

STAFF RECOMMENDATION

Late Backup

Motion Sheet #1

Amending the definition of reusable paper bag to require recyclable paper, FSC certification, and handles for larger bags

Suggested Script: *Read the following from the dais:*

I move to amend Part 1, section 15-6-121 subsection (3) of the draft ordinance regarding paper reusable bags to delete the minimum basis weight requirement, to require certification by the Forest Stewardship Council, and to require a handle only for larger bags.

The exact ordinance language has been provided to the City Clerk and distributed on the dais.

Ordinance Language: *Provided to City Clerk; need not be read on dais:*

§ 15-6-121 DEFINITIONS.

- (3) REUSABLE CARRYOUT BAG means a carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:
- (a) displays the phrase "Reusable and Recyclable" in a highly visible manner on the bag exterior;
 - (b) except as provided in subsection (d) below, has a handle; ~~and~~
 - (c) is constructed out of either:
 - (i) Cloth other washable fabric, or other durable materials whether woven or non-woven;
 - (ii) Recyclable plastic, with a minimum thickness of 4.0 mil, containing only the types of plastic resin as prescribed by rule; or
 - (iii) Recyclable paper, ~~[with a minimum basis weight of 65 pounds and]~~ certified by the ~~[Sustainable Forestry Initiative or]~~ Forest Stewardship Council~~[-]; and~~
 - (d) handles are not required for carryout bags constructed out of recyclable paper with a height of less than 14 inches and width of less than 8 inches.

Motion Sheet #1-a

Amending the definition of reusable paper bag to only require recyclable paper

Suggested Script: *Read the following from the dais:*

I move to amend Part 1, section 15-6-121 subsection (3) of the draft ordinance regarding paper reusable bags to delete the requirements for a handle, a minimum basis weight, and certification; leaving the requirement for recycled paper.

The exact ordinance language has been provided to the City Clerk and distributed on the dais.

Ordinance Language: *Provided to City Clerk; need not be read on dais:*

§ 15-6-121 DEFINITIONS.

- (3) REUSABLE CARRYOUT BAG means a carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:
- (a) displays the phrase “Reusable and Recyclable” in a highly visible manner on the bag exterior;
 - (b) except as provided in subsection (d) below, has a handle; and
 - (c) is constructed out of either:
 - (i) Cloth, other washable fabric, or other durable materials whether woven or non-woven;
 - (ii) Recyclable plastic, with a minimum thickness of 4.0 mil, containing only the types of plastic resin as prescribed by rule; or
 - (iii) Recyclable paper [~~with a minimum basis weight of 65 pounds and certified by the Sustainable Forestry Initiative or Forest Stewardship Council~~].
 - (d) handles are not required for carryout bags constructed out of recyclable paper.

Motion Sheet #1-b

Amending the definition of reusable paper bag to require certification by Forest Stewardship Council,

Suggested Script: *Read the following from the dais:*

I move to amend Part 1, section 15-6-121 subsection (3) of the draft ordinance regarding paper reusable bags to delete the requirement for certification by the Sustainable Forestry Initiative; leaving the requirement for certification by the Forest Stewardship Council.

The exact ordinance language has been provided to the City Clerk and distributed on the dais.

Ordinance Language: *Provided to City Clerk; need not be read on dais:*

§ 15-6-121 DEFINITIONS.

- (3) REUSABLE CARRYOUT BAG means a carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:
- (a) displays the phrase "Reusable and Recyclable" in a highly visible manner on the bag exterior;
 - (b) has a handle; and
 - (c) is constructed out of either:
 - (i) Cloth, other washable fabric, or other durable materials whether woven or non-woven;
 - (ii) Recyclable plastic, with a minimum thickness of 4.0 mil, containing only the types of plastic resin as prescribed by rule; or
 - (iii) Recyclable paper, with a minimum basis weight of 65 pounds and certified by the ~~[Sustainable Forestry Initiative or]~~ Forest Stewardship Council.

STAFF RECOMMENDATION

Motion Sheet #2

Deleting temporary surcharge and transition period;
full implementation March 1, 2013

Suggested Script: *Read the following from the dais:*

I move to amend Part 1, section 15-6-122 and delete Part 1, section 15-6-124 of the draft ordinance to delete the temporary surcharge and delete the transition period to allow full implementation of the regulations on March 1, 2013 rather than March 1, 2014.

The exact ordinance language has been provided to the City Clerk and distributed on the dais.

Ordinance Language: *Provided to City Clerk; need not be read on dais:*

§ 15-6-122 REGULATIONS

- (A) Beginning on the effective date of this ordinance, the City will engage in a public education campaign to inform business establishments and citizens of the requirements regarding carryout bags.
- (B) Beginning March 1, 2013, no person may provide single-use carryout bags at any City facility, City-sponsored event, or any event held on City property.
- ~~[(C) — From March 1, 2013 through February 28, 2014, a business establishment within the City limits may not provide single-use carryout bags to its customers or to any person, except as provided in Section 15-6-124 (Temporary Surcharge).]~~
- ~~[(C)]~~[(D)] Beginning March 1, ~~2013~~[2014], a business establishment within the City limits may not provide single-use carryout bags to its customers or to any person.
- ~~[(D)]~~[(E)] Beginning March 1, 2013, a business establishment within the City limits must provide prominently displayed signage advising customers of the benefit of reducing, reusing and recycling and of the need to use reusable carryout bags. The language and placement of signs under this Section shall be as prescribed by rule.
- ~~[(E)]~~[(F)] A business establishment within the City limits may provide or sell reusable carryout bags to its customers or any person. A person may provide or sell reusable carryout bags at any City facility, City-sponsored event, or any event held on City property.

