



MONROVIA OLD TOWN ADVISORY BOARD STAFF REPORT

AGENDA ITEM: AR-4

**PREPARED BY: Theresa Santilena,
Management Analyst I**

MEETING DATE: June 10, 2014

SUBJECT: Reusable Bag Ordinance Update

BACKGROUND: At the April 1, 2014, City Council meeting, Staff presented to the City Council a recommendation by the Reusable Bag Regulation Ad Hoc committee to move forward with an ordinance, modeled after Los Angeles County's, banning single-use plastic bags. Subsequently, City Council voted to direct to Staff to bring back an ordinance for consideration.

At the May 6, 2014, City Council meeting, Staff presented to the City Council an ordinance modeled after Los Angeles County's that bans single-use plastic bags. After listening to the Staff presentation, public comments, and engaging in a Council discussion; the City Council voted 3-2 in favor of supporting the Ad Hoc committee's recommendation to adopt an ordinance banning single-use plastic bags. The motion was to introduce, waive further reading, and ready by title only Ordinance No. 2014-02. Ordinances approved by the City Council require a second reading at the following Council meeting and a motion to adopt the ordinance in order for it to be enacted.

At the May 20, 2014, City Council meeting, the ordinance was placed on the agenda as a consent calendar item. The item was pulled for discussion and the Council allowed further public comment on the item. After discussion, the Council voted 2-1 (2 Council Members were absent) to not adopt the ordinance, which effectively negated the previous vote in support and killed the ordinance.

DISCUSSION/ANALYSIS: At the June 2, 2014, City Council meeting, there was a motion by a Councilmember to direct Staff to bring back the ordinance that had been previously approved. Once again the City Council took public comment on the issue and after Council discussion voted 3-2 in favor of directing Staff to again place the ordinance on the agenda for consideration.

The ordinance will be brought back to the City Council for consideration at the Tuesday, June 17 Council meeting. If approved, the ordinance would come back to the City Council for final adoption on July 1. The ordinance and previous staff reports are attached.

Pursuant to MMC 5.36, the sole purpose of the Old Town Advisory Board is to advise the Mayor and City Council, making recommendations to them on the operation and extent of the area, and the methods and ways in which the revenue derived from the charges, assessments, and contributions imposed or authorized by this chapter might be used within the scope of the BID to:

- (A) To ensure that the activities and expenditures of the Monrovia Old Town Advisory Board, as described in this chapter, are focused on the general promotion of member businesses and events;
- (B) To diversify and strengthen the mix of businesses located in the District;
- (C) To improve the overall improvement of market conditions in the District.

The Old Town Advisory Board may perform such other duties as the City Council may designate.

STAFF RECOMMENDATION: As this report is informational, there is no Staff recommendation.

MOTION: If the Board concurs, the appropriate action is a motion to receive and file the report.



CITY COUNCIL AGENDA REPORT



DEPARTMENT: Public Works Department

MEETING DATE: April 1, 2014

PREPARED BY: Carl E. Hassel, P.E., Director

AGENDA LOCATION: AR-2

TITLE: Recommendations from Reusable Bag Regulation Ad Hoc Committee

OBJECTIVE: To review the recommendations from the Reusable Bag Regulation Ad Hoc Committee and provide Staff with direction

BACKGROUND: On November 16, 2010, Los Angeles County adopted an ordinance restricting the use of plastic carryout bags and also imposed a ten-cent charge on recyclable paper carryout bags used by various food, pharmacy, liquor, and retail stores in County unincorporated areas. In addition, the County prepared an Environmental Impact Report (EIR) which was certified and adopted with the ordinance. The County's intent in preparing the EIR was to encourage the adoption of comparable reusable bag ordinances by each of the 88 incorporated cities within Los Angeles County.

On July 2, 2013, at the regular meeting of the Monrovia City Council, several concerned residents spoke out in favor of the City adopting a reusable bag ordinance. The Council directed Staff to perform initial research and prepare a report with the results of the research. Other jurisdictions with ordinances include Pasadena, Glendale, Culver City, Malibu, Manhattan Beach, West Hollywood, Santa Monica, Calabasas, Long Beach, Los Angeles, and San Jose.

