

**ORDINANCE NO. 2023-18
AN ORDINANCE AMENDING CHAPTER 20
OF THE EDINA CITY CODE CONCERNING MERCHANT CARRYOUT BAG
REDUCTION**

THE CITY COUNCIL OF EDINA ORDAINS:

Chapter 20 of the Edina City Code is amended by adding Article 14 to read as follows:

ARTICLE 14. CARRYOUT BAGS PROVIDED BY MERCHANTS TO CUSTOMERS

Section 1. **Findings and Purpose.** For the promotion of health, safety, order, convenience and general welfare of the public, the City finds that disposable carryout bag production and pollution pose a threat to our land, water, and air on a local, regional, and global scale. The purpose of this Article is to reduce this threat by reducing the use of fossil fuels and greenhouse gas emissions from disposable carryout bags, meeting City Climate Action Plan goals related to waste reduction and elimination of petroleum-based single-use products in Edina, and inspiring merchant and consumer behavior change.

Section 2. **Definitions.** The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Carryout bag means a paper, plastic, or similar bag that is provided by a merchant at the check-out 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 include:

- (1) plastic bags;
- (2) Compostable plastic bags;
- (3) Paper bags; and
- (4) Reusable bags

Carryout bags do not include:

- (1) Produce and bulk good bags;
- (2) Baked goods bags;
- (3) Dry cleaning bags;

- (4) Newspaper and doorhanger bags;
- (5) Secondhand bags;
- (6) Flower wrap bags;
- (7) Prescription drug bags;
- (8) Bags brought by a customer; and
- (9) Bags used as prepared packaging for retail goods

Merchant means any person, corporation, partnership, business venture, public sports or entertainment facilities, street vendor or vendor at public events or festivals or organizations that sell or provide merchandise, goods, or materials including, without limitation, clothing, beverages, household goods, or personal items of any kind directly to a customer. This includes entities that meet the definition of “retail” and “food establishment” as defined by Edina City Code. Food banks and other food assistance programs are not considered to be merchants for the purposes of this section.

Pass-through charge means a charge to be collected by merchants from their customers when providing carryout bags, and retained by merchants to be used at their discretion.

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, or which is capable of generating sale reports.

Section 3. **Carryout bag requirements.**

- (a) Merchants shall collect a pass-through charge of not less than five (5) cents for each carryout bag provided to customers. It shall be a violation of this section for any merchant to pay or otherwise reimburse a customer for any portion of the pass-through charge. All merchants shall indicate on the customer transaction receipt the number of carryout bags provided and the total amount of the pass-through charge. Merchants may use the revenue from the five-cent charge at their discretion.
- ~~(b) Merchants offering plastic carryout bags must provide for the on-site collection of plastic bag recycling, co-located with garbage containers.~~
 - ~~a. If garbage receptacles are available to customers, then receptacles for separate plastic bag recycling must also be made available to customers in the same location.~~

- ~~b. If garbage receptacles are not available to customers and are instead placed in areas for use by staff only, then receptacles for separate plastic bag recycling are only required in those locations.~~
- ~~c. Merchant shall arrange for the collection of plastic bag recycling by a licensed solid waste collector for delivery to an appropriate transfer station or processing facility.~~

(b) Merchants shall provide, upon annual request by the City, a report identifying the number and value of the carryout bag fees charged to customers.

Section 4. Exceptions.

Merchants 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.

Section 5. Exemptions. The charge shall not apply when the merchant is a government agency.

Section 6. Enforcement. The City shall have the duty and the authority to enforce provisions of this chapter pursuant to City Code Chapter 1, Sec. 1-18.

Section 7. Effective Date. July 1, 2024.

First Reading: October 3, 2023

Second Reading: October 17, 2023

Published:

Attest _____
Sharon Allison, City Clerk

James Hovland, Mayor

Please publish in the Edina Sun Current - Send two affidavits of publication.
Bill to Edina City Clerk