

CITY OF LAFAYETTE
**Plastic Bag Ordinance
Begins July 1, 2015**

TO HELP KEEP PLASTIC POLLUTION OUT OF OUR NEIGHBORHOODS, CREEKS AND BAY



On December 8, 2014, the City of Lafayette adopted Ordinance 626, regulating "Single-Use Carryout Bags" and "Food Packaging Recycling." The regulations require that all bags provided by retail establishments or public eating establishments for the purpose of carrying away goods from the point of sale be recycled paper carryout bags or reusable bags, beginning on July 1, 2015. The regulations also require select businesses to charge for checkout bags (compostable bags, recycled paper bags, or reusable bags) that they provide. Customers can avoid the charge by bringing their own bag. (See reverse for more details)

What is the purpose of Lafayette's "Single-Use Carryout Bag" regulations?

The purpose of the regulations is to reduce the impact of disposable bags on the City and the environment. A charge per bag has been shown to reduce the number of disposable bags used.

This ordinance will reduce litter and waste, reduce contamination in recycling and composting programs, and improve water quality by reducing pollution. More than 100 other communities in California are covered by similar laws.

What types of businesses does the ordinance apply to?

This ordinance applies to all retail establishments and public eating establishments.

Are businesses required to charge?

Select businesses are required to charge a minimum charge of 10¢ per checkout bag (compostable bags, recycled paper bags, or reusable bags) that they provide to the customer. A business may choose to charge more for carryout bags they provide. Businesses that must impose the charge include:

- Grocery Stores & Markets (Chow, Diablo Foods, Open Sesame, Safeway, Trader Joe's, Whole Foods)
- Pharmacies (CVS, Walgreen's Pharmacy)
- Convenience Stores (7-11, Kwik Stop, Gas Stations)
- Liquor Stores (Jackson's Wines & Spirits, Wine Thieves)

What are the requirements for public eating establishments?

Starting on July 1, 2015, all public eating establishments (such as restaurants, delicatessens, cafeterias and food trucks) cannot distribute single-use plastic checkout bags to customers for their take-out food for delivery or pick-up. Customers can opt for no bag, paper bags may be provided to customers at no charge, and reusable bags can be used at the discretion of customers and restaurant. Individual paper or plastic product bags without handles may be used around containers of soups or stews to prevent spilling. Additionally, eating establishments are prohibited from utilizing Styrofoam and are required to utilize food and beverage containers that are readily compostable or recyclable.

How can customers avoid the charge?

Customers can avoid the charge by bringing their own bag or refusing a bag when they make a small purchase that is easy to carry without a bag.

Where does the 10¢ charge go?

Businesses may retain the entire checkout bag charge in order to help offset the cost of compliant bags.

How will the regulations be monitored?

The City's Code Enforcement Officer or designated representative has the right to enter the business during normal business hours to make reasonable inspections to ascertain compliance. Enforcement is typically handled on a complaint-basis only.

What happens to businesses that don't comply?

The City will focus primarily on education and helping businesses comply. For those who are persistently out of compliance, a warning can be issued, and fines can be levied.

What type of bags can businesses use?

Compliant checkout bags include:

- Compostable plastic bags labeled with a certification logo
- Paper bags labeled with 40% post-consumer recycled content
- Reusable checkout bags designed for at least 125 uses and are washable

What bags are allowed under this ordinance?

The regulations do not apply to the following:

- Bags integrated into the packaging of the product.
- Bags without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a retail establishment or to prevent such food items from coming into direct contact with other purchased items.
- Bags used to hold prescription medication dispensed from a pharmacy.
- Bags used to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together (examples include small paper bag for greeting cards, paper bags to protect glass bottles, plastic bags around ice cream or other wet items, paper bags used to weigh candy, etc.).

Lafayette's Plastic Bag Ban vs. California's Senate Bill 270

Although Senate Bill 270 (Ban on Single Use Carry Out Bags) was approved by Governor Brown, it is currently on hold subject to the referendum that will appear on California's November 2016 Ballot. However, Lafayette's ordinance supersedes the state initiative and begins July 1, 2015. The outcome of the ballot measure next November will have no direct impact on Lafayette's current regulations.

The state measure is a veto referendum; this means that a "yes" vote would be a vote to uphold or ratify the contested legislation, Senate Bill 270, that was enacted by the California State Legislature, while a "no" vote is a vote to overturn Senate Bill 270. If the measure is approved by the State's voters, it would:

- Ratify California Senate Bill 270 (2014).
- Prohibit large grocery stores, pharmacies, small grocery stores, convenience stores, and liquor stores from providing plastic single-use carryout bags.
- Allow single-use plastic bags for meat, bread, produce, bulk food and perishable items.
- Mandate certain stores to charge 10¢ for recycled, compostable, and reusable grocery bags.
- Provide \$2 million to state plastic bag manufacturers for the purpose of helping them retain jobs and transition to making thicker, multi-use, recycled plastic bags.

Thank you for helping us build a better Lafayette.

