



GRASS VALLEY

Single-Use Plastic Carry-Out Bag Ordinance Information for Retailers

The City of Grass Valley has adopted a Single-Use Plastic Carry-Out Bag Ordinance to reduce the environmental impacts and pollution from plastic bags, and promote the use of reusable bags for shopping.

Starting January 1, 2015, retail stores in Grass Valley may not provide single use plastic carry-out bags to their customers.

Customers may bring in their own re-usable bags or be provided a substitute bag from the retailer.

Reusable bags are defined as being made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is designed for multiple reuse.

Enforcement of the Ordinance will be on a complaint basis. Repeated non-compliance with the terms of the ordinance will be considered a violation of the Grass Valley Code. Violations will be subject to warning, citation and/or imposition of fines after January 1, 2015.

Should any company find it a hardship to comply with the time frame of the ordinance, they are encouraged to contact the City Manager who has the authority to provide an exemption to implementation until June 30, 2015.

For more information contact:

**The Office of the City Manager at
(530) 274-4312.**

The Single-Use Plastic Carry-Out Bag Ordinance applies to retail establishments selling perishable or nonperishable goods directly to the customer, such as food, clothing, or personal items.

The bags being regulated are defined as: bags with handles made predominately of plastic and provided at check stands, cash registers, point of sale or other point of departure, for the purpose of transporting food or merchandise out of the retail establishment.

The Ordinance does not apply to the following types of businesses:

- Restaurants
- Coffee shops
- Take-out food establishments,
- or any other business that receives 90% or more of its revenue from the sale for Prepared Food to be eaten on or off its premises.

Also, single-use plastic bags, without handles, are allowed in the following situations:

- * *to transport* - prepared food, produce, bulk items such as loose beads or small hardware items, bulk food or meat *from a department within a store to the point of sale.*
- * dry-cleaning
- * to hold prescription medication dispensed from a licensed pharmacy.



Single-use plastic carry-out bags are prohibited in Grass Valley retail stores.



Reusable bags will be encouraged for Grass Valley shoppers.

Tips for Retailers

1. Phase out plastic carry-out bags: use your current supply or exchange with a supplier prior to January 1, 2015.
2. Decide upon the types of bags you will use after the ordinance goes into effect.
3. Find a source for your new bags.
4. Let your employees and customers know about the upcoming change.
5. Begin to encourage the use of reusable bags and consider selling them in your store with your store's logo on them. You may also want to develop a promotional program giving away your bags for a period of time to provide focus to your business and the change to reusable bags.
6. The Grass Valley Ordinance does not mandate that stores charge for the bags you provide. Some will use recyclable paper bags while others may have more customized bags advertising their store. The new California State law banning plastic bags requires that retailers charge their customers ten cents for every paper bag they use. The Grass Valley ordinance does not have that requirement and therefore you are under no obligation to charge for the bags you provide.

Use of Protective Bags

Stores may provide customers with plastic or paper protective bags (without handles) to segregate and transport the following types of items to the cashier:

- * Meat
- * Produce
- * Prescriptions
- * Greeting Cards
- * Aquatic animals & plants (e.g. pet fish)
- * Dry Cleaning
- * Bulk foods or hardware (e.g. nuts & bolts)

Old supplies of banned plastic carry-out bags do not qualify as protective bags unless the handles are removed.

Exemptions

The City Manager may exempt a retail establishment from compliance with the Ordinance, for up to six months from the implementation date, upon the business furnishing written evidence that the enforcement of such provisions would create an undue hardship or practical difficulty not generally applicable to other retail establishments in similar circumstances. Should you have any questions, please contact the City Manager at (530) 274-4312.