On October 15, 2013, following review of potential regulation models, the Council directed the Interim City Manager to form a Reusable Bag Regulation Ad Hoc Committee to discuss the possibility of creating a reusable bag ordinance in the City of Monrovia and evaluate the impact on local stakeholders. The goal of the Committee was to review prior staff reports and findings, provide an analysis of facts and formulate alternatives, and ultimately, provide a recommendation to the City Council of the use of reusable bag regulation within the City.

Committee members included Chairman Dan Kirby, former Councilmember; Laurie Beyer, resident; Bertha Cedillo, Assistant Manager from Home Depot; Brian Germany, owner of Six 2 Six; Pat Johansen, resident; Chris Shevlin, resident; Bob Smith, Community Relations Manager for Walgreens; and Jim Tellaterra, Manager from Pavilions.

ANALYSIS: The Reusable Bag Ad Hoc Committee met four times. Over the course of the meetings, the committee discussed the following: the types of bag regulation and cost / impact of bag regulation on residents and businesses, the environmental impact of plastic bags, current state legislation proposed to regulate plastic bags, and alternatives to regulation.

The Committee first discussed the environmental impacts of reusable bags. Experts from Athens Services, an engineer from the Jet Propulsion Laboratory, and City environmental services staff were brought in to answer questions. Committee members asked about the total number of bags recycled, the availability of plastic bag recycling bins at grocery stores, and the real versus perceived effect of plastic bags as a pollution and litter problem. They also asked about the possibility of utilizing corn starch bags.

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The Committee also discussed the impacts to residents and businesses. They were given costs estimates for different forms of outreach to residents and businesses on recycling and single-use bags. While representatives from large grocery and retail stores were not present at Committee meetings, Staff was able to reach out to them as well.

Staff brought the Committee reports of proposed State legislation. SB 450, a bill that was defeated by three votes in the Senate, has now come back as a “compromise” bill renamed SB 270. This bill would mandate statewide elimination of single-use carryout bags, similar to the Los Angeles County ordinance. The bill was only introduced earlier this year and the League of California Cities believes it has traction to make it to the Governor’s desk. The City of Monrovia is currently tracking SB 270, and if passed, the law would pre-empt any local ordinance not passed by September 2014.

Ultimately, the Committee voted to recommend the City Council adopt reusable bag ordinance Model 1, similar to the Los Angeles County ordinance outlined in the Agenda Report presented on October 15, 2013. This would affect approximately 34 Monrovia retailers: 8 grocery stores, 3 liquor stores, 3 drug stores, 1 drive-in dairy, 6 gas stations with foodmarts, and 13 miscellaneous food stores. Los Angeles County implemented a phased approach to compliance with the larger retailers first, followed by the smaller ones six months later.

Based on a preliminary study conducted by LA County, the total estimated economic impact to residents of Los Angeles County is approximately \$5.72 per capita annually. In calculating potential costs to retail establishments, the analysis identified several potential factors, including transportation and employment costs, and the price difference between providing plastic versus paper single-use carryout bags. Based on these factors, the analysis concluded that the cost to retail establishments would be negligible.

ENVIRONMENTAL IMPACT: Should the Council accept the recommendation from the Reusable Bag Ad Hoc Committee to go with Los Angeles County’s ordinance, the City would prepare an addendum to the County’s EIR. The Los Angeles County Ordinance and EIR included studies of the environmental impacts of single-use bags, both plastic and paper. The results of the EIR indicated several pertinent results: 1) paper bags have a greater capacity to naturally biodegrade through exposure to sunlight, oxygen, moisture and microorganisms than plastic bags; 2) paper bags are denser and less susceptible to becoming airborne, thus being less likely to become litter; 3) paper bags are recycled at a much higher rate than plastic bags (the U.S. Environmental Protection Agency reported the recycling rate for high-density polyethylene plastic bags was 11.9 percent in 2007, compared to a recycling rate of 36.8 percent for paper bags; and 4) paper bags distributed by stores in the County are made from a minimum of 40 percent post-consumer recycled content. The City’s Addendum EIR would address possible environmental effects of such an ordinance within the City, including impacts to air quality, biological resources, greenhouse gas emissions, and hydrology and water quality, among others.

