

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 16.82 OF THE MOUNTAIN VIEW CITY CODE RELATED TO CHARGES FOR CARRY-OUT BAGS

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 16.82 of the Mountain View City Code is hereby amended to read as follows:

**“SEC. 16.82. Single-use, carry-out bag.**

a. No retail establishment shall provide a single-use, carry-out bag to a customer at the checkstand, cash register, point-of-sale or other point of departure for the purpose of transporting food or merchandise out of the establishment, except as provided in this section.

b. A retail establishment may only make recycled paper bags or reusable bags available to customers if the retailer charges a minimum of ten cents (\$0.10) per bag.

c. Notwithstanding this section, no retail establishment may make available for sale a recycled paper bag or a reusable bag unless the amount of the sale of such bag is separately itemized on the sale receipt.

d. A retail establishment may provide one (1) or more recycled paper bags at no cost to any of the following individuals: a customer participating in the California Special Supplement Food Program for Women, Infants and Children pursuant to Article 2 (commencing with Sec. 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; a customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Sec. 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code; and a customer participating in Calfresh pursuant to Chapter 10 (commencing with Sec. 18900) of Part 6 of Division 9 of the California Welfare and Institutions Code.”

Section 2. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it

would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 4. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 5. CEQA Review. Pursuant to Section 15096 of the CEQA Guidelines, the City of Mountain View acts as a responsible agency for adoption of this ordinance within the City of Mountain View. The City of Mountain View relies on the previously certified Program Environmental Impact Report ("EIR"), which was certified on October 23, 2012, by the County of San Mateo. The certified EIR analyzed the impacts of a reusable bag ordinance if adopted in cities throughout the County of San Mateo as well as neighboring jurisdictions including the City of Mountain View. The EIR was certified pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* ("CEQA") and the CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 *et seq.* The City of Mountain View considered the Program EIR and made the requisite findings in adopting the City's Reusable Bag Ordinance on December 11, 2012.

Pursuant to CEQA Guidelines Sections 15162 through 15164, in light of the record before the City Council, the City Council hereby finds the following:

1. The ordinance, eliminating the recycled paper bag or reusable bag minimum fee increase from \$0.10 to \$0.25, does not constitute a substantial change pursuant to Section 15162.
2. The certified Program EIR is adequate and no changes or additions of the EIR are necessary pursuant to Sections 15163 and 15164 as the ordinance was analyzed as part of the certified EIR, which analyzed a bag fee of \$0.10, and no further environmental review is required.

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