

County of Marin Code of Ordinances

Chapter 5.46 DISPOSABLE BAG REDUCTION ORDINANCE

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5.46.010 Definitions.

For purposes of this chapter, the following definitions shall apply:

- (a) *"Director"* means the Marin County Agricultural Commissioner, or his/her designee.
- (b) *"Postconsumer recycled material"* means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.
- (c) *"Recycled paper bag"* means a paper carry-out bag provided by a store to a customer at the point of sale that meets all of the following requirements:
 - (1) (A) Except as provided in Subsection (B), the paper carry-out bag contains a minimum of forty percent postconsumer recycled materials.
 - (B) An eight pound or smaller recycled paper bag shall contain a minimum of 20 percent postconsumer recycled material.
 - (2) Is accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs in the state.
 - (3) Is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400.
 - (4) Has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the minimum percentage of post-consumer content.
- (d) *"Reusable grocery bag"* on and after January 1, 2012, means a bag that meets the requirements of Section 5.46.030.
- (e) (1) *"Single-use carry-out bag"* means a bag made of plastic, paper, or other material, that is provided by a store to a customer at the point of sale and that is not a reusable grocery bag that meets the requirements of Section 5.46.030.
- (2) A single-use carry-out bag does not include either of the following:
 - (A) A bag provided by a pharmacy pursuant to [Chapter 9](#) (commencing with Section 4000) of Division 2 of the California Business and Professions Code to a customer purchasing a prescription medication.

(B) A nonhandled bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag or reusable bag.

(f) "Store" means any of the following retail establishments located within the unincorporated area of the county:

- (1) A full-line, self-service retail store with gross annual sales of two million dollars, or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;
- (2) A store of at least ten thousand square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
- (3) A drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

5.46.020 Carry-out bag regulation.

(a) On and after January 1, 2012, a store shall not provide a single-use carry-out bag to a customer at the point of sale, except as provided in this section.

- (b)
- (1) A store shall make reusable bags available for purchase by a customer.
 - (2)
 - (A) A store may provide reusable bags to customers at no cost, until December 31, 2012.
 - (B) On and after January 1, 2013, a store may provide reusable bags to customers at no cost only when combined with a time-limited store promotional program.
 - (C) Notwithstanding any other law, on and after January 1, 2012, a store shall provide a customer participating in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to [Article 2](#) (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code and a customer participating in the Supplemental Food Program pursuant to [Chapter 10](#) (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code, with a reusable bag or a recycled paper bag at no cost at the point of sale.
 - (D) On and after January 1, 2012, a store may provide to a customer a recycled paper bag upon request but shall charge the consumer, except as provided in Subsection (b)(2)(C), a reasonable cost, but not less than five cents.

5.46.030 Reusable grocery bags.

- (a) On and after January 1, 2012, a reusable grocery bag provided by a store shall meet all of the following requirements:
- (1) Be designed and manufactured to withstand repeated uses over a period of time.
 - (2) Be made from a material that can be cleaned and disinfected.
 - (3) Shall not contain lead, cadmium, or any other heavy metal in toxic amounts.

5.46.040 Recognition of state-wide importance.

The County of Marin recognizes carry-out bag regulation as a matter of state-wide interest and concern and is best applied uniformly throughout the state. In the absence of state-wide regulation the County of Marin believes it is in the best interest of the County of Marin to regulate carry-out bags.

5.46.050 Enforcement and notice of violations.

- (a) The agricultural commissioner, or his or her designee, shall have primary responsibility for enforcement of this chapter. The agricultural commissioner is authorized to establish regulations and to take any and all actions reasonable and necessary to obtain compliance with this chapter, including, but not limited to, inspecting any store's premises to verify compliance.
- (b) Anyone violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction.
- (c) The county may seek legal, injunctive, or other equitable relief to enforce this chapter.
- (d) The remedies and penalties provided in this section are cumulative and not exclusive, and nothing in this chapter shall preclude any person from pursuing any other remedies provided by law.

5.46.060 Penalties for violations.

- (a) Violations of this chapter shall be punishable as follows:

	Scanner Number		
Violations	1-3	4-9	10 or more
First	Written Warning Notice		
Second	\$135.00	\$200.00	\$220.00
Third	\$185.00	\$250.00	\$270.00
Fourth	\$270.00	\$400.00	\$440.00
Fifth	Administrative Civil Penalty or Referral to DA		

- (b) Each violation of this chapter shall be considered a separate offense.

(Ord. No. 3553, § 2, 2011)