FISCAL IMPACT: The fiscal impact to the City includes public and stakeholder education and outreach, and preparation of an Addendum EIR, in addition to staff time. Please see Exhibit A for a complete cost breakdown. The City currently does not have the appropriate staffing to proactively enforce such an ordinance, and would be conducted on a complaint basis.

OPTIONS: The following options are presented for consideration:

1. Accept the Ad Hoc Committee’s Recommendation and direct Staff to prepare a draft Ordinance implementing a reusable bag ordinance in Monrovia similar to the Los Angeles County Ordinance
2. Postpone the Ad Hoc Committee’s Recommendation and defer to pending state legislation regarding a ban on the use of disposable plastic bags.

RECOMMENDATION: The Reusable Bag Regulation Ad Hoc Committee recommends that the City Council move forward with adopting regulations modeled after the Los Angeles County ordinance.

COUNCIL ACTION REQUIRED: If the City Council concurs, the appropriate action would be a motion to direct Staff to prepare an ordinance for consideration at a subsequent meeting.

**AR-2 EXHIBIT A
FISCAL IMPACT**

PRELIMINARY COST ESTIMATES TO CITY

Mandatory Costs

Preliminary cost estimates for mandatory elements involved in adoption of a reusable bag ordinance include the preparation of an addendum EIR and minimal outreach to affected businesses and consumers.

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|---------------------------------|----------------------------|
| • Preparation of Addendum EIR | \$15,000 |
| • Letter to affected businesses | \$20 (35 retailers) |
| • Utility Bill Inserts | \$200 |
| • Newspaper advertising | \$700 - \$1,200 |
| • Flyers | \$350 - \$600 |

Total: \$16,270 - \$17,020

Total Staff Time: 150 Hours

Optional Costs

Preliminary cost estimates for optional elements involved in adoption of a reusable bag ordinance include providing signage to affected retailers, and education and outreach to consumers. Optional costs are based on outreach performed by other jurisdictions that have passed a reusable bag ordinance. The jurisdictions that staff has spoken with (i.e., the Cities of Glendale, Pasadena, Manhattan Beach, and Malibu, and Los Angeles County) have all indicated that most of the outreach costs were built into various budget funds and not specifically quantifiable as "reusable bag ordinance" costs.

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|---|--|
| • Reusable Bags (for giveaway outreach event) | \$3,200 - \$4,000 (2000 quantity) |
| • Brochures | \$1,000 - \$1,200 |
| • Window Clings (Signage) | \$1750 - \$3500 (\$50 - \$100 x 35 retailers) |
| • Kickoff Event | \$250 |

Total: \$6,200 - \$8,950

Total Staff Time: 200 Hours

**AR-2 EXHIBIT A
FISCAL IMPACT**

PRELIMINARY COST ESTIMATES TO BUSINESSES

Mandatory Costs

Businesses will incur mandatory costs based on provisions of the recommended ordinance, including the purchase of reusable bags to be made available for purchase and additional purchases of paper bags. These costs can generally be recouped by the sale price of reusable bags and the \$.10 fee retained by retailers for the sale of paper bags.

- Reusable Bags (for purchase in store) **\$1,600 - \$2,000 (1000 quantity)**
- Paper Bags **\$50 - \$250 (1000 quantity)**

Total: \$1,650 – \$2,250

Optional Costs

Businesses may incur costs for additional outreach to consumers, depending on the level of support provided by the City.

- Window Clings (Signage) **\$50 - \$100 each**
- Brochures **\$1,000 - \$1,200**

Total: \$1,050 - \$1,300

PRELIMINARY COST ESTIMATES TO CONSUMERS

Mandatory Costs

Consumers will incur mandatory costs for the purchase of paper bags, with the exception of low income consumers using Women Infants Children (WIC) or CalFresh food stamps.

