

ORDINANCE NO. _____

AN ORDINANCE AMENDING NORTHFIELD CITY CODE, CHAPTER 30 - HEALTH AND SANITATION

THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Northfield Code, Chapter 30 – Health and Sanitation, is hereby amended to add a new Article IV, as follows:

ARTICLE IV. - CARRYOUT BAGS PROVIDED BY RETAIL ESTABLISHMENTS TO CUSTOMERS

Sec. 30-140. - Findings and purpose.

Findings and Purpose. Single-use carryout bags are contributing to; polluting city waterways, clogging stormwater systems, environmental degradation, endangering wildlife, climate change, and unsightly litter. Plastic carryout bags last for many years in community landfills, are a source of harmful chemical pollution, are mostly not recyclable, and cause operational problems at recycling facilities. Paper bags, while biodegradable and recyclable, consume significant resources including trees, energy and water in their production. The city council finds that single-use carryout bag production and pollution pose a threat to our land, water, and air. It is therefore in the best interests of the public health, safety and welfare of the citizens and visitors of Northfield to reduce the use of single-use carryout bags in order to mitigate the negative environmental effects on our natural resources and incentivize the use of reusable carryout bags in the city. A nominal fee or charge on single-use carryout bags promotes more sustainable environmental practices by encouraging customers to use reusable carryout bags thereby supporting waste reduction efforts. The purpose of this article is to promote reduction in the use of single-use carryout bags to reduce the forgoing environmental impacts in furtherance of the city's Climate Action Plan goals related to waste reduction, elimination of petroleum-based single-use products, and inspiring changed behavior for retail establishments and consumers.

Sec. 30-141. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings 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 retail establishment at the check-out stand, cash register, point of sale, or other point of departure to a customer for the purpose of transporting goods and merchandise out of the retail establishment. Carryout bags include:

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

(4) Reusable bags.

Pass-through charge means a charge to be collected by retail establishments from their customers when providing carryout bags at the point-of-sale.

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.

Retail establishment means any person, corporation, partnership, business venture, public sports or entertainment facilities, street vendor or vendor at public events or festivals or organizations, which sell or provide merchandise, goods, or materials, including, without limitation, clothing, beverages, household goods, or personal items of any kind directly to a customer. Retail establishments include but are not limited to for example grocery stores, pharmacies, convenience stores, clothing stores, and department stores. Food banks and other food assistance programs are not considered to be retail establishments for the purposes of this article.

Reusable Bag means a bag with handles designed and manufactured for multiple uses, made of cloth, woven synthetic fabric, durable plastic, or other like materials.

Sec. 30-142. – Pass-through charge and carryout bag requirements.

- (a) Retail establishments shall collect a pass-through charge of not less than five (5) cents for each carryout bag provided to customers at the point of sale. Retail establishments shall record the pass-through charge on their point-of-sale system.
- (b) Retail establishments 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 any other Minnesota recognized food assistance programs.
- (c) It shall be a violation of this article for any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge.
- (d) All retail establishments shall indicate on the customer transaction receipt generated by their point-of-sale system the number of carryout bags provided and the total amount of the pass-through charge.
- (e) The pass-through charge collected by retail establishments shall be retained by such retail establishments and be used at their discretion for purposes, including but not limited to, offsetting the cost of bags and other costs related to the pass-through charge.
- (f) Retail establishments shall provide, upon written request by the City Administrator or the City Administrator's designee, a report identifying the number and value of the carryout bag pass-through charges to customers as generated through their point-of-sale system.
- (g) Customers may avoid the pass-through charge by using their own reusable bags. No retail establishment shall charge a pass-through charge or prevent a customer from using a reusable bag or a bag of any kind that the customer brought for the purposes of carrying goods from such retail establishment.

- (h) Reusable bags may be offered for sale by retail establishments, but sale of reusable bags by retail establishments is not required.

Sec. 30-143. - Exemptions.

- (a) The pass-through charge shall not apply to government agencies, religious institutions, food banks, farmers' markets, nonprofit organizations, or Minnesota recognized food assistance programs.
- (b) Carryout bags do not include:
- (1) Any bag without handles used exclusively to carry produce, meats, other food items, or merchandise to the point of sale or to prevent such items from coming into direct contact with other purchase items, including produce, meat, baked goods, jewelry, greeting cards, small hardware items, and bulk goods bags such as nuts, candy, nails, screws, or like items;
 - (2) Dry cleaning and laundry bags;
 - (3) Newspaper and doorhanger bags;
 - (4) Bags used in dine-in or carryout restaurants, food vending trucks, or temporary event vendors for public health purposes to transport take-out foods and prepared liquids intended for consumption away from the retail establishment;
 - (5) Bags sold in packages containing multiple bags intended for uses such as for example garbage, pet waste, or yard waste;
 - (6) Secondhand bags or bags used by organizations, which receive them second hand and re-use them for distribution;
 - (7) Bags distributed at retail establishments, which do not possess or utilize a point-of-sale system;
 - (8) Bags distributed at farmers markets;
 - (9) Flower wrap bags;
 - (10) Prescription drugs and medication bags;
 - (11) Reusable bags or other bags brought by a customer to the retail establishment;
 - (12) Bags used as prepared packaging for retail goods or merchandise;
 - (13) Bags given where there is no transaction taking place such as: food banks and other food assistance programs; personal belongings at hospitals, hotels or dental offices; car dealerships or car washes intended to collect garbage inside a vehicle; or litter clean up bags;
 - (14) Bags used by religious institutions for food service when such food service is primarily limited to preparation, service or consumption by the members or invitees of the religious institution; and
 - (15) Bags used by food service operations exempt from regulation pursuant to Minn. Stat. § 157.22, or food service operations licensed by the state department of agriculture pursuant to Minn. Stat. § 28A.01, et. seq.

Sec. 30-144. – Enforcement and penalties.

- (a) The City Administrator or the City Administrator's designee are authorized to enforce or assist with enforcement of this article.
- (b) Violations of this article may be enforced as an administrative offense under chapter 3, article III, of this code. This article may also be enforced by injunction, abatement, mandamus, or any other appropriate civil, administrative, or criminal remedy in any court of competent jurisdiction. In the event of criminal prosecution of a violation of this article, such violation shall be a petty misdemeanor subject to penalty as provided in chapter 3, article II, of this code. Each violation shall constitute a separate offense.
- (c) A civil fine may be imposed upon any retail establishment that has provided a carryout bag to a customer in violation of this article, as follows:
 - (1) A first violation of this article shall be a written warning.
 - (2) A second violation within one year of the first violation shall be a fine not exceeding \$50.00.
 - (3) A third violation within one year of the first violation shall be a fine not exceeding \$100.00.
 - (4) Subsequent violations within one year of the first violation shall be a fine not exceeding \$300.00.
 - (5) In the event of a continuing violation, each day such offense continues shall constitute a separate additional violation.
 - (6) If a retail establishment having previously violated this article does not violate this article for one year, a new violation thereafter will be considered a second violation.

Secs. 30-145—30-149. – Reserved.

SECTION 2: This Ordinance shall take effect after its publication on July 1, 2026.

Passed by the City Council of the City of Northfield, Minnesota, this ____ day of _____, 2025.

ATTEST

City Clerk

Mayor

VOTE: ____ ZWEIFEL ____ BEUMER ____ DAHLEN ____ HOLMES
 ____ NESS ____ PETERSON WHITE ____ SOKUP

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| First Reading: | |
| Second Reading: | |
| Published: | |