt from the provisions of this chapter.

- H. "Recycled 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 (40)~~ fifty (50) percent post-consumer recycled content; is one hundred (100) percent recyclable; and has printed in a highly visible manner on the outside of the bag the words "reusable" and "recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.
- I. "Retail establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, prepared food, and personal items directly to the customer; and is located within or doing business within the geographical limits of the City of Los Altos. "Retail establishment" does not include ~~public eating establishments or~~ nonprofit charitable reusers.
- J. "Reusable bag" means ~~either~~ a bag made of cloth or other machine washable fabric that has handles ~~, or of a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse.~~ A garment bag may meet the above criteria regardless of whether it has handles or not.
- K. "~~Single-use~~ Carryout bag" means a bag of plastic, paper, or other material that is provided by a store to a customer at the point of sale for the purpose of carrying purchased goods and that is not a recycled paper bag, other than a reusable or bag provided at the check stand, cash register, point of sale or other point of departure, including departments within a establishment for the purpose of transporting food or merchandise out of the establishment. "~~Single-use~~ Carryout bags" do not include bags without handles provided to the customer:
1. ~~To transport prepared food, produce, bulk food or meat from a department within a store to the point of sale;~~
  2. To hold prescription medication dispensed from a pharmacy; 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.
  4. A nonhandled bag that is designed to be placed over articles of clothing on a hanger, such as a garment bag used in dry cleaning or laundry services.

(Ord. No. 2013-390, § 1, 3-12-2013)

#### **6.40.030 ~~Single-use~~ Carryout bags.**

- A. No retail establishment or food facility 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. A retail establishment and food facility ~~may only make recycled paper bags or reusable bags available to customers if the retailer charges~~ must charge a minimum of ~~ten~~ twenty-five cents (\$0.~~40~~25) per bag.
- C. Notwithstanding this section, no retail establishment or food facility may make available for sale a recycled paper bag or a reusable bag unless the amount of the sale of such bag is separately itemized in the sale receipt.
- D. A retail establishment or food facility may provide one or more recycled paper bags at no cost to any of the following individuals: a customer participating in 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 Health and Safety Code; a customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code; and a customer participating in Calfresh pursuant to Chapter 10 (commencing with Section 18900) Part 6 of Division 9 of the California Welfare and Institutions Code.

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(Ord. No. 2013-390, § 1, 3-12-2013; Ord. No. 2014-404 , § 1, 11-25-2014)

#### **6.40.040 Recordkeeping and inspection.**

Every retail establishment and food facility shall keep complete and accurate record or documents of the purchase and sale of any recycled paper bag or reusable bag by the retail establishment, for a minimum period of three (3) years from the date of purchase and sale, which record shall be available for inspection at no cost to the city during regular business hours by any city 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 city shall be a violation of this chapter.

(Ord. No. 2013-390, § 1, 3-12-2013)

#### **6.40.050 Administrative penalty.**

A penalty may be imposed upon findings made by a city's code enforcement officer that any retail establishment has provided a single use carryout bag to a customer in violation of this chapter. The amount of penalty and the penalty procedures are contained in the Los Altos Municipal Code, Chapter 1.30, entitled "Administrative Citations and Orders."

(Ord. No. 2013-390, § 1, 3-12-2013)