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CITY OF SANTA FE, NEW MEXICO
ORDINANCE NO. 2014-13

AN ORDINANCE

RELATING TO THE SINGLE-USE 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 ELIMINATE THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT A PAPER GROCERY BAG CHARGE OF NOT LESS THAN TEN-CENTS FOR EACH PAPER GROCERY BAG PROVIDED TO CUSTOMERS; AMENDING SUBSECTION 21-8.6 TO ESTABLISH A 30 DAY IMPLEMENTATION PERIOD; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.

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

Section 1. Subsection 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 plastic carry-out bags do not biodegrade and instead persist in the environment for hundreds of years, slowly breaking down through abrasion, tearing and photo degradation into toxic plastic bits that contaminate soil and water while entering the food web when animals inadvertently ingest these materials.
- B. It is the city’s desire to conserve resources, reduce waste, litter, pollution and protect the public health and welfare.

1 C. The litter problem resulting from single use plastic bags is becoming increasingly
2 difficult to manage and has costly negative implications for tourism, wildlife and aesthetics.

3 D. Even though single use paper grocery bags require more resources to manufacture,
4 transport and recycle or dispose of than single-use plastic carry-out bags, they are made from
5 renewable resources and are less of a litter problem than single use plastic carry out bags and are
6 recyclable.

7 E. The Single-Use Bag Ordinance will eliminate the use of single-use plastic carryout
8 bags by all retail establishments within the jurisdiction of the city of Santa Fe and encourage the use
9 of reusable bags.

10 **Section 2. Subsection 21-8.4 SFCC 1987 (being Ord. #2013-29, §5) is amended to**
11 **read:**

12 **21-8.4 Applicability.**

13 A. A retail establishment shall not provide a single-use plastic carry-out bag to any
14 customer.

15 B. To further promote the use of reusable shopping bags and reduce the quantity of
16 single-use carryout bags entering the city's waste stream, retail establishments are encouraged to
17 make reusable carryout bags free or for sale at the checkout and/or provide boxes for use at the
18 checkout free of charge. The environmental services division is authorized to provide reusable
19 carryout bags for the public at low cost or free-of-charge, targeting such programs to reach low-
20 income households to the greatest degree possible.

21 **Section 3. Subsection 21-8.6 SFCC 1987 (being Ord. #2013-29, §7) is amended to**
22 **read:**

23 **21-8.6 Effective Dates.**

24 A. The Single-Use Bag Ordinance shall become effective on February 27, 2014. To
25 facilitate the transition to reusable bags, there shall be a thirty (30) day implementation period from

1 the effective date of this Ordinance (February 26, 2014 to March 28, 2014).

2 B. The environmental services division shall conduct an educational campaign in both
3 English and Spanish on this ordinance

4 C. The environmental services divisions shall conduct a sample survey of some retail
5 establishments impacted by this Ordinance to provide feedback about the financial impact to each
6 establishment.

7 D. In a public meeting no later than 12 months after the effective date of this Ordinance,
8 the sustainable Santa Fe commission shall review and evaluate the survey results reported by the
9 environmental services division to assess the impacts to businesses of the Single-Use Bag Ordinance.
10 Additionally, the environmental services division shall provide to the sustainable Santa Fe
11 commission a report that contains the following:

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

14 (2) An estimation of the effectiveness of this Ordinance compared to other
15 jurisdictions' efforts to reduce use of single-use carryout bags.

16 (3) A comparison of those retail establishments that charge for paper bags and
17 reusable bags and those retail establishments that do not charge for paper bags and reusable
18 bags.

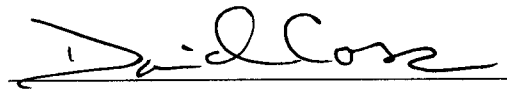
19 E. The evaluation by the sustainable Santa Fe commission shall be presented in a report
20 to the city council with recommendations for any changes in the ban, pass-through charges, or other
21 provisions that are needed to improve effectiveness. The report to the city council shall be submitted
22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

23 **Section 4. Effective Date.** This Ordinance shall become effective February 26, 2014.

24 PASSED, APPROVED and ADOPTED this 26th day of February, 2014.

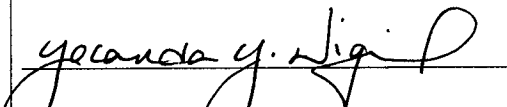
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DAVID COSS, MAYOR

ATTEST:


YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:


KELLEY A. BRENNAN, INTERIM CITY ATTORNEY