

Title VI: Health and Sanitation

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Title VI: Health and Sanitation

Chapter 6.01 Solid Waste and Recycling Management

6.01.010 Definitions

For the purpose of this chapter, the following words, phrases and their derivations shall have the meanings ascribed to them in this section:

- A. "Bulky Waste" means large items of solid waste such as appliances, furniture, large auto parts, and other similar waste with weights and volumes greater than those allowed in an approved solid waste container.
- B. "Collection" means the operation of gathering together and transporting to the point of disposal or processing any solid waste including recyclable and compostable solid waste and yard waste.
- C. "Commercial generator" means entities other than residential facilities including restaurants, retail facilities, offices, industrial facilities, hotels, shopping centers, and multi-family units that produce solid waste, including recyclables, solid waste, and green waste.
- D. "Diversion" means activities which reduce or eliminate the amount of solid waste from solid waste disposal.
- E. "Franchisee" means any person that has entered into a franchise agreement with the Town to collect, remove, transport, process, or dispose of solid waste or recyclable materials.
- F. "Franchise fee" means the fee or assessment imposed by the Town on any franchisee solely because of its status as party to a franchise agreement.
- G. "Hazardous waste" means any waste which by reason of its quality, concentration, composition, or physical, chemical, or infectious characteristics may do any of the following: cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a substantial threat or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise mismanaged, or any waste which is defined or regulated as a Hazardous Waste, toxic substance, hazardous chemical substance or mixture, or asbestos under Applicable Law, as amended from time to time, including, but not limited to:
 - 1. The Resource Conservation and Recovery Act and the regulations contained in 40 CFR Parts 260-281.
 - 2. The Toxic Substance Control Act (L5 U.S.C. Section 2601 et seq.) and the regulations contained in 40 CFR Parts 761-766.
 - 3. California Health & Safety Code §25117.
 - 4. California Public Resources Code § 40141.
 - 5. Future additional or substitute federal, state or local laws pertaining to the identification, treatment, storage, or disposal of toxic substances or Hazardous Wastes.

6. Radioactive materials which are source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.) and the regulations contained in 10 CFR Part 40.
- H. "Large event" means an event that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, including, but not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event, including, but not limited to, a sporting event or a flea market. (California Public Resources Code §42648).
- I. "Medical Waste" means materials, substances or items which may be reasonably considered infectious, pathological or biohazardous, originating from hospitals, public or private medical clinics, departments of research laboratories, pharmaceutical industries, blood banks, forensic medical departments, medical offices, mortuaries, veterinary facilities and other similar facilities, and includes, without limitation, equipment, instruments, utensils, fomites, laboratory waste (including pathological specimens and fomites attendant thereto), surgical facilities, equipment, bedding and utensils (including pathological specimens and disposal fomites attendant thereto), sharps (hypodermic needles, syringes, etc.), dialysis unit waste, chemotherapeutic waste, animal carcasses, offal and body parts, biological materials (vaccines, medicines, etc.), and other similar materials, but excluding any such waste which is determined by evidence reasonably satisfactory to the franchisee to have been rendered noninfectious, non-pathological and non-biohazardous.
- J. "Multi-Family Units" means a dwelling which includes five or more individual living units under single ownership.
- K. "Organic Waste" means food waste, green waste, landscape and pruning waste, and nonhazardous wood waste.
- L. "Owner" means the person to whom the taxes on the property are assessed as shown on the last equalized assessment roll of the County, or alternatively, from such records of the County assessor or tax collector if they contain more recent information.
- M. "Recyclables" or "Recyclable materials" means newspaper, cardboard, mixed color paper, white paper, junk mail, magazines, telephone books, paper bags, cereal and food boxes, egg cartons, plastic bottles and containers labeled #1-2, plastic milk containers, detergent containers, clear, brown, and green food and beverage container glass, cans of aluminum, steel, tin, food cans, empty aerosol cans, pipe tins or other materials having economic value contained within a load of recyclable materials which have been separated prior to collection.
- N. "Single-Family Units" means a single-family dwelling, a two-unit dwelling, a three-unit dwelling, or a four-unit dwelling.
- O. "Solid Waste" means "solid waste" as defined in Section 40191 of the California Public Resources Code, as this section may be amended. Solid waste shall mean all putrescible and nonputrescible solid and semisolid wastes, including residential, industrial, commercial and municipal garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, recyclable materials, discarded home and industrial appliances, manure, vegetable and animal solid and semisolid