- Purchase of Paper Bags **\$.10 per bag**

Optional Costs

Consumers may incur additional costs if purchasing reusable bags.

- Purchase of Reusable Bags **\$1.00 per bag**



CITY COUNCIL AGENDA REPORT



DEPARTMENT: Public Works

MEETING DATE: May 6, 2014

PREPARED BY: Carl E. Hassel, P.E., Director

AGENDA LOCATION: AR-1

TITLE: Amendment to Title 8 (Health & Safety) of the Monrovia Municipal Code, Adding Chapter 8.44 Regulating the Use of Plastic Carryout Bags and Recyclable Paper Bags and Promoting the Use of Reusable Bags, Introduction and First Reading of Ordinance No. 2014-02

OBJECTIVE: To update the Monrovia Municipal Code and provide new regulation related to single-use plastic carryout bags and recyclable paper bags, and promoting the use of reusable bags

BACKGROUND: On November 16, 2010, Los Angeles County adopted an ordinance restricting the use of plastic carryout bags and imposing a ten cent charge on recyclable paper carryout bags at stores throughout County unincorporated areas. In addition, the County prepared an Environmental Impact Report (EIR), which was certified and adopted with the ordinance. The County's plan in preparing the EIR was to encourage the adoption of comparable reusable bag ordinances by each of the 88 incorporated cities within Los Angeles County.

On October 15, 2013, Staff presented the City Council with initial research findings regarding three reusable bag ordinance models adopted by jurisdictions throughout California including the L.A. County model. Following the presentation, the City Council directed Staff to convene the Reusable Bag Ad Hoc Committee (the Committee) comprised of Monrovia residents and business owners to investigate impacts to the City from potential control. The Committee met four times to discuss the bag ordinance models, cost impacts on residents and businesses, the environmental impact of single-use carryout bags, proposed State legislation, and alternatives to regulation. On April 1, 2014, the City Council directed Staff to introduce an ordinance modeled after the L.A. County ordinance, based on the Committee's recommendation.

ANALYSIS: The purpose of the proposed ordinance is to reduce consumer usage of single-use carryout bags and accelerate the shift towards reusable bags. In following the Los Angeles County model, the proposed ordinance would apply to approximately thirty-four (34) Monrovia businesses including supermarkets, grocery stores, pharmacies, convenience food stores, food marts, liquor stores, and other retail stores selling a limited line of goods including milk, bread, soda, and snack foods. Stores shall not distribute single-use plastic carryout bags with the exception of bags to separate certain grocery items such as meat and produce. A ten cent charge would be placed on single-use paper carryout bags. This charge is retained by the retail establishment to offset costs associated with compliance and is not subject to sales tax. An exemption to the charge for paper carryout bags is provided for low-income consumers. Restaurants and fast food establishments do not fall within the scope of the proposed ordinance. Enforcement of the proposed ordinance would be complaint-driven, with an escalation of fees for repeated non-compliance.

To allow Staff sufficient time to provide education and outreach to affected businesses and residents, there would be two phases of implementation:

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- June 19, 2014 – Larger grocers and food marts with gross annual sales of \$2,000,000.00 or more and stores of at least 10,000 square feet of retail space that have a licensed pharmacy.
- December 19, 2014 – Smaller grocers, food markets, liquor stores, convenience stores, farmer's markets, drug stores, and pharmacies.

Los Angeles County also prepared an Economic Impact Analysis to measure anticipated costs to consumers and retail establishments in enacting the ordinance. The study identified three components of potential costs to consumers (i.e., switching costs, new purchases, and new sales tax). While the initial report calculated the cost of approximately \$5.27 per person per year to consumers, a follow-up report, dated September, 2012, found that the actual cost to County residents was closer to \$4.00. In calculating potential costs to retail establishments, the study identified possible factors including transportation cost, employment costs, and the price difference between providing plastic versus paper single-use carryout bags. Based on these factors, the study concluded that the cost to retail establishments would be negligible. Additionally, many large retailers have already adjusted operations to comply with regulations in other local jurisdictions, further reducing potential costs.

