

This Ordinance becomes
Effective on September 24, 2009

ADOPTED BY THE
MAYOR AND COUNCIL

March 24, 2009

ORDINANCE NO. 10642

RELATING TO PLASTIC BAGS; REQUIRING PLASTIC BAG RECYCLING BY RETAIL ESTABLISHMENTS; AMENDING TUCSON CITY CODE CHAPTER 15, ARTICLE I; ADDING NEW ARTICLE VII; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Tucson has long been an advocate of promoting environmentally-friendly programs and procedures; and

WHEREAS, the City has worked in conjunction with local retail establishments to find a workable solution to the negative effects of plastic bags when they are not recycled; and

WHEREAS, the City supports the implementation of a citywide plastic bag recycling program;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. Tucson Code Chapter 15, Article I, Section 15-1, is amended to read as follows:

Sec. 15-1. Definitions.

(A) The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where a different meaning is specified:

* * *

Retail establishment means a business making sales at retail, other than a food service establishment, that owns or controls more than 10,000 square feet of total retail space, and has more than 2 locations within the City limits where twenty-five percent (25%) or more of gross sales include medicines and/or any food, drink, confection or condiment sold in pre-packaged form and/or intended to be prepared off the premises.

* * *

SECTION 2. Tucson Code Chapter 15 is amended by adding new Article VII to read as follows:

Article VII. Plastic Bag Recycling

Sec. 15-60. Plastic Bag Recycling.

Retail establishments that provide plastic carry-out bags for their customers shall:

1. Provide a bin for the collection of plastic carryout bags and other film plastic in a visible location that is easily accessible to the consumer, and clearly marked as available for the purpose of collecting plastic carryout bags and other film plastic for recycling.
2. Recycle returned plastic bags.
3. Provide reusable carryout bags for purchase at retail locations.
4. Incorporate a “reduce, reuse, and recycle” message on all carry-out plastic bags distributed as part of the retail business.
5. Display informational material on the establishment’s plastic bag recycling program to educate customers. This information shall incorporate messages on the environmental benefits of recycling plastic bags or using reusable bags including greenhouse gas reduction, energy savings and litter reduction.
6. Report to the Director on a semiannual basis the total amount of carryout plastic bags and other film plastic by weight that is recycled.

SECTION 3. If any provision of this Ordinance or its application to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 5. This provision shall go into effect six months after its adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, March 24, 2009.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

CITY ATTORNEY

CITY MANAGER

BA:kr
3/3/2009 8:24 AM