waste, and other discarded solid and semi-solid wastes, but does not include hazardous waste or medical waste.

- P. "Yard Waste" means tree and shrubbery trimmings, grass, weeds, pine needles, leaves, and other household garden organic waste that is no more than four feet in length and four inches in diameter.

6.01.020 Policy

It is hereby declared to be in the interest of the public health, sanitation, safety, and welfare of all residents of the Town of Truckee, and the policy of the Town, that the accumulation, preparation, storage, collection, transportation, and disposal of municipal solid waste, yard waste, and recyclable and compostable materials in the Town of Truckee be handled in a safe, sanitary, routine, and efficient manner so as to maximize the reduction, reuse, recycling, and composting of materials that otherwise would become municipal solid waste; to preserve and maximize landfill disposal capacity; to maintain the good condition, cleanliness, and safety of Town rights-of-way; to comply with state law; to prevent harboring and breeding of rodents, insects, and other pests; to reduce contamination of the environment by the unauthorized burying, burning, or putrefaction of such materials; to prevent the spread of diseases associated with unsanitary conditions; to reduce the hazard of fire; and to prevent unsightliness and other public nuisance which may result in the depreciation of property values and otherwise interfere with the comfortable enjoyment of life within the Town.

6.01.030 Fees

- A. Pursuant to California Public Resources Code §41900, et seq., the Town shall prescribe fees for solid waste collection, transfer and disposal, and the collection and transfer of recyclable materials. Such fees may include charges for the use of dumps or landfills, and may include costs of preparing and implementing source reduction and recycling elements and integrated waste management plans. The Town may collect all or part of such charges on the tax roll or by such other means as the Town Council may elect, whether or not delinquent. The Town may also direct the franchisee to collect such charges for providing collection services.
- B. If the charges for collection are, on June 30 of each year, delinquent and unpaid for a period of sixty days, such charges shall become a lien on the real property upon which the premises are located and the property owner shall be notified as required by applicable law.

The Council shall hold a public hearing upon the delinquent and unpaid charges and any owner, occupant, or person in possession may appear and object to the charges or any portion thereof. If the Council finds and declares that such charges are true and correct, the Council may pass a resolution making such charges a lien upon the real property for which service was furnished or chargeable.

The Town shall transmit a copy of the resolution containing the list of delinquent amounts and properties against which they constitute a lien to the County of Nevada Tax Assessor for inclusion in the assessment roll against the property. Upon payment of the

lien amount and any costs incurred by the Town for recording the lien or any release of lien, the Town may execute and file a release of lien.

- C. The Town or the franchisee may discontinue service for any commercial generator whose account remains unpaid for thirty days after the date of billing as long as the customer has received a notice on a form approved by the Town stating that service will be discontinued fifteen days from the date of the notice if the payment is not made by that time. Upon payment of the delinquent fees, collection shall resume on the next regularly scheduled collection day. Fees shall continue to be assessed and billed notwithstanding that service has been discontinued, and notice of same shall be included in the form sent to the customer. In the event service is discontinued for nonpayment and the accumulation of trash constitutes a hazard to public health, the Town Attorney or his/her designee, the Code Compliance Officer, or the County Health Officer may order the clean-up off the accumulated trash.

