Legislation Details (With Text)

File #:	REPORT 15-0611 **Version:** 1	**Name:**	
Type:	Action Item	**Status:**	Consent Calendar
File created:	8/16/2015	**In control:**	City Council
On agenda:	8/25/2015	**Final action:**	
Title:	ORDINANCE NO. 15-1356 - "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, BANNING THE USE OF PLASTIC CARRYOUT BAGS AND IMPOSING A CHARGE FOR RECYCLABLE PAPER BAGS." (City Clerk Elaine Doerfling)		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. 15-1356 Plastic Bag Ban, 2. Affected businesses and food providers.pdf, 3. Bag Ban Notification.JPG, 4. SUPPLEMENTAL Letter from Michelle Goodlett (added 8-25-15 at 12pm).pdf, 5. SUPPLEMENTAL Letter from Lori Ford (added 8-25-15 at 12pm).pdf, 6. SUPPLEMENTAL Letter from Gina Rothwell (added 8-25-15 at 12pm).pdf, 7. SUPPLEMENTAL Letter from Chamber of Commerce (added 8-25-15 at 12pm).pdf, 8. SUPPLEMENTAL Letter from Nadine Skye-Davis (added 8-25-15 at 2pm).pdf, 9. SUPPLEMENTAL Redline Ordinance from City Attorney Mike Jenkins (added 8-25-15 at 5pm).pdf, 10. SUPPLEMENTAL Letter from Dana McFarland (added 8-26-15 at 6pm).pdf, 11. SUPPLEMENTAL Letter from Jeffrey Davis (added 8-26-15 at 6pm).pdf		

Date	Ver.	Action By	Action	Result

Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of August 25, 2015

ORDINANCE NO. 15-1356 - "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, BANNING THE USE OF PLASTIC CARRYOUT BAGS AND IMPOSING A CHARGE FOR RECYCLABLE PAPER BAGS."

(City Clerk Elaine Doerfling)

Recommended Action:

It is recommended that the City Council waive full reading and adopt by title Ordinance No. 15-1356 that applies to all retail establishments, excluding restaurants and drycleaners and decide whether to give direction to staff relative to returning with an amended ordinance to include restaurants.

Background:

At the City Council's regular meeting of Tuesday, July 28, 2015, the plastic bag ban ordinance was presented for Council consideration and was introduced by the following vote:

AYES:	Fangary, Tucker, Mayor Barragan
NOES:	DiVirgilio, Petty
ABSENT:	None
ABSTAIN:	None

Analysis:

As written, the ordinance covers all retail establishments located within or doing business within the geographical limits of the City of Hermosa Beach, excluding dry cleaners and restaurants. During the Council deliberations, staff mistakenly responded to a question from a Councilmember indicating that restaurants were covered in the ordinance. They are not and that was an oversight by staff.

As written, Ordinance No. 15-1356 defines restaurants separately as "food providers", but does not include them in the list of affected retailers. Consequently, the list of potentially affected retailers was reduced from 265 to 180 (Attachment 2). The current list of affected retailers includes Vons, Ralphs and CVS Pharmacies, the largest distributers of plastic carryout bags in the City. Therefore, as written, the ordinance will be effective at greatly reducing the number of plastic bags that are incorrectly disposed of, and end up in the environment.

In order to support City Council’s environmental goals staff recommends Council can adopt the ordinance as is and decide whether to give direction to staff relative to returning with an amending ordinance.

Council may, alternatively, modify the ordinance to include restaurants and reintroduce it this evening, with adoption scheduled for September 8, 2015.

Staff have also been asked to clarify the types of paper bags subject to the ordinance, and whether the ordinance covers gift bags or bags with handles.

All recyclable paper carryout bags for the purpose of carrying away goods or other materials from the point of sale, are subject to the terms of this ordinance, and cannot be provided without charge.

Customer have numerous options, including purchasing a paper bag for $0.10, or not taking a bag, or using their own bag, or buying a reusable bag if the merchant chooses to sell them.

The $0.10 charge must be listed as a single line item on the customer’s receipt and is not taxable. Businesses will need to adjust their Point of Sale (POS) systems and the checkout bag charge must be itemized and shown separately on the customer’s receipt.

Attachments:

1. Ordinance No. 15-1356
2. List of affected businesses and food service providers

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3. Bag Ban Notification

Submitted by: Elaine Doerfling, City Clerk
Kristy Morris, Environmental Analyst
Legal Review: Mike Jenkins, City Attorney
Approved: Tom Bakaly, City Manager