~~§ 15-6-124 TEMPORARY SURCHARGE~~

- ~~(A) — To facilitate a smooth transition to the requirements of this article, this section establishes a temporary surcharge which may be charged during a limited period of time as an option to reusable carryout bags.~~

STAFF RECOMMENDATION

Motion Sheet #3

Amending the definition of reusable carryout bag to require labeling regarding reuse and recycling as prescribed by rule

Suggested Script: *Read the following from the dais:*

I move to amend Part 1, section 15-6-121 subsection (3) of the draft ordinance to require reusable carryout bags to display statements regarding reuse and recycling, to be prescribed by rule.

The exact ordinance language has been provided to the City Clerk and distributed on the dais.

Ordinance Language: *Provided to City Clerk; need not be read on dais:*

§ 15-6-121 DEFINITIONS.

- (3) REUSABLE CARRYOUT BAG means a carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:
- (a) displays ~~[the phrase "Reusable and Recyclable"]~~ in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled, as prescribed by rule;
 - (b) has a handle; and
 - (c) is constructed out of either:
 - (i) Cloth other washable fabric, or other durable materials whether woven or non-woven;
 - (ii) Recyclable plastic, with a minimum thickness of 4.0 mil, containing only the types of plastic resin as prescribed by rule; or
 - (iii) Recyclable paper, with a minimum basis weight of 65 pounds and certified by the [Sustainable Forestry Initiative or Forest Stewardship Council].

STAFF RECOMMENDATION

Motion Sheet #4

Deleting exemption for transport of beer, wine and spirits

Suggested Script: *Read the following from the dais:*

I move to amend Part 1, section 15-6-125 of the draft ordinance to delete the exemption for bags to transport beer, wine, and spirits.

The exact ordinance language has been provided to the City Clerk and distributed on the dais.

Ordinance Language: *Provided to City Clerk; need not be read on dais:*

§ 15-6-125 EXEMPTIONS

This article does not apply to:

- (1) Laundry dry cleaning bags, door-hangar bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;
- ~~[(2) — Bags provided to transport beer, wine, and spirits, only if the bags are recyclable within the City of Austin residential recycling program;]~~
- ~~[(2)][(3)]~~ Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities, only if the bags are recyclable within the City of Austin residential recycling program;
- ~~[(3)][(4)]~~ Bags used by restaurants to take away prepared food, only if the bags are recyclable within the City of Austin residential recycling program; and
- ~~[(4)][(5)]~~ Bags used by a consumer inside a business establishment to:
 - (a) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;
 - (b) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;
 - (c) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases;
or
 - (d) Contain unwrapped prepared foods or bakery goods.

STAFF RECOMMENDATION

Motion Sheet #5

Adding an exemption for non-profit or hunger relief charity
to distribute food and other items

Suggested Script: *Read the following from the dais:*

I move to amend Part 1, section 15-6-125 of the draft ordinance to add an exemption for bags used by non-profits or hunger relief charities to distribute food, groceries, clothing, or household items.

The exact ordinance language has been provided to the City Clerk and distributed on the dais.

Ordinance Language: *Provided to City Clerk; need not be read on dais:*

§ 15-6-125 EXEMPTIONS

This article does not apply to:

- (1) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;
- (2) Bags provided to transport beer, wine, and spirits, only if the bags are recyclable within the City of Austin residential recycling program;
- (3) Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities, only if the bags are recyclable within the City of Austin residential recycling program;
- (4) Bags used by restaurants to take away prepared food, only if the bags are recyclable within the City of Austin residential recycling program; ~~and~~
- (5) Bags used by a consumer inside a business establishment to:
 - (a) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;
 - (b) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;
 - (c) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases;
or
 - (d) Contain unwrapped prepared foods or bakery goods ~~[-]; and~~
- (6) Bags used by a non-profit corporation or other hunger relief charity to distribute food, grocery products, clothing, or other household items.

Motion Sheet #6

Clarifying the definition of business establishment

Suggested Script: *Read the following from the dais:*

I move to amend Part 1, section 15-6-121 subsection (1) of the draft ordinance to clarify that only a business that provides carryout bags to customers is regulated.

The exact ordinance language has been provided to the City Clerk and distributed on the dais.

Ordinance Language: *Provided to City Clerk; need not be read on dais:*

§ 15-6-121 DEFINITIONS.

In this article:

- (1) BUSINESS ESTABLISHMENT means any commercial enterprise that provides carryout bags to its customers, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not for profit and includes all employees of the business and any independent contractors associated with the business.