6.01.040 Receptacles

A. Residential Receptacles

1. All residents shall deposit solid waste in standard containers suitable for holding garbage. Suitable containers must be 32 gallons or less and not exceed a loaded weight of 60 pounds with a tight-fitting lid.
2. Occupants of single-family units who participate in the curbside residential recycling program must place all acceptable recyclable materials in franchisee-provided 64-gallon recycling carts or in customer-provided blue bags as long as those services are available. Blue bags must be 30-gallons or smaller and customers are not limited in the number of blue bags they can put out each week.
3. Occupants of single-family units who participate in the curbside residential yard waste program must place all acceptable yard waste material in franchisee-provided 96-gallon yard waste carts.

B. Multi-Family Receptacles

1. All multi-family units shall deposit solid waste in franchisee-provided carts, bins, drop boxes, or compactors. Lids must remain closed at all times except when refuse is being added or removed from the container.
2. All multi-family units shall deposit all acceptable recyclable materials in franchisee-provided 64- or 96-gallon carts. Multi-family units can elect to obtain a cardboard-only franchisee-provided bin to deposit cardboard materials. Multi-family units may not use blue bags for recyclable materials.

C. Commercial Receptacles

1. All businesses shall deposit solid waste in franchisee-provided carts, bins, drop boxes, or compactors. Lids must remain closed at all times except when refuse is being added or removed from the container.
2. All business shall deposit all acceptable recyclable materials in franchisee-provided 64- or 96-gallon carts. Businesses can elect to obtain a cardboard-only franchisee-provided bin to deposit cardboard materials. Businesses may not use blue bags for recyclable materials.

3. On and after January 1, 2019, businesses generating both four cubic yards or more of commercial solid waste and one-half of a cubic yard or more of organic waste shall deposit all recyclable organic waste in franchisee-provided wildlife-resistant carts or bins.

D. Condition

All receptacles shall be kept in clean and sanitary condition by the owner or the person using the same, and receptacles shall be kept tightly covered at all times, except when garbage, yard waste, or recyclable material is being deposited therein or removed therefrom and shall at all times be secure against access by wildlife to the contents thereof and free from leaks.

E. Bear Sheds

Residential customers may choose to store their solid waste containers in a bear shed. All new bear sheds must meet the following requirements: made of metal, stone, brick, concrete, or equivalently sturdy material; have a front-facing door; fit two 32-gallon cans; have a roof with side or back snow shedding; and have plunging pins securing the top and bottom locking mechanism. Bear sheds must be located out of the Town right-of-way and within twenty-eight feet of the edge of the roadway. Bear sheds located farther than twenty-eight feet from the edge of the roadway will be subject to additional servicing arrangements and applicable fees.

F. Wildlife Disturbance

1. Every customer shall ensure that their solid waste is securely stored in cans, carts, bins, or bear sheds. No solid waste shall be strewn on the ground or otherwise outside the container.
2. A warning notice will be issued upon the first violation of this section. Residential and commercial customers may be required to purchase a bear shed meeting the specifications in Section D or wildlife-resistant cart upon the second violation of this section.

6.01.050 Collection

A. Collection Service Mandatory

To protect public health, safety, and well-being against the growth and spread of vectors, all persons residing or maintaining businesses or other premises in the Town of Truckee shall make arrangements to receive solid waste collection service at least one time per week from the Town's franchisee. Should a property have both residential and commercial uses, the property must subscribe to commercial services.

B. Single-Family Units

1. Occupants of single-family units shall subscribe to solid waste, recycling, and yard waste curbside service, collected at least once per week.
2. In special circumstances, residents may share solid waste, yard waste, and recycling collection services with other geographically proximate residents as a single Collective Multi-Family Customer upon approval by the Town and the franchisee. Individual parcels sharing a Collective Multi-Family service account

must identify a “Primary Responsible Party” which will serve as the main point of contact for communication and billing from the Town and franchisee along with a list of all addresses with which the Primary Responsible Party will share service.

