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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014-__

INTRODUCED BY:

Councilor Rebecca Wurzburger

Councilor Patti Bushee

AN ORDINANCE

RELATING TO THE SINGLE-USE BAG ORDINANCE, SECTION 21-8 SFCC 1987; AMENDING SUBSECTION 21-8.1 TO MODIFY THE LEGISLATIVE FINDINGS RELATED TO PAPER GROCERY BAGS; AMENDING SUBSECTION 21-8.4 TO ELIMINATE THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT A PAPER GROCERY BAG CHARGE OF NOT LESS THAN TEN-CENTS FOR EACH PAPER GROCERY BAG PROVIDED TO CUSTOMERS; AMENDING SUBSECTION 21-8.6 TO ESTABLISH A 30 DAY IMPLEMENTATION PERIOD; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Subsection 21-8.1 SFCC 1987 (being Ord. #2013-39, §2) is amended to read:

21-8.1 Legislative Findings.

The governing body of the city of Santa Fe finds that:

- A. Most plastic carry-out bags do not biodegrade and instead persist in the environment

1 for hundreds of years, slowly breaking down through abrasion, tearing and photo degradation into
2 toxic plastic bits that contaminate soil and water while entering the food web when animals
3 inadvertently ingest these materials.

4 B. It is the city's desire to conserve resources, reduce waste, litter, pollution and protect
5 the public health and welfare.

6 C. The litter problem resulting from single use plastic bags is becoming increasingly
7 difficult to manage and has costly negative implications for tourism, wildlife and aesthetics.

8 D. Even though single use paper grocery bags require more resources to manufacture,
9 transport and recycle or dispose of than single-use plastic carry-out bags, they are made from
10 renewable resources and are less of a litter problem than single use plastic carry out bags and are
11 recyclable [~~they require more resources to manufacture, transport and recycle or dispose of than~~
12 ~~single use plastic carry out bags~~].

13 E. The Single-Use Bag Ordinance will eliminate the use of single-use plastic carryout
14 bags by all retail establishments within the jurisdiction of the city of Santa Fe [~~place a fee on single-~~
15 ~~use paper grocery bags,~~] and encourage the use of reusable bags.

16 **Section 2. Subsection 21-8.4 SFCC 1987 (being Ord. #2013-39, §5) is amended to**
17 **read:**

18 **21-8.4 Applicability.**

19 A. A retail establishment shall not provide a single-use plastic carry-out bag to any
20 customer.

21 [~~B. Retail establishments shall collect a paper grocery bag charge of not less than ten-~~
22 ~~cents for each paper grocery bag provided to customers, except that retail establishments shall not~~
23 ~~collect a paper grocery bag charge from any person with a voucher or electronic benefits card issued~~
24 ~~under Women, Infants and Children Program(WIC), the Emergency Food Assistance Program~~
25 ~~(TEFAP), Temporary Assistance to Needy Families Program (TANF), or the federal Supplemental~~

1 Nutrition Assistance Program (SNAP, also known as Basic Food Stamps). It shall be a violation of
2 this Ordinance for any retail establishment to pay or otherwise reimburse a customer for any portion
3 of the paper grocery bag charge;

4 C. ~~— All retail establishments shall indicate on the customer transaction receipt the number~~
5 ~~of recyclable paper carryout grocery bags provided and the total amount of the paper grocery bag~~
6 ~~charge.~~

7 D. ~~— A retail establishment may provide a paper bag to customers which are smaller than a~~
8 ~~paper grocery bag as defined by subsection 21-8.3.~~

9 E] B. To further promote the use of reusable shopping bags and reduce the quantity of
10 single-use carryout bags entering the city's waste stream, retail establishments are encouraged to
11 make reusable carryout bags free or for sale at the checkout and/or provide boxes for use at the
12 checkout free of charge. The environmental services division is authorized to provide reusable
13 carryout bags for the public at low cost or free-of-charge, targeting such programs to reach low-
14 income households to the greatest degree possible.

15 **Section 3. Subsection 21-8.6 SFCC 1987 (being Ord. #2013-39, §7) is amended to**
16 **read:**

17 **21-8.6 Effective Dates.**

18 A. The Single-Use Bag Ordinance shall become effective [~~six (6) months after the city~~
19 ~~council approves the ordinance for all retail establishments]~~ on February 27, 2014. To facilitate the
20 transition to reusable bags, there shall be a thirty (30) day implementation period from the effective
21 date of this Ordinance.

22 B. The environmental services division shall conduct an educational campaign in both
23 English and Spanish on this ordinance

24 C. The environmental services divisions shall conduct a sample survey of some retail
25 establishments impacted by this Ordinance to provide feedback about the financial impact to each

1 establishment.

2 D. In a public meeting no later than 12 months after the effective date of this Ordinance,
3 the sustainable Santa Fe commission shall review and evaluate the survey results reported by the
4 environmental services division to assess the impacts to businesses of the Single-Use Bag Ordinance.
5 Additionally, the environmental services division shall provide to the sustainable Santa Fe
6 commission a report that contains the following:

7 (1) An estimation of the financial impact to retail establishments of
8 implementing this Ordinance; and

9 (2) An estimation of the effectiveness of this Ordinance compared to other
10 jurisdictions' efforts to reduce use of single-use carryout bags.

11 (3) A comparison of those retail establishments that charge for paper bags and
12 reusable bags and those retail establishments that do not charge for paper bags and reusable
13 bags.

14 E. The evaluation by the sustainable Santa Fe commission shall be presented in a report
15 to the city council with recommendations for any changes in the ban, pass-through charges, or other
16 provisions that are needed to improve effectiveness. The report to the city council shall be submitted
17 no later than one year after the approved date of this Ordinance.

18 **Section 4. Effective Date.** This Ordinance shall become effective immediately upon
19 adoption.

20 APPROVED AS TO FORM:

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22 _____
23 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

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25 *M/Melissa/Bills 2014/Paper Bag Charges*