

Legislation Text

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Amending Title 9 of The Philadelphia Code, entitled “Regulation of Businesses, Trades and Professions,” by adding a new Chapter 9-4100, entitled “Single-Use Bags,” to regulate the use of single-use bags and to establish a fee for the consumer use of single-use bags when purchasing food or other products, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

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CHAPTER 9-4100. SINGLE-USE BAGS.

§9-4101. Definitions.

(1) “Department” shall mean the Department of Licenses and Inspections or such other agency as the Mayor may designate.

(2) “Farmers’ Market” means an outdoor market place where farmers set up temporary, occasional stands and sell their products directly to customers.

(3) “Recycling Container” means a box or other container for customers to deposit plastic bags to be recycled.

(4) “Retail Establishment” means a place, indoor or outdoor, where food or other products are offered to the public for sale, including the following: supermarket, convenience store, shop, service station, department store, clothing store, restaurant, food truck, or farmers’ market.

(5) “Reusable Bag” means a bag or container designed and manufactured for multiple reuses. A Reusable Bag can be composed of a number of materials, including, but not limited to: cloth or fiber, treated grain bag, wire, or natural basket. A Reusable Bag must have a minimum lifetime of 125 uses, meaning the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet. If made of plastic, the Reusable Bag must be made of a durable material, with handles, and at least three thousandths of an inch thick.

(6) “Single-Use Bag” means a bag - other than a Reusable Bag - of any material, commonly paper or plastic, provided by a retail establishment to a customer at the point of sale, pickup, or delivery to carry purchased items. See Section 19-4103 for exemptions from this definition.

(7) "Single-Use Bag Fee" means the fee imposed on Single-Use Bags under this Chapter.

§9-4102. Imposition of the Single-Use Bag Fee.

(1) No later than sixty (60) days after the effective date of the ordinance added by this Section, all Retail Establishments must post at all points of sale conspicuous signage informing customers of the amount of the Single-Use Bag Fee, who will be affected, when fee collection will begin, and any other information mandated by the Department.

(2) All Retail Establishments must provide a Recycling Container for customers to deposit plastic bags for recycling.

(3) Beginning on July 1, 2016, all Retail Establishments shall collect a five cent (\$0.05) fee for each Single-Use Bag provided to customers. It shall be a violation of this Chapter for any Retail Establishment to pay or otherwise reimburse a customer for any portion of the Single-Use Bag Fee.

(4) Any Retail Establishment that is required to collect the Single-Use Bag Fee shall indicate on the customer transaction receipt the number of Single-Use Bags provided and the total amount of the Single-Use Bag Fee charged.

(5) Each Retail Establishment required to collect the Single-Use Bag Fee under this Section shall file a return and remit the City's portion of the Single-Use Bag Fees collected to the Revenue Department at specific intervals, on due dates, and in such manner as the Revenue Commissioner shall establish by regulation. A Retail Establishment may retain \$.03 of each \$.05 fee collected to offset costs incurred in implementing the Single-Use Bag Fee.

(6) The Department (i) shall enforce the requirements of this Chapter on Retail Establishments, (ii) shall develop and maintain a database of all Retail Establishments required to collect the Single-Use Bag Fee, and (iii) shall share the database with the Revenue Department for the purpose of collection and enforcement.

(7) Retail Establishments subject to the provisions of this Chapter have an option, at any time, not to provide Single-Use Bags to customers at the point of sale, pickup, or delivery to carry purchase items. Such a Retail Establishment must, no later than sixty (60) days after the effective date of the ordinance added by this section or, if later, on the same day it ceases to provide Single-Use Bags, inform its customers, with conspicuous signage at all points of sale, that it is no longer providing Single-Use Bags.

(8) Any Retail Establishment that follows the option provided under subsection (7) of this Section shall notify the Department on such form as the Department may require. Once the Department confirms that the notice has been received, the Retail Establishment shall be exempt from the requirement of subsections (1) through (5) of this Section.

§9-4103. Exemptions. The following shall be excluded from the definition of Single-Use Bag for purposes of this Chapter:

(1) a bag provided by a pharmacist, to a customer, that contains a prescriptio drug;

(2) a bag used inside stores by customers to deliver perishable items to the point-of-sale, at that store:

(a) to package bulk items such as fruit, vegetables, nuts, grains, candy or small hardware items;

(b) to contain or wrap meats or fish;

(c) to contain unwrapped prepared foods or bakery goods;

(d) to contain or wrap flowers, potted plants, or similar items where dampness may be a problem;

(3) a bag used to contain newspaper;

(4) a bag provided by a drycleaner to contain clothing items; or

(5) a bag sold in packages containing multiple bags and intended, as the initial use, for use as garbage containment, pet waste, or yard waste.

§9-4104. Interest, Penalties, Fines and Costs.

(1) If payment of any amounts due under this Chapter is not received by the Revenue Department on or before the due date, the Revenue Department shall add interest and penalty in the same manner and amounts as under Section 19-509(3). Where suit is brought for the recovery of any such fee, the person liable therefor shall, in addition, be liable for the costs of collection together with the interest and penalties herein imposed.

(2) Any Retail Establishment that fails to comply with the provisions of this Chapter shall be subject to additional fines in the same manner and amounts as those imposed under Subsections 19-509(5), 19-509(6) and 19-509(7) of The Philadelphia Code.

SECTION 2. This Ordinance shall take effect immediately.

Explanation:

Italics indicate new matter added.