

Ordinance No. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA AMENDING THE MUNICIPAL CODE BY ADDING CHAPTER 16B PERTAINING TO SINGLE-USE CARRY OUT BAGS AT CERTAIN RETAIL FOOD AND GROCERY STORE ESTABLISHMENTS IN THE COUNTY.

THE BOARD OF SUPERVISORS FOR THE COUNTY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION ONE: CHAPTER 16 of the County of Santa Barbara Municipal Code is amended by adding a new chapter, Chapter 16B ("Single-Use Plastic Bag Ban"), which reads as follows:

Section 16B-1. Definitions.

The following definitions apply to this Chapter:

- A. Customer.** Any person purchasing goods from a store.
- B. Operator.** 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.
- C. Person.** Any natural person, firm, corporation, partnership, or other organization or group however organized.
- D. 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 and that is not a recycled paper bag or a reusable grocery bag.
A "Single-use carryout bag" does not include either of the following:
 - 1. A bag provided by a pharmacy pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the State Business and Professions Code 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.

E. Postconsumer recycled material. 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. Recyclable. 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.

G. Recyclable paper carryout bag. A paper bag (of any size) that meets all of the following requirements: 1. contains no old growth fiber; 2. is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) 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 County; 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.

H. Reusable bag. 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. This definition may be revised to mirror future state legislation.

I. Store. "Store" means a retail establishment that meets any of the following requirements:

1. A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000) or more that sells a line of dry groceries, canned goods, or nonfood items, and some perishable items.
2. Has 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 has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.
3. Is a convenience food store, foodmart, or other entity that is engaged in the retail sale of a limited line of goods, generally including milk, bread, soda, and snack foods, and that holds a Type 20 or Type 21 license issued by the Department of Alcoholic Beverage Control.
4. Is 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.
5. Wine/beer tasting rooms are exempt from the terms of this Chapter.

Section 16B-2. Single-use carryout bags prohibited.

- A. No Store shall provide any customer with a Single-use carryout bag.

Section 16B-3. Permitted bags.

All Stores that elect to provide carryout bags to a customer for the purpose of carrying away goods or other material from the point of sale, subject to the terms of this Chapter, shall provide or make available to a customer only recyclable paper carryout bags or reusable bags. Nothing in this Chapter prohibits customers from using bags of any type which the customer may 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.

Section 16B-4. Regulation of recyclable paper carryout bags.

A. Any Store that provides a recyclable paper carryout bag to a customer must charge the customer ten cents (\$0.10) for each bag provided, except as otherwise allowed by this Chapter.

B. No Store shall rebate or otherwise reimburse a customer any portion of the ten cent (\$0.10) charge required in subparagraph A, except as otherwise allowed by this Chapter.

C. All Stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged the customer for such bags.

D. All charges collected by a Store under this Chapter shall be retained by the Store and used for one or more of the following purposes: 1. the costs associated with complying with the requirements of this Chapter; 2. the actual costs of providing recyclable paper carryout bags; 3. the costs of providing low or no cost reusable bags to customers of the Store who are exempted by section 16B-6; or 4. the costs associated with a Store's educational materials or education campaign encouraging the use of reusable bags, if any.

Section 16B-5. Use of reusable bags.

A. All Stores must provide reusable bags to customers, either for sale or at no charge.

B. Stores are strongly encouraged to educate their staff to promote the use of reusable bags and to post signs and other informational materials encouraging customers to use reusable bags.

Section 16B-6. 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 state Welfare and Institutions Code.

Section 16B-7. Enforcement and violations.

A. Authority for Investigation and Enforcement. The Public Works Department Director (Director) is hereby authorized to make all necessary and reasonable rules and regulations, subject to the approval of the Board of Supervisors, needed to enforce the provisions of this chapter. The Director may also request, and shall receive, the assistance and cooperation of other officials of the County to assist in the discharge of these duties.

Enforcement authority includes the authority to investigate all reported or apparent violations of any of the provisions of this chapter. If a violation is determined to exist, the Director will attempt to obtain voluntary compliance.

Section 16B-8. Operative date.

For those Stores defined in both subparagraphs I (1) & (2) of section 16B-1, this Chapter shall become operative One Hundred Eighty (180) days after the effective date of the County ordinance adopting this Chapter. For Stores defined in any of the subparagraphs I (3) and (4) of Section 16B-1, this Chapter shall become operative one year after the effective date of the County ordinance adopting this Chapter.

SECTION 2: Except as amended by this Ordinance, Chapter 16 of the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

SECTION 3: This ordinance shall take effect thirty (30) days from the date of its passage; and shall only become operative and be in force for stores defined in subparagraphs I(1) & (2) of Section 16B-1 180 days after the effective date and for stores defined in subparagraphs I(3) & (4) of Section 16B-1 one year after the effective date. Before expiration of fifteen (15) days after its passage, the ordinance, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara in compliance with Government Code Section 25124.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO,

COUNTY EXECUTIVE OFFICER

CLERK OF THE BOARD

JANET WOLF, CHAIR
BOARD OF SUPERVISORS

By _____
Deputy Clerk

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____
Deputy County Counsel