



Legislation Text

File #: 11-0484, **Version:** 2

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 8.62 relating to regulating the use of plastic carryout bags and recyclable paper bags, and promoting the use of reusable bags, read and adopted as read. (Citywide)

At the City Council meeting of December 7, 2010, the Council requested the City Attorney and City Manager to develop an ordinance duplicating Los Angeles County's adopted ordinance for unincorporated cities regulating the use of plastic carryout bags and recyclable paper bags, and to complete any required review pursuant to the California Environmental Quality Act (CEQA) prior to submitting the ordinance.

An addendum to the County's EIR was prepared setting forth the potential environmental impacts specific to the City of Long Beach and concluding that the project would not result in any significant environmental impacts in any of the areas studied. CEQA does not require publication of an EIR addendum. Nevertheless, the City provided a twenty-day "courtesy" publication period to allow public review and comment, ending April 29, 2011.

The ordinance is substantially similar to the County's ordinance. The ordinance is intended to reduce the environmental impacts related to single-use plastic and paper carry-out bags and to promote the use of reusable bags in the City. The ordinance's provisions include the following:

- The distribution of plastic carry-out bags will be prohibited and a ten-cent per bag charge will be placed on the distribution of recyclable paper carryout bags by an affected store, as defined.
- The stores that will be affected are:
 - o full-line self-service retail stores with gross annual sales of \$2 million or more, that sell a line of dry grocery, canned goods or non-food items and some perishable items; or
 - o stores of at least 10,000 square feet of retail space that generate sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law and that have a pharmacy licensed pursuant to Chapter 9 of Division 2 of the California Business and Professions Code; or
 - o A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart or other entity engaged in the retail sales of a limited line of goods that include milk, bread, soda and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control; or
 - o Long Beach farmers' markets, as defined in subsection 3.80.180G of the Long Beach Municipal Code.
- Compliance with the ordinance will be phased in. Larger grocery stores and pharmacies must begin

compliance August 1, 2011. This date is one month after the County compliance date for stores of the same type, per City Council direction. All other affected stores and farmers' markets will have until January 1, 2012 to comply. The January 1, 2012 compliance date for the remaining stores is the same as the County ordinance.

- The ordinance includes compostable and biodegradable plastic carryout bags in the definition of plastic carryout bags, and as a result, these bags will be prohibited as well. The ordinance imposes a ten cent charge on recyclable paper carryout bags and requires that these bags be 100% recyclable overall, contain a minimum of 40% post-consumer recycled material and be accepted for recycling in the City's curbside recycling program. The ordinance requires reusable bags to be designed for a minimum of 125 uses, be machine washable and not contain lead, cadmium or any other heavy metals in toxic amounts, among other criteria.
- The ten cent charge per recyclable paper bag will be retained by the store and may be used for costs associated with complying with the requirements of the ordinance, actual costs of providing recyclable paper bags or costs associated with a store's educational materials or campaigns promoting the use of reusable bags. The ordinance exempts customers participating in either the California Special Supplemental Food Program for Woman, Infants and Children (WIC) or the Supplemental Food Program.
- The ordinance requires affected stores to retain relevant records for a period of three years and to permit inspection of them by the City upon request.

Approve recommendation.

ROBERT E. SHANNON
CITY ATTORNEY

By: AMY R. BURTON
Deputy City Attorney

..BODY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 8.62 RELATING TO REGULATING THE USE OF PLASTIC CARRYOUT BAGS AND RECYCLABLE PAPER CARRYOUT BAGS AND PROMOTING THE USE OF REUSABLE BAGS