



CITY OF FORT BRAGG

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COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: July 17, 2014
TO: Public Works & Facilities Committee
FROM: Linda Ruffing, City Manager
AGENDA ITEM TITLE: **Receive Report Regarding Amendment of Fort Bragg Municipal Code Chapter 6.26 (“Disposable Bag Reduction”) to Ban the Use of Plastic Single-Use Carryout Bags for Take-Out Food and Beverages and Provide Direction to Staff**

ISSUE:

When the City Council enacted Fort Bragg Municipal Code (FBMC) Chapter 6.26 “Disposable Bag Reduction” on May 14, 2012, it specifically exempted Public Eating Establishments from the ordinance requirements due to pending litigation over similar regulations in other cities. The Disposable Bag Reduction ordinance prohibits the provision of Plastic Single-Use Carryout Bags at the point of purchase, and requires stores to charge a customer at least 10 cents per bag for recycled-content paper bags or reusable carryout bags. It has been implemented for all other retailers in the City. Last December, the First Appellate District of the State Court of Appeal has upheld San Francisco’s regulation of restaurant takeout bags and, accordingly, staff seeks Council direction as to whether or not to amend Fort Bragg’s Disposable Bag Reduction ordinance to extend its provisions to restaurants which provide disposable bags for take-out food.

SUMMARY:

Attachment 1 is a memo from Mike Sweeney, General Manager of the Mendocino Solid Waste Management Agency, that provides background information regarding the issues surrounding bans on the provision of plastic single-use carryout bags for restaurant take-out purchases. The plastic bag industry had claimed that State law pre-empted local jurisdictions from enacting regulations on such use. The courts have now ruled that restaurants can be included in ordinance regulating the use of disposable bags.

Attachment 2 presents a draft ordinance which would amend FBMC Chapter 6.26 to include Public Eating Establishments in the definition of Store, thereby extending the Disposable Bag Reduction ordinance requirements to restaurants. The draft ordinance would take effect 180 days after adoption in order to give restaurants an opportunity to use existing inventory and order alternative packaging that is compliant with the ordinance.

RECOMMENDATION:

Staff recommends that the Committee receive the report, accept public comment, and make a recommendation to the City Council regarding whether to eliminate the exemption for Public Eating Establishments in the Disposable Bag Reduction ordinance.

ATTACHMENTS:

1. December 16, 2013 letter from Mendocino Solid Waste Management Agency General Manager Mike Sweeney
2. Draft Ordinance Amendment