

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2015-12

INTRODUCED BY:

Councilor Peter Ives

Councilor Signe Lindell

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AN ORDINANCE

RELATING TO THE SINGLE-USE CARRYOUT 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 ESTABLISH THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT AN ENVIRONMENTAL SERVICE FEE FOR EACH PAPER GROCERY BAG PROVIDED TO CUSTOMERS; AMENDING SUBSECTION 21-8.6 TO ESTABLISH A 60 DAY IMPLEMENTATION PERIOD; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.

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

Section 1. Section 21-8.1 SFCC 1987 (being Ord. #2013-29, §2) is amended to read:

21-8.1 Legislative Findings.

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

A. ~~[Most]~~ The majority of single-use plastic carry[-]out bags used for shopping do not

1 easily biodegrade [~~and instead~~] but rather persist in the environment for hundreds of years, slowly
2 breaking down through abrasion, tearing and photo degradation into toxic plastic bits that then
3 contaminate the soil and water [~~while entering the food web when animals inadvertently ingest these~~
4 ~~materials~~].

5 B. It is the city's desire to [~~conserve resources~~] protect the environment, while [~~reduce~~]
6 reducing waste, litter, and pollution [~~and~~] in order to help improve [~~protect~~] the public's health and
7 welfare.

8 C. The litter problem resulting from single-use plastic carryout bags is becoming
9 increasingly difficult to manage and has costly negative implications for tourism, wildlife and
10 aesthetics.

11 D. [~~Even though~~] [~~s~~]Single-use paper grocery bags require more resources to
12 manufacture, transport, [~~and~~] recycle, or dispose of than single-use plastic carry[-]out bags, [~~they~~] and
13 although many of them are made from renewable resources and are less of a litter problem than
14 single-use plastic carry[-]out bags, and are also recyclable, studies have shown that they have a
15 limited number of times they can be recycled, require more energy to recycle, and take up more space
16 in landfills than plastic bags.

17 E. To encourage the public to use reusable bags, [The] the Single-Use Carryout Bag
18 Ordinance will eliminate the use of single-use plastic carryout bags and require all retail
19 establishments within the jurisdiction of the city of Santa Fe to assess an environmental service fee
20 for each paper grocery bag they provide to customers. [by all retail establishments within the
21 jurisdiction of the city of Santa Fe and encourage the use of reusable bags.]

22 **Section 2. Section 21-8.2 SFCC 1987 (being Ord. #2013-29, §3) is amended to**
23 **read:**

24 **21-8.2 Short Title; Purpose.**

25 A. Section 21-8 SFCC 1987 shall be cited as the "Single-Use Carryout Bag Ordinance."

1 B. The production and disposal of single-use carryout bags causes significant
2 environmental impacts including contamination of the environment, the death of animals through
3 ingestion and entanglement and widespread litter. The purpose of this section is to protect, conserve
4 and enhance the city's unique natural beauty and irreplaceable natural resources through the reduction
5 of single-use carryout bags by encouraging the use of reusable bags.

6 **Section 3. Section 21-8.4 SFCC 1987 (being Ord. No. 2013-29, §5, as amended) is**
7 **amended to read:**

8 **21-8.4 Applicability.**

9 A. A retail establishment shall not provide a single-use plastic carryout bag to any
10 customer.

11 B. For every paper grocery bag provided by a retail establishment, an environmental
12 service fee of ten cents (\$.10) shall be charged to the customer for each paper grocery bag provided,
13 except that retail establishments shall not collect the environmental service fee from any person with
14 a voucher or electronic benefits card issued under Women, Infants and Children Program(WIC), the
15 Emergency Food Assistance Program (TEFAP), Temporary Assistance to Needy Families Program
16 (TANF), or the federal Supplemental Nutrition Assistance Program (SNAP, also known as Basic
17 Food Stamps).

18 (1) Retail establishments shall indicate on the customer transaction receipt the
19 number of paper grocery bags provided and the total amount of the environmental service
20 fees charged.