Partial List of Bag Suppliers*

Reusable Bags		
1 Bag at a Time, Inc.	www.onebagatatime.com	(310) 649-3888
Ad Plus LLC	www.adpluspromotions.com	(408) 528-0818
Bunzl Distribution	www.bunzldistribution.com	(800) 274-1180
Chico Bag	www.chicobag.com	(530) 342-4426
Envirosax LLC	www.envirosax.com	(858) 537-6525
Simply Green Solutions	www.simplygreensolutions.com	(626) 943-2828 ext 101
Store Supply (small quantities available)	www.storesupply.com	(800)-823-8887
Vineyard Unlimited	www.vineyardunlimited.com	(408) 265-1517
Western Textile	www.bagmakers.com	(415) 255-2010

Recycled Paper Bags		
Adrite Promotions	www.adritepromotions.com	(510) 832-6589
Advance Paper Systems	www.apspackaging.com	(408) 286-7770
California Supply North, Inc.	www.calsupply.com	(510) 429-0300 ext 140
Central Cash & Carry	www.centralcashandcarry.com	(408) 975-2485
Luna Packaging LLC	www.lunapackaging.com	(510) 522-5862
Moresco Distributing	www.moresco.biz	(707) 773-2500 ext 112
TreeCycle	www.treecycle.com	(406) 550-3116
Webb Enterprises	www.pacificwesternsales.com	(408) 655-5226

*This list of "Bag Suppliers" in no way implies or conveys that the City of Grass Valley endorses these suppliers, nor the quality or compliance of their products with respect to the City of Grass Valley. The list is provided as a courtesy, for informational purposes only, and is not a complete list of suppliers. It is the responsibility of anyone who uses this list to validate the qualifications and compliance of each bag with the City of Grass Valley Single-Use Plastic Carryout Bag Ordinance prior to purchasing bags from suppliers. The City is not responsible for any expenses that may be associated with using this list.

ORDINANCE NO. 753

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY ADDING CHAPTER 8.25 TO THE GRASS VALLEY MUNICIPAL CODE TO REGULATE THE USE OF PLASTIC CARRYOUT BAGS AND RECYCLABLE PAPER BAGS AND PROMOTE THE USE OF REUSABLE BAGS IN THE CITY OF GRASS VALLEY

THE CITY COUNCIL OF THE CITY OF GRASS VALLEY DOES ORDAIN AS FOLLOWS:

SECTION I. FINDINGS. The City Council of the City of Grass Valley hereby finds and declares as follows:

WHEREAS, many local public entities have passed or considered passing regulations banning or limiting distribution and use of single-use plastic bags; and

WHEREAS, in many other places in California and throughout the world, banning single use plastic bags has dramatically lowered consumer consumption of those bags; and

WHEREAS, according to the Master Environmental Assessment (MEA) on Single-Use and Reusable Bags prepared by the Waste Management Authority in 2010 on behalf of Green Cities California (<http://www.greencitiescalifornia.org/mea>), in California, 19 billion plastic bags are used annually, with 81% of them ending up in landfills, which in turn generates 147, 038 tons of Waste and requires in excess of \$51 million annually in disposal costs; and

WHEREAS, according to the MEA, 247 million pounds of plastic bags are buried in landfills across California; and

WHEREAS, plastics cause contamination in water and species in our immediate and regional area, and therefore pose a significant negative threat on our environment; and

WHEREAS, plastic carryout bags constitute a high percentage of litter, which is unsightly, costly to clean up, and causes serious negative environmental impacts; and

WHEREAS, the City has a substantial interest in protecting its residents and the environment from negative impacts from plastic carryout bags.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRASS VALLEY DOES ORDAIN AS FOLLOWS:

SECTION II. CODE AMENDMENT. A new Chapter 8.25 is hereby added to Title 8 of the Grass Valley Municipal Code to read as set forth in Exhibit A to this ordinance.

SECTION III. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Grass Valley hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937. Its substantive mandates and prohibitions shall become operative January 1, 2015.

SECTION V. CEQA. Pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA" and the CEQA Guidelines, the City Council finds that this ordinance is exempt because it is not a "project" as that term is defined in section 21065, and furthermore is categorically exempt from environmental review pursuant to California Code of Regulations, Title 14 sections 15282(p), 15305, 15307, 15308, 15321, and 15324.

SECTION VI. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Grass Valley occurred at a meeting thereof held on this 26th day of August, 2014, by the following vote:

AYES: Council Members Arbuckle, Fouyer, Levine, Swarthout & Mayor Miller

NOES: NONE


ABSENT: NONE

ABSTAINING: NONE




Dan Miller, Mayor

APPROVED AS TO FORM:



8/24/14
Michael G. Colantuono, City Attorney

ATTEST:



Kristi K. Bashor, City Clerk

Exhibit A

Chapter 8.25

8.17.010 Definitions.

8.17.020 Single-Use Plastic Carryout Bags Prohibited.

8.17.030 Exemptions.

8.17.040 Enforcement.

8.17.050 Operative date.

8.17.060 No conflict with federal or state law.

8.17.010 Definitions.

The following definitions apply to this Chapter:

For the purpose of this chapter, the following definitions shall apply to the capitalized terms unless the context clearly indicates or requires a different meaning.

