

ORDINANCE NO. 2158

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH, CLARIFYING  
THE CITY'S PROHIBITION OF PLASTIC CARRY-OUT BAGS AS IT  
RELATES TO RESTAURANTS AND AMENDING SECTION 5.88.010 OF  
THE MANHATTAN BEACH MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH DOES ORDAIN AS  
FOLLOWS:

Section 1. The definition of "Vendor" in Section 5.88.010(a) of Chapter 5.88 of Title 5 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

"Vendor" means any store, shop, sales outlet or other commercial establishment located within or doing business within the City of Manhattan Beach, which provides perishable or nonperishable goods."

Section 2. Section 5.88.010(b)(A) of Chapter 5.88 of Title 5 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

"A. No Affected Retail Establishment, Vendor or Non-Profit Vendor shall provide Plastic Carry-Out Bags to customers at the point of sale. Reusable Bags and Recyclable Paper Bags are allowed alternatives."

Section 3. Section 5.88.010(b) of Chapter 5.88 of Title 5 of the Manhattan Beach Municipal Code is hereby amended by a new subsection (F) to read as follows:

"F. Notwithstanding the prohibition set forth in Subdivision A of this Section, plastic carryout bags may be distributed by restaurants for the transportation of food or beverages that are provided to customers for consumption on the premises, for take-out or by delivery."

Section 4. CEQA Finding. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. The Ordinance merely clarifies existing Ordinance No. 2115, expressly stating that local regulations regarding plastic carry-out bags do not supersede any state or federal law requirements. It is therefore exempt from California Environmental Quality Act review pursuant to 14 California Code of Regulations Section 15061(b)(3).

Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 6. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this ordinance to be published within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code.

Section 7. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED, APPROVED AND ADOPTED this 1<sup>st</sup> day of May, 2012

Ayes: Howorth, Montgomery, Lesser and Mayor Powell.  
Noes: None.  
Absent: Tell.  
Abstain: None.

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Mayor, City of Manhattan Beach, California

ATTEST:

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City Clerk