

**ORDINANCE NO. 2015-XX**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING TITLE 7, HEALTH AND SANITATION, OF THE CITY CODE OF THE CITY OF FLAGSTAFF, BY THE AMENDMENT OF CHAPTER 7-06 TO BAN THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRYOUT BAGS AT RETAIL SALES ESTABLISHMENTS.**

**RECITALS:**

WHEREAS, the City Council is committed to the health, safety, welfare and cleanliness of Flagstaff; and

WHEREAS, the problems resulting from single-use plastic carryout bag use is becoming increasingly difficult to manage and has costly negative implications on community aesthetics, and solid waste and stormwater management; and

WHEREAS, the use of single-use plastic carryout bags negatively impact the city of Flagstaff, by contributing to unsightly litter on streets, sidewalks and waterways; and

WHEREAS, despite recycling programs and voluntary solutions to lessen the impacts of single-use plastic carryout bags, very few are effectively reused, recycled or properly disposed of,

**ENACTMENTS:**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:**

**PURPOSE:**

The purpose of this ordinance is to protect, conserve and enhance the City's unique natural beauty and reduce the costly negative impacts of single-use plastic carryout bags by banning them and encouraging the use of reusable bags.

**DEFINITIONS:**

*Exempt single-use bags:*

- A. Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste or yard waste;
- B. Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities;
- C. Bags used by a consumer inside a retail establishment to:
  - a. Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;
  - b. Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;
  - c. Contain or wrap flowers, potted plants or items to prevent moisture damage to other purchases; and
  - d. Contain unwrapped prepared foods or bakery goods.

*Retail sales establishment:* any licensed business within the City of Flagstaff whereby the sale or transfer to a customer of goods in exchange for payment occurring in retail stores, farmers' markets, flea markets, and restaurants.

*Single-use plastic carry-out bag:* any carry-out bag made from plastic or bioplastic, including materials marketed or labeled as “biodegradable” or “compostable” that is provided to a customer at the point of sale.

*Recyclable paper bag:* a paper bag that is fully recyclable and contains a minimum of 40% post-consumer recycled content and contains no old growth fiber.

*Reusable carry-out bag:* a bag with handles that is specifically designed and manufactured for multiple reuse and is either made of cloth or other fabric or is made of durable plastic that is at least 4 mils thick or other durable material suitable for reuse and does not contain heavy metals in toxic amounts.

**APPLICABILITY**

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

To further promote the use of reusable shopping bags and reduce the quantity of single-use plastic carry-out bags entering the city’s waste stream, retail establishments are encouraged to make reusable carryout bags free or for sale at the checkout and/or provide boxes for use at the checkout free of charge. The Sustainability Program is authorized to provide reusable carryout bags for the public at low cost or free of charge, targeting such programs to reach low income households to the greatest degree possible.

The Sustainability Program shall conduct educational campaigns to retail establishments and consumers on this ordinance.

The Sustainability Program shall conduct a sample survey of retail establishments impacted by this ordinance to provide feedback about the financial impact to each establishment.

The Sustainability Commission shall review the survey and submit a report to the City Council with recommendations for any changes in the ban, pass through charges on paper bags, or other provisions that are needed to improve effectiveness. The report to City Council shall be submitted no later than one year after the ban takes effect.

**EFFECTIVE DATES**

The Single-use Plastic Bag Ordinance shall become effective six (6) months after the City Council approves the ordinance for all retail establishments.

**ENFORCEMENT:**

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PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

DRAFT