3. Residents of single-family units occupying the same parcel as a commercial use shall not be required to subscribe to solid waste, recycling, and yard waste services if commercial service is provided at the property and the residents make use of that service.

C. Multi-Family Units

Owners of multi-family units shall subscribe to solid waste and recycling services, collected at least once per week and more frequently if required to handle the waste stream of the premises where the containers are located.

D. Commercial Premises

1. Businesses shall subscribe to solid waste and recycling collection services and organic waste recycling services to the extent required by this chapter and/or California Public Resources Code § 42649, provided that in the event of conflict or inconsistency between the requirements of this chapter and state law, the more stringent or restrictive standard shall control, as determined by the Town. All businesses shall subscribe to recycling services. All businesses generating both four cubic yards or more of solid waste per week and one-half of a cubic yard or more of organic waste per week shall subscribe to organic waste recycling services or self-haul organic waste to a facility that accepts such materials for diversion by January 1, 2019. Collection shall be at least once a week and more frequently if required to handle the waste stream of the premises where the containers are located.
2. In special circumstances, businesses with significant space constraints may share solid waste, recycling, and organic waste recycling collection services with other geographically proximate businesses upon approval by the Town and the franchisee. Businesses sharing a single service account must identify a “Primary Responsible Party” which will serve as the main point of contact for communication and billing from the Town and franchisee along with a list of all addresses with which the Primary Responsible Party will share service.

E. Location for Collection

1. During the hours for collection, residential containers shall be placed at the location designated by the collector and shall be accessible for mechanized pick-up. Commercial bins shall be accessible to the collector.
2. Containers shall be placed adjacent to a street or public right-of-way no more than twenty-four hours before collection and shall be removed from the street or right-of-way within twenty-four hours after collection. Alternatively, residential waste can be placed within a bear shed installed on private property, out of the public right-of-way but no further than twenty-eight feet from the edge of the Town maintained roadway.

3. Residential recycling materials in blue bags shall be placed separate from the garbage but next to the refuse container on the designated collection day. Blue bags must be tied and shall not contain materials other than designated recyclables and, when properly used, shall not be calculated as extra refuse. Carts for recyclable, yard waste, and organic materials shall be placed next to the refuse container on the designated day of service which may be less frequent than weekly.

F. Large Events

Any person seeking permission to conduct a large event where the event generates solid waste such as, but not limited to, paper, beverage containers, or food, shall develop a waste reduction and recycling strategy in compliance with Chapter 9.05 and shall file a copy of the strategy with the Town Manager or his/her designee.

6.01.060 Mandatory Commercial Recycling

A. Each commercial generator shall:

1. Ensure the segregation of recyclable materials from garbage by placing recyclable materials in a separate designated receptacle or container, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on site segregate recyclable materials.
2. Provide an adequate number and type of labeled receptacles needed for segregating and storing recyclable materials and provide adequate access to these receptacles.
3. Provide adequate instructions to employees, contractors, and volunteers of the requirements of this section, including (1) the requirement and procedures to ensure the segregation of recyclable materials from garbage; (2) the employees', contractors', and volunteers' responsibilities regarding compliance with this chapter; and (3) the types and location of receptacles and containers for recyclable materials.

B. Self-hauling

1. Nothing in this chapter shall preclude any person, solid waste customer, commercial generator, or multi-family generator from self-hauling recyclable materials generated by that entity to a recycling processing facility.
2. Commercial generators that choose to self-haul shall:
 - a. Haul recyclables to facilities that accept the materials hauled for recycling.
 - b. Provide proof of compliance with this section, upon request by the Town. Proof includes but is not limited to a receipt from a recycling processing facility that clearly identifies the type and quantity of material delivered.

C. Enforcement

A commercial customer will receive a warning upon their first violation of this section. Chapter 1.02 of this Municipal Code shall apply to all subsequent violations of this section.

