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CITY ATTORNEY

REPORT NO. R 22 - 0373
OCT 27 2022

REPORT RE:

**DRAFT ORDINANCE ADDING ARTICLE 2.1 TO CHAPTER XIX OF THE
LOS ANGELES MUNICIPAL CODE TO PROMOTE THE USE OF REUSABLE BAGS
AND REGULATE THE USE OF PLASTIC AND PAPER SINGLE-USE CARRYOUT
BAGS AT APPAREL STORES, FARMERS' MARKETS, FOOD OR BEVERAGE
FACILITIES, HARDWARE STORES, AND OPEN AIR MARKETS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 21-0064

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance would add Article 2.1 to Chapter XIX of the Los Angeles Municipal Code (LAMC) to promote the use of reusable bags and regulate the use of plastic and paper single-use carryout bags at apparel stores, farmer's markets, food or beverage facilities, hardware stores, and open air markets.

Single-use plastic bags are consumed in large quantities in the City each year, most of which end up in the litter stream or in landfills. Plastics negatively impact the environment and create a blight of litter that is pervasive in the public landscape, including parks, streams, beaches, and streets. Recognizing these problems, the City adopted an ordinance in June 2013 promoting the use of reusable bags and banning paper and plastic single-use carryout bags at specified stores (Single-Use Carryout Bag Ordinance). While a reduction in the number of plastic bags collected at beach and City

river clean-up events following the passage of the Single-Use Carryout Bag Ordinance has been noticeable, single-use carryout bags continue to be utilized widely, contributing to litter and environmental and marine pollution.

This draft ordinance adds Article 2.1 to Chapter XIX of the LAMC to expand the existing single-use carryout bag ban and the promotion of reusable bags to apparel stores, farmers' markets, food and beverage facilities, hardware stores, and open air markets. Apparel stores and hardware stores have been deliberately defined to exclude "Stores" under SB 270 (California Public Resources Code 42280, *et seq.*) to make clear that this ordinance does not regulate reusable grocery bags, single-use carryout bags, and recycled paper bags, the regulation of which would be preempted by California Public Resources Code 42287. This ordinance tracks the City's prior Single-Use Carryout Bag Ordinance as to all other elements, including an implementation schedule and enforcement mechanism, as previously approved by City Council.

The draft ordinance is consistent with furthering the City's goals of reducing waste, increasing energy efficiency, promoting equity and environmental justice, addressing the impacts of climate change, and advancing a just transition toward more circular, equitable, and regenerative economies.

California Environmental Quality Act (CEQA)

At the time of transmitting this report, environmental review is still pending with the Department of Public Works, Bureau of Sanitation (LASAN). Prior to or concurrent with adoption of the draft ordinance, the City Council must comply with CEQA by considering the CEQA clearance prepared and submitted by LASAN. As such, you must make a CEQA determination and adopt findings, as applicable.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to LASAN with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Virginia Choi at (213) 978-8130. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:VC:ev
Transmittal