To date, several attempts have been made to implement a State-wide reusable bag ordinance, but all have failed thus far. SB 270, a “compromise” bill similar in scope to the Los Angeles County ordinance was proposed this year. This bill would mandate a statewide elimination of single-use plastic carryout bags, and would include \$2 million in funding for plastic bag manufacturers within California to retool facilities and retrain staff to produce thicker, reusable plastic bags. The League of California Cities believes the addition of the funding element may allow SB 270 to overcome legislative opposition and be presented to the Governor for consideration in October, 2014. If passed, the law would pre-empt any local ordinance passed after September 15, 2014.

ENVIRONMENTAL IMPACT: Although, the City believed it would need to create an addendum to the L.A. County EIR, the Monrovia City Attorney reviewed recent legislation and concluded that the proposed ordinance is exempt from California Environmental Quality Act (CEQA) requirements. No further environmental review is necessary. Ordinance No. 2014-02 constitutes a regulatory action of the City Council to ensure the maintenance, restoration, or enhancement of a natural resource involving protection of the environment because it will minimize impacts associated with plastic bags on the environment of the City and region. Therefore, it is determined to be exempt from CEQA pursuant to State CEQA Guidelines Section 15307. Further, the proposed ordinance is a regulatory action of the City Council to ensure the maintenance, restoration, enhancement and/or protection of the environment, which does not involve any construction activity or relaxation of any standards allowing environmental degradation. Therefore, as a separate and independent basis, the project is found exempt from CEQA pursuant to CEQA Guidelines Section 15308. Regulating the usage of single-use carryout bags and encouraging a shift toward reusable bags supports the following Monrovia Environmental Accords: Action Item 5; reduce the use of disposable, toxic, or non-renewable product category by at least fifty percent by 2015; and Action Item 6; reduce solid waste disposal by twenty percent per capita by 2015.

FISCAL IMPACT: Fiscal impact of adoption of the proposed ordinance includes purchase of educational materials, as well as public outreach and stakeholder meetings, in addition to Staff time.

OPTIONS: The following options are provided for consideration:

1. Introduce, waive further reading, and read by title only Ordinance No. 2014-02.
2. Reject Ordinance No. 2014-02.

RECOMMENDATION: The Reusable Bag Ad Hoc Committee and Staff recommend Option 1, Introduce, waive further reading, and read by title only Ordinance No. 2014-02.

COUNCIL ACTION REQUIRED: If the City Council concurs, the appropriate action would be a motion to introduce, waive further reading, and read by title only Ordinance No. 2014-02.

ORDINANCE NO. 2014-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING TITLE 8 (HEALTH AND SAFETY) BY ADDING CHAPTER 8.44 RELATED TO REGULATING THE USE OF PLASTIC CARRYOUT BAGS AND RECYCLABLE PAPER BAGS AND PROMOTING THE USE OF REUSABLE BAGS

THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, does ordain as follows:

SECTION 1. The City Council of the City of Monrovia hereby finds and declares that plastic carryout bags contribute to litter, which is unsightly, costly to clean up, and causes serious negative environmental impacts. The City has a substantial interest in protecting its residents and the environment from the negative impacts of plastic carryout bags. On November 16, 2010, the Los Angeles County Board of Supervisors approved an Environmental Impact Report (EIR) and adopted an ordinance banning single-use plastic carryout bags from stores, while requiring stores that provide recyclable paper carryout bags to charge customers ten cents per bag to cover reasonable costs associated with the ordinance. The County's ordinance encouraged the 88 incorporated cities within the County to adopt similar ordinances.

SECTION 2. The custodian of records for all materials that constitute the record of the proceeding upon which this decision is based is the City Clerk. Those documents are available for public review in the City Clerk's office located at 415 South Ivy Avenue, Monrovia, California 91016.

SECTION 3. Title 8 of the Monrovia Municipal Code is hereby amended by adding Chapter 8.44 which reads as follows:

"Chapter 8.44
Plastic Carryout Bags

SECTIONS:

- 8.44.010 Definitions.
- 8.44.020 Plastic carryout bags prohibited.
- 8.44.030 Permitted bags.
- 8.44.040 Regulation of recyclable paper carryout bags.
- 8.44.050 Use of reusable bags.
- 8.44.060 Exemptions.
- 8.44.070 Operative Date.
- 8.44.080 Enforcement and violation – penalty.
- 8.44.090 No conflict with federal or state law.