6.01.070 Mandatory Commercial Organic Waste Recycling

A. On and after January 1, 2019, every commercial generator that generates both four cubic yards or more of solid waste per week and one-half of a cubic yard or more of organic waste per week shall:

1. Ensure the segregation of recyclable organic waste from garbage by placing each type of material in a separate designated receptacle or container, and ensure that employees, contractors, volunteers, customers, visitors, and other persons on site segregate organic waste.
2. Provide an adequate number and type of labeled receptacles needed for segregating and storing organic waste, and provide adequate access to these receptacles.
3. Provide adequate instructions to employees, contractors, and volunteers of the requirements of this section, including (1) the requirement and procedures to ensure the segregation of organic waste from garbage; (2) the employees', contractors', and volunteers' responsibilities regarding compliance with this chapter; and (3) the types and location of receptacles and containers for organic waste.

B. Self-hauling

1. Nothing in this chapter shall preclude any person, solid waste customer, commercial generator, or multi-family generator from self-hauling organic waste generated by that entity to an organic waste processing facility.
2. Commercial generators that choose to self-haul shall:
 - a. Deliver organic waste to a facility that accepts such materials for diversion.
 - b. Provide proof of compliance with this section, upon request by the Town; proof includes but is not limited to a receipt from an organic waste processing facility that clearly identifies the type and quantity of material delivered.

C. Enforcement

A commercial customer will receive a warning upon their first violation of this section. Chapter 1.02 of this Municipal Code shall apply to all subsequent violations of this section.

6.01.080 Authority to Collect

The Town and its elected officials, officers, agents, and employees, or any contractors with whom the Town may at any time enter into a contract or franchise therefor, and the officers, agents, and employees of such contractors, while any such contract is in force, shall have the exclusive right to gather, collect and remove solid waste from all premises in the town; and no person other than those specified in this section shall gather, collect or remove any solid waste, convert or transport any solid waste in, along or over any public street, alley or highway in the town, or take any solid waste from any container, alternative receptacle, or bin in which the same may be placed for collection or removal, or interfere with, disturb, or remove any such container, alternative receptacle, or bin, or

remove any such container, alternative receptacle, or bin from any location where it is placed for collection by the owner thereof.

6.01.090 Responsibility for Solid Waste Prior to Collection

A. Segregation of materials

Residential customers should separate solid waste, recyclables, and yard waste and set out materials for collection in the appropriate containers and/or bags approved by the collector for each respective material. The collector may refuse to collect containers of solid waste, recyclables, and/or yard waste which contain improperly disposed of materials, and in that event shall notify the customer of the reason for non-collection.

B. Clean up responsibility

Until picked up by the franchisee, each person placing solid waste into a bin, alternative receptacle, or container for collection by the franchisee shall be responsible for the cleanup of any and all solid waste that for any reason whatsoever spills from the bins, alternative receptacle, or containers. It shall be unlawful for a person who has deposited solid waste into a bin, alternative receptacle, or container, which solid waste has later spilled from said bin, alternative receptacle, or container, to knowingly allow the spilled solid waste to remain outside of the bin, alternative receptacle, or container, from which it spilled.

C. Ownership of solid waste and recyclable materials

1. All solid waste and recyclable materials are the property of the person generating them and shall pass from the generator directly to the solid waste collector.
2. Nothing in this chapter shall limit the right of any person, organization, or other entity to sell recyclable material owned by that person, organization or other entity or to donate recyclable material to a charity or any other entity.

6.01.100 Prohibited Acts

A. Dumping

No person shall deposit or permit to be deposited on, over, or along any public road, highway, right-of-way, or public or private property including sidewalks, gutters, stream, or creek or the banks thereof within the boundaries of the Town any animal carcasses, or solid waste or litter except in containers or in areas lawfully provided for or permitted for that use.

B. Accumulation

No person shall store or accumulate any solid waste, nor permit the storage or accumulation of any solid waste within or upon any property or place owned, leased, or rented by such person or in such person's possession or control.

