

ORDINANCE
By Gordon and Warsame

Amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Garbage and Refuse.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 225 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article VII, including new Sections 225.900 through 225.960, to read as follows:

ARTICLE VII. SINGLE-USE PLASTIC AND RECYCLABLE PAPER CARRYOUT BAGS

225.900. Purpose. The purpose of this article is to reduce litter, waste, lifecycle environmental impacts, and negative impacts on recycling facilities of single-use bags and incentivize Minneapolis consumers to use reusable bags.

225.910. Definitions. As used in this article:

Carryout bag means a paper or plastic bag that is provided by a retail establishment at the check stand, cash register, point of sale, or other point of departure to a customer for the purpose of transporting food or merchandise out of the establishment. Carryout bags do not include:

- (1) Bags without handles used by customers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items, such as nails and bolts, or to contain or wrap frozen foods, meat or fish, whether prepackaged or not, or to contain or wrap flowers or potted plants, or other items where dampness may be a problem, or to contain unwrapped prepared foods or bakery goods, or to contain prescription drugs; or
- (2) Bags used to safeguard public health and safety during the transportation of prepared take-out foods and prepared liquids intended for consumption away from the retail establishment; or
- (3) Newspaper bags, door-hanger bags, laundry-dry cleaning bags, bags used to protect fine art paper, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.

Compostable carryout bag means a bag that meets ASTM D6400 standard and is certified for compostability by the Biodegradable Products Institute and displays the BPI logo.

Pass-through charge means a charge to be collected by retailers from their customers when providing recyclable paper bags or reusable plastic bags, and retained by retailers to offset the cost of bags and other costs related to the pass-through charge.

Paper carryout bag means a paper carryout bag that meets the following requirements:

- (1) Contains a minimum average of forty percent (40%) post-consumer recycled materials; and
- (2) Displays the minimum percent of post-consumer content on the outside of the bag.

Retail establishment means any person, corporation, partnership, business venture, public sports or entertainment facilities, government agency, street vendor or vendor at public events or festivals or organizations that sell or provide merchandise, goods, or materials including, without limitation, clothing, food, beverages, household goods, or personal items of any kind directly to a customer. Examples include but are not limited to department stores, clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, liquor stores, convenience stores, gas stations, restaurants, food vending trucks, farmers markets, and temporary vendors of food and merchandise at street fairs and festivals. Food banks and other food assistance programs are not considered to be retail establishments for the purposes of this section.

Reusable bag means a bag that is made of cloth, fiber, or other machine washable fabric or durable plastic that can be cleaned and disinfected regularly and meets the following requirements:

- (1) Is at least four (4) mils thick;
- (2) Is specifically designed and manufactured for multiple reuses over a period of time and a minimum lifetime use of seventy-five (75) uses; and
- (3) Has the capability of carrying up to eighteen (18) pounds.

Single-use plastic carryout bag means any carryout bag made from plastic that is neither intended nor suitable for continuous reuse as a carryout bag or that is less than four (4) mils thick.

225.920. Single-use plastic carryout bags prohibited. No retail establishment shall provide a single-use plastic carryout bag to any customer.

225.930. Carryout bag restrictions and requirements. (a) No retail establishment shall provide a paper carryout bag that is not a recyclable paper bag, and retail establishments shall collect a pass-through charge of not less than five cents for each paper carryout bag, compostable carryout bag or reusable bag provided to customers. It shall be a violation of this section for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge; ~~provided that retail establishments are not required to collect a pass-through charge from anyone with a voucher or electronic benefits card issued under the Women, Infants and Children (WIC) or Temporary Assistance to Needy Families (TANF) support programs, or the federal Supplemental Nutrition Assistance Program (SNAP, also known as Basic Food), or a recognized Minnesota food assistance program.~~ All retail establishments shall indicate on the customer transaction receipt the number of paper carryout bags, compostable carryout bags and/or reusable bags provided and the total amount of the pass-through charge.

(b) Retail establishments are not required to collect a pass through charge from anyone with a voucher or electronic benefits card issued under the Women, Infants and Children (WIC) or Temporary Assistance to Needy Families (TANF) support programs, or the federal Supplemental Nutrition Assistance Program (SNAP, also known as Basic Food), or a recognized Minnesota food assistance program.

(c) In lieu of imposing any pass through charge, a retail establishment may, at the retail establishment's option, contribute five-cents per paper carryout bag, compostable carryout bag or reusable bag provided to customers to any recognized non-profit organization to fund litter cleanup and waste reduction initiatives, activities and programs of the organization within the City of Minneapolis. The City officials identified in section 225.940 and their authorized representatives may monitor and ensure compliance with the requirements of this subsection through the utilization of reasonable and lawful auditing, reporting and recordkeeping requirements.

225.940. Enforcement and penalties. The director of community planning and economic development, the director of public works and the director's authorized representatives, the license official, the commissioner of health, and the director of regulatory services, the licensing official and the authorized representatives of those officials shall be authorized to assist with the enforcement of the provisions of this article. Violations of this article may be enforced as administrative offenses pursuant to Chapter 2 of the Minneapolis Code of Ordinances and for these purposes the city engineer and the engineer's officials referenced in this section and their authorized representatives shall be authorized pursuant to section 2.20 of this Code to issue administrative citations. This article may also be enforced by injunction, abatement, mandamus, or any other appropriate civil, administrative or criminal remedy in any court of competent jurisdiction.

225.950. Severability. (a) *Severability of text.* If any portion of this article is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the regulations, and such determination shall not affect the validity of the remainder of the article.

(b) *Severability of application.* If the application of any provision of this article to a particular person or property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

225.960. Effective date. This article shall become effective ~~April 22, 2017~~ June 1, 2017.