

1 [Requiring recyclable/compostable bags for newspapers and handbills]

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3 **Ordinance amending Article 5.7 of the San Francisco Public Works Code by adding**
4 **Section 184.77, to require any person who distributes newspapers or handbills that are**
5 **packaged in bags or other wrapping to or upon private property to use only recyclable**
6 **or compostable materials for such packaging and to impose penalties; and making**
7 **environmental findings.**

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are *strikethrough italics Times New Roman*.
10 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

11 Be it ordained by the People of the City and County of San Francisco:

12 Section 1. The San Francisco Public Works Code is hereby amended by adding
13 Section 184.77, to read as follows:

14 **SEC. 184.77. PACKAGING FOR NEWSPAPERS, HANDBILLS AND OTHER PRINT**
15 **MATERIAL.**

16 (a) Notwithstanding any other provisions of this Article 5.7, it shall be unlawful for any Person
17 to distribute, cause to be distributed, or suffer, allow or permit the distribution of any packaged,
18 bagged or otherwise wrapped Handbill, Newspaper or other Print Publication, solicited or unsolicited,
19 to or upon any private premises in the City unless such packaging is compostable or recyclable as
20 defined herein.

21 (b) "Compostable" means a plastic bag or other packaging or wrapping made from a material
22 that is certified and labeled as meeting the American Society for Testing and Materials (ASTM)'s
23 International standard D6400 for compostable plastic, as that standard may be amended from time to
24 time, or such other biodegradable material as the Department of the Environment may, by regulation,
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1 approve for use in a compostable plastic checkout bag under San Francisco Environment Code
2 Chapter 17.

3 (c) "Recyclable" means material that can be sorted, cleansed and reconstituted by San
4 Francisco's residential curbside recycling collection program for the purpose of using the altered form
5 in the manufacture of a new product, or such other biodegradable material as the Department of the
6 Environment may, by regulation, approve for use in a recyclable checkout bag under San Francisco
7 Environment Code Chapter 17.

8 (d) Any Person who violates this Section 184.77 shall be guilty of an infraction. If charged as
9 an infraction, upon conviction thereof, such person shall be punished by (1) a fine not exceeding
10 \$100.00 for a first violation, (2) a fine not exceeding \$200.00 for a second infraction within the same
11 year, and (3) a fine not exceeding \$500.00 for each subsequent violation within the same year.

12 (e) The Director of the Department of Public Works, or his or her designee, may issue
13 administrative citations for violations of this Section 184.77. San Francisco Administrative Code
14 Chapter 100, "Procedures Governing the Imposition of Administrative Fines" is hereby incorporated in
15 its entirety and shall govern the amount of fees and the procedure for imposition, enforcement,
16 collection, and administrative review of administrative citations issued to enforce this Section 184.77.

17 (f) Nothing in this Section 184.77 shall be interpreted or applied so as to create any
18 requirement in conflict with any federal or state law.

19 Sec. 2 Environmental Findings. The Planning Department has determined that the
20 actions contemplated in this Ordinance are in compliance with the California Environmental
21 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
22 on file with the Clerk of the Board of Supervisors in File No. _____ and is
23 incorporated herein by reference.

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1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3 By: _____
4 BURK E. DELVENTHAL
5 Deputy City Attorney
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