8.44.010 Definitions.

For purposes of this chapter, the following definitions shall apply:

- (A) The term "Customer" refers to any person purchasing goods from a store.

(B) The term “Old Growth Forests” refers to forests having the following characteristics: a) they are largely naturally regenerated; b) less than 30% of the stand/forest area has been logged or cleared within the past century; c) they are relatively undisturbed such that human activities have not significantly altered native forest structure, composition or function; d) they are dominated by native tree species; e) they are relatively unmanaged although they may suffer from a history of fire suppression or grazing; and f) they are composed of individual or stands of trees of varying ages, with old growth components constituting at least half of the stand or forest unit, and having at least four trees per acre over 150 years of age.

(C) The term “Operator” refers to the person in control of, or having the responsibility for, the operation of the store, which may include, but is not limited to, the owner of the store.

(D) The term “Person” refers to any natural person, firm, corporation, partnership, or other organization or group however organized.

(E) The term “Plastic carryout bag” refers to any bag made predominately of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to the customer at the point of sale. “Plastic carryout bag” includes compostable and biodegradable bags, but does not include reusable bags, produce bags, or product bags.

(F) The term “Postconsumer recycled material” refers to a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. “Postconsumer recycled material” does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

(G) The terms “Produce bag” or “Product bag” refer to any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

(H) The term “Recyclable” refers to material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. “Recycling” does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

(I) The term “Recyclable paper carryout bag” refers to a paper bag that meets all of the following requirements: (1) contains no old growth forest fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; (4) is accepted for recycling in curbside programs in the City; (5) has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the percentage of postconsumer recycled material used; and (6) displays the word “Recyclable” in a highly visible manner on the outside of the bag.

(J) The term “Reusable bag” refers to a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses, which for purposes of this subsection, refers to the capability of carrying a minimum of 22 pounds over a distance of at least 175 feet; (2) has a minimum volume of 15 liters; (3) is a machine washable or made from a material that can be cleaned or disinfected; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts as defined by applicable state and federal standards for packaging or reusable bags; (5) names the

manufacturer, location (country) of where the bag is manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and states the percentage of postconsumer recycled material used if any, printed on the bag or tag permanently affixed to the bag; and, (6) if made of plastic, is a minimum of at least 2.25 mils thick.

(K) The term "Store" refers to any of the following retail establishments located within the City:

- (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;
- (2) A store of at least 10,000 square feet of retail space that 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] and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code;
- (3) A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, 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;

or

- (4) A retail store with gross annual sales of less than two million dollars (\$2,000,000) that sells a line of dry grocery, canned goods, or nonfood items, and some perishable items.

8.44.020 Plastic carryout bag prohibited.

(A) No store shall provide any customer a plastic carryout bag.

(B) This prohibition applies to bags provided for the purpose of carrying away goods from the point of sale and does not apply to produce bags or product bags.

8.44.030 Permitted bags.

All stores shall provide or make available to a customer only recyclable paper carryout bags or reusable 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.

8.44.040 Regulation of recyclable paper carryout bags.

(A) Any store that provides a recyclable paper carryout bag to a customer must charge the customer ten cents (\$.10) for each bag provided, except as otherwise provided in this Chapter.

(B) No store shall rebate or otherwise reimburse a customer any portion of the ten cent (\$.10) charge required in Subsection A, except as otherwise provided in this Chapter.

(C) All stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags.

(D) All monies collected by a store under this Chapter will be retained by the store and may be used only for any of the following purposes: (1) costs associated with complying with the requirements of this Chapter; (2) actual costs of providing recyclable paper carryout bags; or (3) costs associated with the store's educational materials or education campaign to encourage the use of reusable bags, if any.

