

Legislation Details (With Text)

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Title: Second Reading of an Ordinance Regulating Single Use Carryout Plastic Bags.
Sponsors:
Indexes:
Code sections:
Attachments: 1. single use plastic bag ord, 2. single use plastic bag comments

Date	Ver.	Action By	Action	Result
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City Council

MEETING DATE: 7/22/2015

TITLE:
Second Reading of an Ordinance Regulating Single Use Carryout Plastic Bags.

FROM:
Pat Milos, Community Development Director

RECOMMENDATION:
Staff recommends the City Council conduct second reading and approve the attached ordinance regulating single use carryout plastic bags.

BACKGROUND:

As the City Council may recall, the California Legislature previously enacted a ban on the use of reusable plastic bags and imposed a requirement that customers be charged a minimum of 10 cents for paper bags in stores. However, a subsequent initiative petition relating to that matter has been placed on the November, 2016, statewide ballot and the statute has been placed on hold pending the election.

At the City Council's May 27, 2015, meeting, staff presented ordinances from the cities of Desert Hot Springs, Palm Springs, Palm Desert, and Indio, each of which implement the same ban proposed under the State law, but at the local level. The City Council subsequently directed that an ordinance based on those of the other local cities be prepared and brought back to the City Council for

consideration. The proposed ordinance is substantively identical to that enacted in Palm Springs, and differs only very slightly from those enacted in the other three cities.

DISCUSSION:

The proposed ordinance contains the following provisions:

A finding that single use plastic bags are a public nuisance, harming quality of life and tourism.

Single use plastic bags are prohibited.

Recycled paper bags may be provided to customers at a charge of at least 10 cents, and the charge must be listed separately on the sales receipt. Stores must keep records of the total number of paper bags provided, the total amount of monies collected for providing recycled paper bags, and a summary of any efforts the store has made to promote the use of recyclable bags by customers in the prior calendar year.

Stores may provide recycled paper bags or reusable bags to persons participating in certain programs under welfare or WIC programs at no cost.

The prohibitions apply to all stores within the City as defined, but not to restaurants or nonprofit charitable reusers. The ordinance also prohibits the distribution of single-use plastic bags at any City facility, City-managed concession, City-sponsored event, or City-permitted event.

Single use plastic bags may continue to be distributed by food providers for the purpose of safeguarding health and safety during the transport of prepared takeout foods and liquids intended for consumption away from the food provider's premises.

Single use plastic bags do not include bags without handles provided to the customer (1) to transport produce, bulk food, or meat from a produce, bulk food, or meat department within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) 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.

Violations are subject to the same penalties as violations of any other provision of the Municipal Code-namely, administrative fines and/or infraction citations.

Customers may use any bags that they bring to the store themselves.

The proposed ordinance as drafted will go into effect in two stages. These two stages are the same two stages used to implement each of the other four local cities' ordinances.

The ordinance will go into effect six months after its second reading for Category 1 and 2 stores, defined as follows:

Category 1: A full-line, self-service retail store with gross annual sales of two million dollars

(\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

Category 2: A store of at least 10,000 square feet of retail space that sells any perishable or non-perishable goods including, but not limited to clothing, food, or personal items, and generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code).

The ordinance will go into effect in twelve months after its second reading for Category 3 and 4 stores, defined as follows:

Category 3: A drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

Category 4: A store of less than 10,000 square feet of retail space that sells any perishable or non-perishable goods including, but not limited to, clothing, food, or personal items, and generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code).

FISCAL IMPACT:

Unknown but likely minimal enforcement costs

ATTACHMENTS:

Proposed Ordinance