“Customer” means any person obtaining goods from a retail establishment.

“Operator” means 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.

“Person” means any natural person, firm, corporation, partnership, or other organization or group however organized.

“Post-Consumer Recycled Content” means material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Post-Consumer Recycled Content does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

“Prepared Food” means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

"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. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

"Recycled Content Paper Bag" means a paper bag 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%) postconsumer recycled content; (3) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; and (4) is accepted for recycling in curbside programs in the City of Grass Valley or the County of Nevada.

"Retail Establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer; and is located within or doing business within the geographical limits of the City of Grass Valley. "Retail establishment" does not include a restaurant, coffee shop, take-out food establishment, or any other business that receives 90% or more of its revenue from the sale of Prepared Food to be eaten on or off its premises.

"Reusable Bag" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse.

"Single-Use Plastic Carryout Bag" means a bag with handles made predominantly of plastic derived from either petroleum or a biologically-based source, provided at the check stand, cash register, point of sale or other point of departure, including departments within a store, for the purpose of transporting food or merchandise out of a retail establishment. "Single-use Plastic Carryout Bags" do not include Reusable Bags, bags which form part of a product's packaging or bags without handles provided to the customer, including but not limited to bags provided: (1) to transport prepared food, produce, bulk items such as loose beads or small hardware items, bulk food or meat from a department within a store to the point of sale, (2) dry-cleaning; (3) to hold prescription medication dispensed from a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Cal. Business and Professions Code; or (4) 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.

8.17.020 Single-Use Plastic Carryout Bags Prohibited.

- A. No retail establishment shall provide a single-use plastic carryout bag to a customer for the purpose of transporting food or merchandise out of the establishment, except as provided in this section.

- B. Nothing in this Chapter prohibits customers from using bags of any type that they bring to a retail establishment or from carrying away goods that are not placed in a bag at point of sale, in lieu of using bags provided by the establishment.

8.17.030 Exemptions

The City Manager may exempt a retail establishment from the provisions of Section 8.17.020 of this Chapter for a period of up to six months from the implementation date of this Chapter upon the retail establishment furnishing written evidence that the enforcement of such provisions would create an undue hardship or practical difficulty not generally applicable to other retail establishments in similar circumstances. The City Manager's written decision shall be final as to the City and subject to judicial review pursuant to Code of Civil Procedure section 1085 et seq.

8.17.040 Enforcement

- A. Whenever the City Manager finds that any provision of this Chapter has been violated, the City Manager shall give notice of such violation by means of a written warning to the Operator of a Retail Establishment. In any such warning the City Manager shall:
 - 1. Set forth the specific violation or violations found;
 - 2. Establish a specific and reasonable period of time for the correction of the violation or violations; and
 - 3. State that failure to comply with any notice issued in accordance with the provisions of this subsection shall be punishable by a fine in an amount consistent with subsection (B) of this Section.

- B. Following the issuance of a written warning, an offense under this Chapter shall be punishable by a fine of not more than one hundred dollars (\$100) for the first

conviction, and a fine of not more than two hundred fifty dollars (\$250) for the second and any subsequent conviction.

- C. Each and every day that a violation occurs shall constitute a separate violation of this Chapter.
- D. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Chapter. In addition, upon the City Manager's issuance of a penalty for a second violation of this chapter, the terms of this Chapter may thereafter be enforced by any means authorized by this Code for enforcement or abatement of Code violations or nuisances, as well as any other remedy otherwise available at law or in equity. The City shall be entitled to recover costs of enforcement and abatement in the same manner it may recover costs for abatement of nuisances under Chapter 1.14 of this Code.

8.17.050 Operative date.

This Chapter shall become operative and enforceable on January 1, 2015.

8.17.060 No conflict with federal or state law.

Nothing in this ordinance is intended to create any requirement, power or duty that is in conflict with any federal or state law.