(E) All stores must keep records of the total number of recyclable paper carryout bags provided, the total amount of monies collected for providing recyclable paper carryout bags, and a summary of any efforts a store has undertaken to promote the use of reusable bags by customers in the prior year. Such records must be made available for the City to review at any time.

(F) If the reporting required in Subsection E is not timely submitted by the store, such store shall be subject to the fines set forth in Section 8.44.080.

8.44.050 Use of reusable bags.

(A) All stores must provide reusable bags to customers, either for sale or at no charge.

(B) Each store is strongly encouraged to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags.

8.44.060 Exempt customers.

All stores must provide at the point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option, to any customer participating either in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the Welfare and Institutions Code.

8.44.070 Operative date.

Subject to the citation delay specified in Section 8.44.080(C), this Ordinance shall take effect thirty (30) days following the date of its adoption. This Chapter shall not apply to Stores defined in Subsection K (3) and K (4) of Section 8.44.010, until December 17, 2014, although any Store may comply voluntarily prior to that date.

8.44.080 Enforcement and violation-penalty.

(A) It shall be unlawful for any person to violate the provisions of this Chapter. A violation of this Chapter shall be punishable under the administrative citation procedures set forth in Section 1.17.050. The fine imposed for a particular violation shall be in the amount set forth in the administrative citation schedule established by resolution of the City Council pursuant to Section

1.17.060. The City Manager or his/her designee has primary responsibility for enforcement of this Chapter.

(B) All fines collected pursuant to this Chapter shall be deposited into the Solid Waste Management Fund to assist the City with its costs of implementing and enforcing the requirements of this Chapter.

(C) Notwithstanding the foregoing, the City shall not issue an administrative citation to any Store that violates any provision of this Chapter during the first one hundred twenty (120) calendar days following the date the Ordinance adopting this Chapter takes effect. During said period, City staff shall provide education regarding the requirements of this Chapter and issue written warnings to Stores that violate any provision of this Chapter.

8.44.090 No conflict with federal or state law.

Nothing in this Ordinance is intended to create any requirement, power or duty that is in conflict with any federal or state law.”

SECTION 4. CEQA Findings. The City Council hereby finds that the adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act (Pub. Res. Code Sec. 21000 et seq., State CEQA Guidelines, 14 Cal. Code. Regs. 15000 et seq. (collectively “CEQA”). This ordinance constitutes a regulatory action of the City Council to assure the maintenance, restoration, or enhancement of a natural resource involving protection of the environment because it will minimize impacts associated with plastic bags on the environment of the City and region. Therefore, the project is found and determined to be exempt from CEQA pursuant to State CEQA Guidelines Section 15307. Further, this ordinance is a regulatory action of the City Council to assure the maintenance, restoration, enhancement and/or protection of the environment, which does not involve any construction activity or relaxation of any standards allowing environmental degradation. Therefore, as a separate and independent basis, the project also is found exempt from CEQA pursuant to CEQA Guidelines Section 15308. The findings and determinations on exemption from CEQA are, in part, based on the following: (1) plastic carryout bags create significant litter problems in Monrovia’s neighborhoods, parks, public streets, and sewer systems; (2) the production and disposal of plastic carryout bags has significant environmental impacts, including the contamination of the environment, the depletion of natural resources, use of non-renewable polluting fossil fuels, and the increased clean-up and disposal costs; and (3) studies document that banning plastic carryout bags and placing a mandatory charge on recyclable paper carryout bags will dramatically reduce the use of both types of bags and increase customers’ use of reusable bags.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining portions of this Ordinance, or its application to any other persons or circumstance. The City Council of the City of Monrovia hereby declares that it would have adopted this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalidly.

SECTION 6. The City Clerk shall certify to the passage of this ordinance and shall cause same to be published pursuant to applicable law, and this ordinance shall become effective on June 19, 2014.

INTRODUCED this 6th day of May 2014.

PASSED, APPROVED, AND ADOPTED this 20th day of May, 2014.

BY:

Mary Ann Lutz, Mayor
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

Alice D. Atkins, CMC, City Clerk
City of Monrovia

Craig A. Steele, City Attorney
City of Monrovia