C. Tampering

No person shall tamper with, modify, remove from, or deposit solid waste or recyclable materials in a container which has not been provided for his/her use, without the permission of the container owner.

D. Defacing

No person shall deface, damage, paint, or in any way mark any solid waste, recycling, yard waste, or organic waste containers.

E. Unauthorized Disposal

1. No person shall dispose of solid waste, nor permit the disposal of solid waste, on any premises owned, leased, or rented by such person or in such person's possession or control.
2. No person shall place solid waste upon the land of another, or in a residential or commercial solid waste receptacle of another, or upon premises other than those from which the solid waste originated, for the purpose of making solid waste available for collection and disposal.

F. Hazardous waste

No person shall dump, deposit, or otherwise dispose of any hazardous or medical waste on land, soil, rock, air, or water or at unauthorized disposal sites, transfer stations, resource recovery facilities, transformation facilities, buy back centers, or drop off recycling centers or in any container to be collected and ultimately deposited, unless otherwise approved in advance and in writing by the Town.

G. Burning

No person shall burn or incinerate solid waste.

H. Sorting

No person shall sort, separate, or segregate any solid waste of any kind within or upon any public street or place, unless authorized by the Town, and then only in the manner, place, time, and subject to such restrictions as may be imposed by the Town.

I. Removal

No person, other than the person in charge of any premises, or the collector authorized by the person in charge of any premises, shall remove any container or commercial bin from the location where the container or commercial bin was placed for storage or collection by the person in charge of the premises, or remove any solid waste, including recyclable solid waste and yard waste, from any container or commercial bin, or move the container or commercial bin from the location in which it was placed for storage or collection, without prior written approval of the person in charge of such premises.

J. Collection

1. No person or entity, other than a franchisee, shall remove, collect, transport, or otherwise handle solid waste except as specifically authorized by this chapter. A franchisee holding a current, valid franchise from the Town may bring a civil action to enforce this provision in its own name and without regard to any action taken by the Town.
2. No person shall interfere with or obstruct the authorized activities of a solid waste collector, authorized recycling collector, in the collection, transportation, or disposal of solid waste.

K. Importation of Solid Waste

No person shall transport or permit to be transported into the Town any solid waste of any kind generated or accumulated outside the Town, for the purpose of storing or disposing of it in the Town, and no person shall store or dispose of any solid waste transported or brought into the Town from outside the Town, except as follows:

1. Solid waste may be transported directly to a solid waste disposal facility for final deposition at such facility site.
2. Solid waste may be transported directly to a solid waste transfer/processing station for the following purposes:
 - i. Transfer of the solid waste directly from smaller to larger vehicles for transport; or
 - ii. Temporary storage, separation, or other processing of the materials in the solid waste.

L. Collection vehicles

1. No person shall collect or transport any solid waste within or upon any public streets in the Town, or anywhere in the Town, except in leak-proof containers or vehicles so constructed that no solid waste can leak, fall, or be blown from such container or vehicle.
2. Vehicles or containers used to collect or transport solid waste shall be kept completely covered or screened at all times except when solid waste is being actually loaded or unloaded and except when the vehicles are moving along a collection route in the course of collection.
3. Vehicles used to collect or transport solid waste shall be labeled with the company's name and telephone number and a unique vehicle number in letters and numbers not less than three inches high on the vehicle in a location that is clearly visible to the public.
4. Vehicles used to collect or transport solid waste shall be maintained in such manner as to meet or exceed vehicle emission standards promulgated by the State of California.
5. Collection and transportation of any solid waste shall be so conducted that no solid waste will spill out of the collecting or transporting container or vehicle. Any person collecting or transporting any solid waste shall immediately pick up all solid waste which spills or is blown from the collecting or transporting container or vehicle, and shall otherwise clean the place onto which any such solid waste was spilled or blown.

