

ORDINANCE
TO AMEND AND REENACT CHAPTER 30 (TAXATION) OF THE CODE OF THE CITY OF
CHARLOTTESVILLE, TO ESTABLISH A NEW ARTICLE XIX
(DISPOSABLE PLASTIC BAG TAX)

WHEREAS the Virginia General Assembly passed Virginia Code § 58.1-17.45 et seq. enabling localities to enact a disposable plastic bag tax; and

WHEREAS the funds collected from this tax shall be used to provide funding for local environmental cleanup, litter and pollution mitigation, environmental education efforts, and to provide reusable bags to SNAP or WIC benefit recipients within the City of Charlottesville; and

WHEREAS the Charlottesville City Council finds that it is in the best interest of the City to mitigate the use of disposable plastic bags within the City of Charlottesville and collect funds to promote healthy and safe environmental conditions; and

WHEREAS the Community has been afforded an opportunity to comment on this tax levy after due notice in accordance with Virginia Code § 58.1-3007 and the City Council has thoroughly considered the interest of its citizens and the need to issue this tax levy for the benefit of the City's overall environment and pollution mitigation efforts; and now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, **THAT Chapter 30 (Taxation) is hereby amended and reenacted, as follows:**

1. **Enact a new Article XIX (DISPOSABLE PLASTIC BAG TAX), as follows:**

ARTICLE XIX. DISPOSABLE PLASTIC BAG TAX

Sec. 30-480- - Disposable plastic bag tax imposed; Exceptions.

(a) There is hereby imposed a tax in the amount of five cents (\$0.05) for each disposable plastic bag provided, whether or not provided free of charge, to all consumers of tangible personal property by retailers in grocery stores, convenience stores, or drug stores.

(b) Any tax imposed pursuant to the provisions of this article shall not apply to the following:

- (1) Durable plastic bags with handles that are specifically designed and manufactured for multiple reuse and that are at least four mils thick;*
- (2) Plastic bags that are solely used to wrap, contain, or package ice cream, meat, fish, poultry, produce, unwrapped bulk food items, or perishable food items to avoid damage or contamination;*
- (3) Plastic bags used to carry dry cleaning or prescription drugs; and*
- (4) Multiple plastic bags sold in packages and intended for use as garbage, pet waste, or leaf removal bags.*

State law reference(s)—Va. Code § 58.1-1745 and § 58.1-1746.

Sec. 30-481- Definitions.

As used in this Division:

"Convenience store" means an establishment that (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Disposable plastic bag" means a plastic bag not intended for reuse that is provided by a retail establishment to a customer at the point of purchase to transport items purchased.

"Drugstore" means an establishment that sells medicines prepared by a licensed pharmacist pursuant to a prescription and other medicines and items for home and general use.

"Grocery store" means an establishment that has an enclosed room in a permanent structure and that sells food and other items intended for human consumption, including a variety of ingredients commonly used in the preparation of meals. This definition does not include food banks, farmers markets, or mobile food units.

"Retail establishment" means any grocery store, convenience store, or drugstore that maintains regular business hours at a fixed place of business within the City of Charlottesville. The term Retail establishment includes any large retailer within the City that contains a grocery store, convenience store or drug store.

Sec. 30-482 – Collection, Administration, Appropriation of Revenue and Adoption of State Law.

(a) Any tax imposed under this section shall be collected by the retail establishment, along with the purchase price and all other fees and taxes, at the time the consumer pays for such personal property.

(b) All revenue accruing to the City from the tax imposed under this ordinance are to be used for one or more of the following purposes:

- (1) environmental cleanup,*
- (2) providing education programs designed to reduce environmental waste,*
- (3) mitigating pollution and litter, or*
- (4) providing reusable bags to recipients of Supplemental Nutrition Assistance Program (SNAP) or Women, Infants, and Children Program (WIC) benefits or such other programs as authorized by the laws of the Commonwealth of Virginia.*

(c) Virginia Code Title 58.1, Chapter 17, Article 12 (Virginia Code § 58.1-1745 et seq.) is incorporated into this division by reference and made applicable to the City, mutatis mutandis.

State law reference(s)—Va. Code § 58.1-1745 et seq.

2. **The Clerk of Council shall provide a certified copy of this ordinance to the Tax Commissioner of the Commonwealth on or before September 30, 2022;** and

3. **This ordinance shall become effective January 1, 2023.**