

**Meeting Date:** 10/20/2015

**Report Type:** Consent

**Report ID:** 2015-00836

**Title: (Pass for Publication) Ordinance Amending Chapter 5.154 of the City Code Relating to the Reduction of Single-Use Plastic and Paper Bags**

**Location:** Citywide

**Recommendation:** 1) Review an Ordinance amending Chapter 5.154 of the City Code relating to the reduction of single-use plastic and paper bags; and 2) pass for publication the Ordinance title as required by City Charter Section 32(c), for consideration on October 27, 2015.

**Contact:** Erin Treadwell, Program Specialist, (916) 808-4934, Department of Public Works

**Presenter:** None

**Department:** Public Works Department

**Division:** RSW Admin Services

**Dept ID:** 15005711

**Attachments:**

1-Description/Analysis

2-Ordinance Amendment (Redline)

3-Ordinance Amendment (Clean)

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**City Attorney Review**

Approved as to Form  
Audreyell A. Anderson  
10/9/2015 3:23:41 PM

**Approvals/Acknowledgements**

Department Director or Designee: Jerry Way - 9/30/2015 7:59:03 AM

## Description/Analysis

**Issue Detail:** On March 31, 2015, the City Council passed Ordinance No. 2015-0007 (Single-Use Plastic and Paper Bag Ordinance), which prohibits certain stores from distributing single-use plastic bags and requires a minimum \$.10 fee on recycled paper bags and reusable bags made available at the point of sale beginning January 1, 2016.

The recommended amendment makes clear that the \$.10 fee does not apply to product bags. Product bags are bags made of paper or plastic, don't have handles, and are provided to a customer to:

1. Transport produce, bulk food, or meat from a produce, bulk food, or meat department within a store to the point of sale;
2. Hold a prescription medication dispensed from a pharmacy; or
3. Segregate food or merchandise that could be damaged or that could damage or contaminate other food or merchandise when placed together in one bag.

The Single-Use Plastic and Paper Bag Ordinance exempted plastic bags of this type from the \$.10 fee, but paper bags of this type (e.g. pharmacy prescription bags, small paper bags that hold greeting cards, etc.) were not exempt from the fee. This amendment will ensure both types of product bags are exempt.

**Policy Considerations:** The recommended amendment supports the City's Climate Action Plan goal to achieve 75 percent diversion of solid waste by 2020, and work toward becoming a "zero waste" community by 2040.

**Economic Impacts:** Not Applicable

**Environmental Considerations:** This amendment preserves the intention of the Single-Use Plastic and Paper Bag Ordinance to mitigate the environmental impacts associated with single-use plastic bags and encourages consumers to use reusable shopping bags.

**California Environmental Quality Act (CEQA):** In accordance with CEQA Guidelines Section 15081, the City as Lead Agency, determined that an Environmental Impact Report (EIR) should be prepared for the Single-Use Plastic and Paper Bag Ordinance. The EIR analyzed the potential impacts at project level detail. The following were analyzed for potential impacts: air quality, global climate change, hydrology/water quality, public utilities and services. The EIR determined that all impacts would be either less than significant or beneficial and thus no mitigation measures are required to reduce impacts to a less than significant level. Further, the proposed project would not result in any significant and unavoidable impacts necessitating a statement of overriding considerations. Therefore, this project does not contain a Mitigation Monitoring Plan (MMP) as no mitigation measures were identified within the Draft EIR for this project.

A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the Office of Planning and Research on March 20, 2014 (SCH 2013122031). The 45-day public comment period began on March 20, 2014 and ended on May 5, 2014. A public notice was placed in the Daily Recorder on March 17, 2014 which stated that the Draft EIR was available for public

review and comment. A public notice was posted in the office of the Sacramento County Clerk on March 19, 2014.

Following closure of the public comment period, no comments were received on the Draft EIR. The Draft EIR and Final EIR are available on the Community Development Department's webpage at: <http://portal.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports.aspx>.

**Sustainability:** See Policy and Environmental Considerations above.

**Commission/Committee Action:** On September 8, 2015, the Law and Legislation Committee passed a motion approving and forwarding the Ordinance amendments to City Council with a recommendation for approval.

**Rationale for Recommendation:** The current Ordinance potentially subjects small paper bags used for the purposes under the exemption to the \$.10 fee requirement. Providing a new definition that characterizes the bags subject to the exemption will help retailers and consumers to better understand which types of bags are banned, exempt, or subject to the minimum \$.10 fee.

**Financial Considerations:** Funding for the public education and compliance activities stipulated by this Ordinance are included in the Recycling and Solid Waste Division operating budget (Fund 6007).

**Local Business Enterprise (LBE):** Not applicable

## ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

### AN ORDINANCE AMENDING SECTIONS 5.154.020 AND 5.154.040 OF THE SACRAMENTO CITY CODE RELATING TO THE REDUCTION OF SINGLE-USE PLASTIC AND PAPER BAGS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

#### SECTION 1.

A. Section 5.154.020 of the Sacramento City Code is amended as follows:

1. A new definition is added for “product bag” to read as follows:

“Product bag” means a bag without handles, made of any material, and provided to a customer to:

1. Transport produce, bulk food, or meat from a produce, bulk food, or meat department within a store to the point of sale;

2. Hold a prescription medication dispensed from a pharmacy; or

3. Segregate food or merchandise that could be damaged, or that could damage or contaminate other food or merchandise, when placed together in one bag.

2. The definition of “single-use plastic bag” is amended to read as follows:

“Single-use plastic bag” means any bag made of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. The term includes compostable and biodegradable bags. The term does not include reusable bags or product bags ~~without handles provided to a customer to:~~

~~1. Transport produce, bulk food, or meat from a produce, bulk food, or meat department within a store to the point of sale;~~

~~2. Hold a prescription medication dispensed from a pharmacy; or~~

~~3. Segregate food or merchandise that could be damaged or that could damage or contaminate other food or merchandise when placed together in one bag.~~

- B. Except as amended by subsection A above, all provisions of section 5.154.020 remain unchanged and in full effect.

## SECTION 2.

Section 5.154.040 of the Sacramento City Code is amended to read as follows:

### **5.154.040 Permitted bags.**

Stores shall make available to customers only recycled paper bags, ~~or~~ reusable bags, or product bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this chapter. Nothing in this chapter prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag in lieu of using bags provided by the store.

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