21 (2) Ten percent (10%) of the environmental service fee collected by a retail
22 establishment shall be retained for administrative costs incurred by the collection and
23 reporting of the environmental service fee to the city. The remainder of the environmental
24 service fee collected shall be transmitted to the city of Santa Fe. The city shall dedicate the
25 environmental service fees towards environmental educational programs and services

1 provided to the public, and also towards the purchase of reusable bags to be provided to the
2 public, free of charge.

3 (3) It shall be a violation of this Ordinance for any retail establishment to pay or
4 otherwise reimburse a customer for any portion of the environmental service fee.

5 [B]C. To further promote the use of reusable [shopping] bags and reduce the quantity of
6 single-use carryout bags entering the city's waste stream, retail establishments are encouraged to
7 make reusable [carryout] bags free or for sale at [the] checkout counters and/or provide boxes for use
8 at [the] checkout counters free of charge. The environmental services division is authorized to provide
9 reusable [carryout] bags for the public at low-cost or free[-]of[-]charge, [targeting such programs to
10 reach] with specific emphasis on reaching out to low-income households to the greatest degree
11 possible.

12 **Section 4. Section 21-8.6 SFCC 1987 (being Ord. No. 2013-29 §7, as amended) is**
13 **amended to read:**

14 **21-8.6 Effective Dates.**

15 A. The Single-Use Carryout Bag Ordinance shall become effective on [February 27,
16 2014] April 30, 2015. To facilitate the transition to reusable bags, there shall be a [thirty (30)] sixty
17 day (60) day implementation period from the effective date of this Ordinance. [(February 26, 2014 to
18 March 28, 2014.)] (April 30, 2015 to June 29, 2015.)

19 B. The environmental services division shall conduct an educational campaign in both
20 English and Spanish on this section.

21 [C. The environmental services divisions shall conduct a sample survey of some retail
22 establishments impacted by this section to provide feedback about the financial impact to each
23 establishment.

24 D. In a public meeting no later than twelve (12) months after the effective date of this
25 Ordinance, the sustainable Santa Fe commission shall review and evaluate the survey results reported

1 ~~by the environmental services division to assess the impacts to businesses of the Single Use Bag~~
2 ~~Ordinance. Additionally, the environmental services division shall provide to the sustainable Santa~~
3 ~~Fe commission a report that contains the following:~~

4 ~~_____ (1) _____ An estimation of the financial impact to retail establishments of~~
5 ~~implementing this section; and~~

6 ~~_____ (2) _____ An estimation of the effectiveness of this section compared to other~~
7 ~~jurisdictions' efforts to reduce use of single use carryout bags.~~

8 ~~_____ (3) _____ A comparison of those retail establishments that charge for paper bags and~~
9 ~~reusable bags and those retail establishments that do not charge for paper bags and reusable~~
10 ~~bags.~~

11 ~~E. _____ The evaluation by the sustainable Santa Fe commission shall be presented in a report~~
12 ~~to the city council with recommendations for any changes in the ban, pass-through charges, or other~~
13 ~~provisions that are needed to improve effectiveness. The report to the city council shall be submitted~~
14 ~~no later than one year after the approved date of this Ordinance (February 26, 2015).]~~

15 C. The environmental services division shall conduct a sample survey of retail
16 establishments impacted by this section and shall review, evaluate and assess the survey results, to
17 then be compiled into a report that shall also contain the following:

18 _____ (1) _____ An estimation of the financial impact to retail establishments of
19 implementing this section and,

20 _____ (2) _____ An estimation of the financial impact on the public.

21 D. The environmental services shall present the report to the city council with
22 recommendations for any changes in this section, or other provisions that are needed to improve its
23 effectiveness. The report to the city council shall be submitted no later than one year after the
24 approved date of this Ordinance.

25 F. There shall be a sixty (60) day implementation period to facilitate the implementation

1 of a ten cent (\$.10) environmental service fee by retail establishments, pursuant to Subsection 21-
2 8.4(B). Therefore, retail establishments shall begin charging the environmental service fee no later
3 than June 29, 2015.

4 **Section 5. Effective Date.** This Ordinance shall become effective immediately upon
5 adoption.

6 APPROVED AS TO FORM:

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8 _____

9 KELLEY A. BRENNAN, CITY ATTORNEY