



## STAFF REPORT ON PROPOSED LEGISLATION

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To: Mayor Gavin Buckley

From: Jacqueline Guild, Deputy City Manager, Resilience & Sustainability

Date: December 15, 2020

Subject: O-52-20, Plastic Bag Reduction and R-68-20, Plastic Bag Reduction Fines

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**Ordinance 52-20** prohibits a “dealer” from supplying customers with plastic bags or paper check out bags that contain less than 40 percent post-consumer recycled content “at the point of sale, pickup or delivery to carry purchased items.” There is no charge for paper bags and no exemption for “dealers” below a certain size. A dealer is defined as “a person engaged in retail sales, including a supermarket; convenience store; restaurant; shop; service station; and other sales outlets”. The Department of Planning & Zoning is charged with the administration and enforcement of the law by any “appropriate means” and with producing an annual report detailing compliance. The ordinance takes effect two years after its date of passage.

Note that Section 10.18.040 states specifically that the ordinance *does not apply* to bags used for fresh fish and fish products, fresh meat and fresh meat products, fresh poultry and fresh poultry products, unpackaged fruits, nuts, vegetables, confectionery, fresh cheese, and baked goods, ice, foods and goods obtained at a farmers market, prescription drugs obtained from a pharmacy, or dry-cleaned goods. The ordinance does not apply to pet waste bags and garbage bags because they are prepackaged goods. The ordinance does not apply to newspaper film because newspapers are not a retail item.

The purpose of O-52-20 is reduce plastic bag pollution. Studies demonstrate that similar ordinances create savings to local governments in terms of litter clean up. A plastic bag ban will also assist the City’s curbside recycling program since plastic bags are not accepted by the City’s recycling program and the ordinance will help to remove plastic bags as a contaminant to the recycling stream. The elimination of plastic bags will reduce clogging and clean out of recycling machinery that cause downtime in recycling center operations.

As noted, O-52-20 does not impose a fee on paper bags. Such fees incentivize consumers to bring their own bags to retail operations. Bag fees further reduce litter by eliminating paper bag pollution and the number of paper bags that end up in landfills.

The administration and enforcement of the ordinance will impose additional responsibilities on Planning & Zoning staff who are already at capacity.

**Resolution 68-20** imposes a fine of \$250 per bag per initial offense; \$500 per bag for a second offense within the same six-month period; and \$1,000 per bag for a third offense within the same six-month period.

The proposed fees are consistent with fees imposed in other jurisdictions and will serve as an effective deterrent against violations.

**Prepared by:** *Jacqueline Guild, Deputy City Manager, Resilience & Sustainability*