Chapter 6.02 California Green Building Standards

Notwithstanding any other provision to the contrary, a building permit applicant that documents the completion of a construction waste management plan in accordance with the California Green Building Standards Code shall be deemed in compliance with the provisions of this part. (ORD 2003-02 9-18-03; 2012-01 1-19-2012)

Chapter 6.03 Reusable Bags

6.03.010 Definitions

For the purpose of this chapter, the following definitions shall apply to the capitalized terms unless the context clearly indicates or requires a different meaning.

- A. "Customer" means any person obtaining goods from a retail establishment.
- B. "Post-Consumer Recycled Content" means material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Post-Consumer Recycled Content does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.
- C. "Prepared Food" means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.
- D. "Recycled Content Paper Bag" means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent post-consumer recycled content and is one hundred percent recyclable.
- E. "Retail Establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer; and is located within or doing business within the geographical limits of the Town of Truckee. "Retail establishment" does not include a restaurant, take-out food establishment, or any other business that receives 90% or more of its revenue from the sale of Prepared Food to be eaten on or off its premises.
- F. "Reusable Bag" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse.
- G. "Single-Use Carryout Bag" means a bag with handles, other than a reusable bag, provided at the check stand, cash register, point of sale or other point of departure, including departments within a store, for the purpose of transporting food or merchandise out of the establishment. "Single-use carryout bags" do not include bags which form part of a product's packaging or bags without handles provided to the customer, including but not limited to bags provided: (1) to transport prepared food, produce, bulk items such as loose beads or small hardware items, bulk food or meat from a department within a store to the point of sale (2) to protect large format artwork, tires or dry-cleaning; (3) to hold prescription medication dispensed from a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Cal. Business and Professions Code; or (4) to segregate food or merchandise that could

damage or contaminate other food or merchandise when placed together in a reusable bag or recycled paper bag.

6.03.020 Carryout Bag Regulations

- A. No retail establishment shall provide a single-use carryout bag to a customer, at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment, except as provided in this section.
- B. On or after the date of implementation, a retail establishment may make available for sale to a customer a recycled content paper bag or a reusable bag for a minimum price of ten cents (\$0.10). No retail establishment shall provide a customer with a credit, rebate, or refund of this charge. The collection of sales tax on such sales shall comply with state law and any direction provided by the State Board of Equalization.
- C. No retail establishment may make available for sale a recycled content paper bag or reusable bag unless the price of the recycled paper bag and reusable bag is separately itemized on the sales receipt.
- D. A retail establishment may provide a reusable bag at no charge if it is distributed as part of an infrequent and limited time promotion. No such promotion or series of promotions offered by a retail establishment shall exceed a total of 90 days in any consecutive 12-month period.
- E. Nothing in this Chapter prohibits customers from using bags of any type that they bring to a retail establishment themselves or from carrying away goods that are not placed in a bag at point of sale, in lieu of using bags provided by the establishment.

6.03.030 Exemptions

The Town Manager, or his or her designee, may in his or her sole discretion exempt a retail establishment from the provisions of Section 6.02.030 of this Chapter for a period of up to six months from the implementation date of this Chapter upon the retail establishment furnishing written evidence that the enforcement of such provisions would create an undue hardship or practical difficulty not generally applicable to other retail establishments in similar circumstances. The Town Manager or his or her designee's decision shall be final.

6.03.040 Record Keeping and Inspection

Every retail establishment shall keep complete and accurate records on forms provided by the Town, of the sale of any recycled content paper bag or reusable bag provided by the retail establishment for a minimum period of three years from the date of purchase and sale, which record shall be available for inspection at no cost to the Town during regular business hours by any Town employee authorized to enforce this part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the retail establishment address. The provision of false information including incomplete records or documents to the Town shall be a violation of this Chapter.

6.03.050 Enforcement

This chapter may be enforced by any legal means available to the Town, including but not limited to Chapters 1.02 and 1.03 of this code.