

ORDINANCE

By Gordon

**Amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Garbage and Refuse.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 225.910 of the above-entitled ordinance be amended to read as follows:

**225.910. Definitions.** As used in this article:

*Carryout bag* means a paper, ~~or plastic,~~ or reusable bag that is provided by a retail establishment at the check stand, cash register, point of sale, or other point of departure to a customer for the purpose of transporting food or merchandise out of the establishment. Carryout bags ~~do not~~ include:

~~(1) Bags without handles used by customers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, greeting cards, or small hardware items, such as nails and bolts, or to contain or wrap frozen foods, meat or fish, whether prepackaged or not, or to contain or wrap flowers or potted plants, or other items where dampness may be a problem, or to contain unwrapped prepared foods or bakery goods, or to contain prescription drugs; or Single-use plastic bags;~~

~~(2) Bags used to safeguard public health and safety during the transportation of prepared take-out foods and prepared liquids intended for consumption away from the retail establishment; or BPI certified compostable plastic bags;~~

~~(3) Newspaper bags, door hanger bags, laundry dry cleaning bags, bags used to protect fine art paper, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags. Paper bags; and~~

~~(4) Reusable bags.~~

~~*Compostable carryout bag* means a bag that meets ASTM D6400 standard and is certified for compostability by the Biodegradable Products Institute and displays the BPI logo.~~

~~*Paper carryout bag* means a paper carryout bag that meets the following requirements:~~

~~(1) Contains a minimum average of forty (40) percent post-consumer recycled materials; and~~

~~(2) Displays the minimum percent of post-consumer content on the outside of the bag.~~

~~*Pass-through charge* means a charge to be collected by retailers from their customers when providing recyclable paper bags or reusable plastic bags carryout bags, and retained by retailers to offset the cost of bags and other costs related to the pass-through charge.~~

Point-of-sale system means a cash register, credit card machine, or other device that can be programmed or is capable of being used to itemize purchases including a description and/or cost for each item, which can calculate sales tax, add applicable fees, and which is capable of generating sale reports.

*Retail establishment* means any person, corporation, partnership, business venture, public sports or entertainment facilities, government agency, street vendor or vendor at public events or festivals or organizations that sell or provide merchandise, goods, or materials including, without limitation, clothing, food, beverages, household goods, or personal items of any kind directly to a customer. Examples include but are not limited to department stores, clothing stores, jewelry stores, grocery stores, pharmacies, home improvement stores, liquor stores, convenience stores, gas stations, ~~restaurants, food vending trucks, farmers markets,~~ and temporary vendors of food and merchandise at street fairs and festivals. Food banks and other food assistance programs are not considered to be retail establishments for the purposes of this section.

*Reusable bag* means a bag that is made of cloth, fiber, or other machine washable fabric or durable plastic that can be cleaned and disinfected regularly and meets the following requirements:

- ~~(1) Is at least four (4) mils thick;~~
- ~~(2) Is specifically designed and manufactured for multiple reuses over a period of time and a minimum lifetime use of seventy-five (75) uses; and~~
- ~~(3) Has the capability of carrying up to eighteen (18) pounds.~~

*Single-use plastic carryout bag* means any carryout bag made from plastic that is neither intended nor suitable for continuous reuse as a carryout bag or that is less than four (4) mils thick.

Section 2. That Section 225.920 of the above-entitled ordinance be amended to read as follows:

**225.920. ~~Single-use plastic carryout bags prohibited~~ Exemptions.** No retail establishment shall provide a ~~single-use plastic carryout bag to any customer.~~ Carryout bags do not include:

- (1) Bags without handles used by customers to package bulk items such as fruit, vegetables, nuts, grains, candy, bakery goods, greeting cards, jewelry, or small hardware items, such as nails and bolts, or to contain or wrap flowers or to contain prescription drugs;
- (2) Bags used in dine-in or carry-out restaurants, food vending trucks, or temporary event food vendors to safeguard public health and safety during the transportation away from the restaurant;
- (3) Bags distributed at retail establishments which do not possess or utilize a point of sale system;
- (4) Bags used by organizations which receive them second hand and re-use them for distribution;
- (5) Bags sold in packages containing multiple bags intended for use as garbage, pet waste;
- (6) Bags distributed at farmers markets;

(7) Laundry dry cleaning bags; or

(7) (8) Bags given where there is no transaction taking place such as:

a. Food banks and other food assistance programs;

b. Personal belonging bags at hospitals, hotels or dental offices;

c. Newspaper bags and door-hanger bags;

d. Bags given at car dealerships or car washes to be intended to collect garbage inside a vehicle; or

e. Litter clean up bags.

Section 3. That Section 225.930 of the above-entitled ordinance be amended to read as follows:

**225.930. Carryout bag restrictions and requirements.** ~~(a) No retail establishment shall provide a paper carryout bag that is not a recyclable paper bag, and retail~~ Retail establishments shall collect a pass-through charge of not less than five (5) cents for each paper carryout bag, compostable carryout bag or reusable bag provided to customers. It shall be a violation of this section for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge. All retail establishments shall indicate on the customer transaction receipt the number of paper carryout bags, compostable carryout bags and/or reusable bags provided and the total amount of the pass-through charge.

(b) Retail establishments are not required to collect a pass-through charge from anyone with a voucher or electronic benefits card issued under the Women, Infants and Children (WIC) or Temporary Assistance to Needy Families (TANF) support programs, or the federal Supplemental Nutrition Assistance Program (SNAP, also known as Basic Food), or a recognized Minnesota food assistance program.

~~(c) In lieu of imposing any pass-through charge, a retail establishment may, at the retail establishment's option, contribute five cents per paper carryout bag, compostable carryout bag or reusable bag provided to customers to any recognized nonprofit organization to fund litter cleanup and waste reduction initiatives, activities and programs of the organization within the City of Minneapolis. The city officials identified in section 225.940 and their authorized representatives may monitor and ensure compliance with the requirements of this subsection through the utilization of reasonable and lawful auditing, reporting and recordkeeping requirements. Retail establishments shall provide, upon the occurrence of the periodic inspection or upon order of any authorized enforcement official, a report identifying the number and value of the carryout bag fees charged to customers. The director of community planning and economic development, the director of public works, the commissioner of health, the director of regulatory services, the licensing official and the authorized representatives of those officials shall be authorized to assist with the enforcement of the provisions of this article.~~

Section 4. That Section 225.960 of the above-entitled ordinance be and is hereby repealed.

~~**225.960. Effective date.** This article shall become effective June 1, 2017.~~