



City Council Agenda Report

Meeting Date: 5/20/14

DATE: May 12, 2014
TO: CITY COUNCIL
FROM: RUBEN MARTINEZ, PUBLIC WORKS DIRECTOR, 879-6900
RE: ORDINANCE AMENDING TITLE 8 OF THE CHICO MUNICIPAL CODE REGARDING SINGLE-USE PLASTIC CARRYOUT BAGS

REPORT:

At its 5/6/14 meeting, the Chico City Council introduced an ordinance adding Chapter 8.36 to the Chico Municipal Code to prohibit specified stores from providing single-use carryout plastic bags, and require that a 10-cent charge be imposed for the provision of single-use recyclable paper bags. The regulations would prohibit larger retail stores that carry a full-line of groceries from providing single-use plastic carryout bags to customers effective on January 1, 2015, and prohibit convenience food stores from providing these bags effective on January 1, 2016.

However, these stores could continue to provide plastic bags without handles in order to: 1) transport prepared food, produce, bulk food or meat, 2) hold prescription medication, or 3) segregate food or merchandise that could damage or contaminate other food or merchandise if placed together in a bag. The ordinance is being presented at tonight's meeting for a final reading and adoption.

Recommendation: That the Council adopt the attached revised ordinance by reading of the title only.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO ADDING CHAPTER 8.36 TO THE CHICO MUNICIPAL CODE REGARDING SINGLE-USE CARRYOUT BAGS AND FINDING THAT ADOPTION OF THE ORDINANCE IS EXEMPT FROM CEQA.

Reviewed by:


Ruben Martinez, Public Works Director

Approved by:


Brian S. Nakamura, City Manager

ATTACHMENTS:

Exhibit A - Plastic Bag Ordinance

Item 2.1.

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO
ADDING CHAPTER 8.36 TO THE CHICO MUNICIPAL
CODE REGARDING SINGLE-USE CARRYOUT BAGS AND FINDING THAT
ADOPTION OF THE ORDINANCE IS EXEMPT FROM CEQA**

BE IT ORDAINED by the Council of the City of Chico as follows:

SECTION 1. That Chapter 8.36 of the Chico Municipal Code is added to read as follows:

CHAPTER 8.36

SINGLE-USE CARRYOUT BAGS

- 8.36.010 Purpose and findings.**
- 8.36.020 Definitions.**
- 8.36.030 Carryout bag regulations.**
- 8.36.040 Recordkeeping.**

8.36.010 Purpose and findings.

- A. It is the intent of the City of Chico, in enacting this chapter, to:
 - 1. Reduce the common use of plastic single-use carryout bags;
 - 2. Reduce the consumption of single-use bags in general;
 - 3. Encourage the use of reusable bags by consumers and retailers; and
 - 4. Allow stores to recover the reasonable cost of providing recyclable paper bags to customers.
- B. The City Council finds as follows:
 - 1. The use of single-use carryout bags by consumers at retail establishments is detrimental to the environment, public health and welfare.
 - 2. Billions of single-use plastic carryout bags are used in California each year and only a small percentage are recycled.
 - 3. The manufacture and distribution of single-use carryout bags requires utilization of natural resources and results in the generation of greenhouse gas emissions;
 - 4. Single-use carryout bags provided by retail establishments impose unseen costs on consumers, local governments, the state and taxpayers and constitute a public

1 nuisance.

2 5. The regulations in this chapter will reduce the use of single-use carryout bags and
3 encourage the use of reusable bags which will maintain and enhance natural
4 resources by reducing the environmental impacts of the manufacture and use of
5 single-use carryout bags.

6 **8.36.020 Definitions.**

7 For the purposes of this Chapter, the following definitions apply:

- 8 A. "Single-use carryout bag" means a bag made of plastic, paper, or other material that is
9 provided by a store to a customer at the point of sale and that is not a reusable bag, as
10 defined in this section. Single-use carryout bag does not include a bag without handles
11 provided to a customer to: (1) transport prepared food, produce, bulk food or meat from
12 a department within a store to the point of sale; (2) hold prescription medication
13 dispensed from a pharmacy; or (3) segregate food or merchandise that could damage or
14 contaminate other food or merchandise when placed together in a reusable bag or
15 recyclable paper bag.
- 16 B. "Recyclable paper bag" means a single-use paper bag provided by a store to a customer
17 at the point of sale that contains a minimum of 40% post-consumer recycled content and
18 is 100% recyclable, except that an eight pound or smaller paper bag shall contain a
19 minimum of 20% post-consumer recycled content.
- 20 C. "Reusable bag" is a bag with handles that is specifically designed and manufactured for
21 multiple reuse and that meets the following requirements:
- 22 1. It is made of cloth or another material that is machine washable or can be cleaned
23 and disinfected;
 - 24 2. If it is made of plastic, it is a minimum of 2.25 mils thick; and
 - 25 3. It meets lead and other heavy metal safety requirements as specified for packaging
26 under the Toxics in Packaging Law found at California Health & Safety Code
27 section 25214.11 et seq.
- 28 D. "Store" means a retail establishment that meets any of the following:

- 1 1. It is a full-line, self-service retail store with gross annual sales of two million dollars
2 (\$2,000,000) or more, and which sells a line of dry grocery, canned goods, or
3 nonfood items and some perishable items;
- 4 2. It has over 10,000 square feet of retail space that generates sales or use tax pursuant
5 to the Bradley-Burns Uniform Local Sales and Use Tax Law (commencing at section
6 7200 of the California Revenue and Taxation Code) and has a pharmacy licensed
7 pursuant to the Pharmacy Law (commencing at section 4000 of the California
8 Business & Professions Code); or
- 9 3. Is a convenience food store, foodmart, or other entity engaged in the retail sale of a
10 limited line of goods that generally includes milk, bread, soda and snack foods, and
11 which has a Type 20 or 21 license issued by the Department of Alcoholic Beverage
12 Control.

13 **8.36.030 Carryout bag regulations.**

14 On and after January 1, 2015, for those stores defined in 8.36.020 D.1 and 2, and on and
15 after January 1, 2016, for those stores defined in 8.36.020 D.3, stores shall not provide single
16 use carryout bags to customers at the point of sale except as provided in this section.

- 17 A. Stores may provide recyclable paper bags to customers upon request but shall charge the
18 customer a cost for each bag which shall not be less than ten cents (\$0.10) per bag.
- 19 B. Stores shall provide customers participating in the California Special Supplemental Food
20 Program for Women, Infants and Children, the CalFresh program, or other government
21 subsidized purchase programs for low-income residents with reusable bags or recyclable
22 paper bags at no cost.
- 23 C. Stores shall have reusable bags available for purchase by customers.
- 24 D. Stores defined in 8.36.020 D.1 and 2, may provide reusable bags to all customers at no
25 cost from July 1, 2014, through June 30, 2015, when the provision of such bags is
26 combined with a limited time store promotional program to promote the use of reusable
27 bags. Each such limited time event shall not exceed 30 consecutive days and the total
28 number of days for all such events held by any store shall not exceed 90 days. Stores

1 defined in 8.36.020 D.3 may provide reusable bags to all customers at no cost from July
2 1, 2015, through June 30, 2016, when the provision of such bags is combined with a
3 limited time store promotional program to promote the use of reusable bags. Each such
4 limited time event shall not exceed 30 consecutive days and the total number of days for
5 all such events held by any store shall not exceed 90.

6 E. The sale of any recyclable paper bag or reusable bag to a customer shall be separately
7 itemized on the sales receipt.

8 **8.36.040 Recordkeeping.**

9 Every store which is subject to this chapter shall keep complete and accurate records
10 documenting the purchase and sale of recyclable paper bags and reusable bags by the store for a
11 period of one year from the purchase and sale. Such records shall be available for inspection by
12 the City within 7 business days of a request by City and may be provided for City review either
13 on paper or electronically.

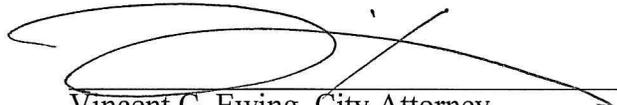
14 **SECTION 2.** The Council hereby finds that the adoption of this ordinance is exempt
15 from review under the California Environmental Quality Act (CEQA) pursuant to 14 CCR §§
16 15307 and 15308.

17 **SECTION 3.** This ordinance shall take effect 30 days after its adoption. The Clerk shall
18 cause this ordinance, or a summary of it, to be published as required by law.

19 This ordinance was adopted by the City Council of the City of Chico at its meeting held
20 on _____, by the following vote:

- 21 AYES:
- 22 NOES:
- 23 ABSENT:
- 24 ABSTAIN:
- 25 DISQUALIFIED:
- 26 ATTEST:

28 _____
Deborah R. Presson, City Clerk

APPROVED AS TO FORM AND CONTENT:


Vincent C. Ewing, City Attorney