

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2015-12

3 INTRODUCED BY:

4
5 AN ORDINANCE

6 RELATING TO THE SINGLE-USE CARRYOUT BAG ORDINANCE, SECTION 21-8 SFCC
7 1987; AMENDING SUBSECTION 21-8.1 TO MODIFY THE LEGISLATIVE FINDINGS
8 RELATED TO PAPER GROCERY BAGS; AMENDING SUBSECTION 21-8.4 TO
9 ESTABLISH THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT AN
10 ENVIRONMENTAL SERVICE FEE FOR EACH PAPER GROCERY BAG PROVIDED TO
11 CUSTOMERS; AMENDING SUBSECTION 21-8.6 TO ESTABLISH A 60 DAY
12 IMPLEMENTATION PERIOD; AND MAKING SUCH OTHER CHANGES AS ARE
13 NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.

14
15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE;

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

18 21-8.1 Legislative Findings.

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

20 A. The majority of single-use plastic carryout bags used for shopping do not easily
21 biodegrade but rather persist in the environment for hundreds of years, slowly breaking down through
22 abrasion, tearing and photo degradation into toxic plastic bits that then contaminate the soil and water.

23 B. It is the city's desire to protect the environment, while reducing waste, litter, and
24 pollution in order to help improve the public's health and welfare.

25 C. The litter problem resulting from single-use plastic carryout bags is becoming

1 increasingly difficult to manage and has costly negative implications for tourism, wildlife and
2 aesthetics.

3 D. Single-use paper grocery bags require more resources to manufacture, transport,
4 recycle, or dispose of than single-use plastic carryout bags, and although many of them are made
5 from renewable resources and are less of a litter problem than single-use plastic carryout bags, and
6 are also recyclable, studies have shown that they have a limited number of times they can be recycled,
7 require more energy to recycle, and take up more space in landfills than plastic bags.

8 E. To encourage the public to use reusable bags, the Single-Use Carryout Bag
9 Ordinance will eliminate the use of single-use plastic carryout bags and require all retail
10 establishments within the jurisdiction of the city of Santa Fe to assess an environmental service fee
11 for each paper grocery bag they provide to customers.

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

14 **21-8.2 Short Title; Purpose.**

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

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

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

23 **21-8.4 Applicability.**

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

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

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

11 (2) Ten percent (10%) of the environmental service fee collected by a retail
12 establishment shall be retained for administrative costs incurred by the collection and
13 reporting of the environmental service fee to the city. The remainder of the environmental
14 service fee collected shall be transmitted to the city of Santa Fe. The city shall dedicate the
15 environmental service fees towards environmental educational programs and services
16 provided to the public, and also towards the purchase of reusable bags to be provided to the
17 public, free of charge.

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

20 C. To further promote the use of reusable bags and reduce the quantity of single-use
21 carryout bags entering the city's waste stream, retail establishments are encouraged to make reusable
22 bags free or for sale at checkout counters and/or provide boxes for use at checkout counters free of
23 charge. The environmental services division is authorized to provide reusable bags for the public at
24 low-cost or free of charge, with specific emphasis on reaching out to low-income households to the
25 greatest degree possible.

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

3 **21-8.6 Effective Dates.**

4 A. The Single-Use Carryout Bag Ordinance shall become effective on February 27,
5 2014. To facilitate the transition to reusable bags, there shall be a thirty (30) day implementation
6 period from the effective date of this Ordinance. (February 26, 2014 to March 28, 2014).

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

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

12 (1) An estimation of the financial impact to retail establishments of
13 implementing this section; and

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

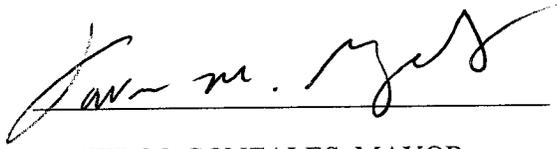
15 D. The environmental services division shall present the report to the city council with
16 recommendations for any changes in this section, or other provisions that are needed to improve its
17 effectiveness. The report to the city council shall be submitted no later than one year after the
18 approved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

19 E. There shall be a sixty (60) day implementation period to facilitate the implementation
20 of a ten cent (\$.10) environmental service fee by retail establishments, pursuant to Subsection
21 21-8.4(B). Therefore, retail establishments shall begin charging the environmental service fee no
22 later than June 28, 2015.

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

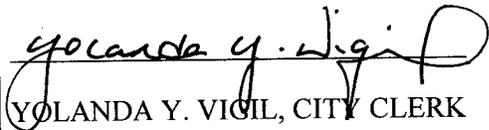
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1 PASSED, APPROVED, and ADOPTED this 29th day of April, 2015.

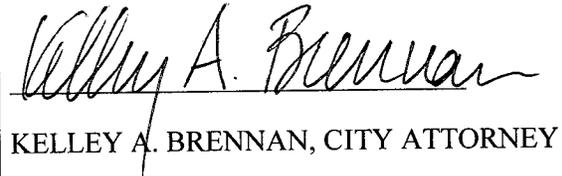
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4 JAVIER M. GONZALES, MAYOR

5 ATTEST:

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7 
8 YOLANDA Y. VIGIL, CITY CLERK

9 APPROVED AS TO FORM:

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11
12 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Ordinances 2015/2015-12 Paper Bag Charge*