

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2020

A RESOLUTION ESTABLISHING A POLICY ON THE TEMPORARY SUSPENSION
OF ENFORCEMENT OF CHAPTER 16, ARTICLE IV (REUSABLE BAG ORDINANCE)
OF THE MOUNTAIN VIEW CITY CODE

WHEREAS, on December 11, 2012, the City Council adopted Ordinance 10.12 prohibiting covered retail establishments, including grocery and other stores selling food, from providing single-use, carry-out bags to customers unless those bags are recycled paper bags or reusable bags as defined by the Ordinance, and a minimum charge of \$0.10 per bag is charged to the customer; and

WHEREAS, Proposition 67 was approved by the voters on November 9, 2016, affecting a smaller subset of retail establishments but including large grocery stores and pharmacies; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency in the State of California due to the number of confirmed cases of COVID-19 in the State; and

WHEREAS, on March 16, 2020, the Health Officer of the County of Santa Clara issued a shelter-in-place order;

WHEREAS, on March 17, 2020, the City Council declared a local emergency to exist in Mountain View as a result of the threat of COVID-19; and

WHEREAS, on March 31, 2020, the Health Officer of the County of Santa Clara extended the shelter-in-place order and required essential businesses to implement social distancing protocols which include not permitting customers to bring their own bags, mugs, or other reusable items from home; and

WHEREAS, on April 22, 2020, the Governor of California issued Executive Order N-54-20 thereby suspending for a period of 60 days the State law's requirement to charge for the provision of reusable grocery bags or recycled paper bags and also suspending the prohibition on use of single-use, carry-out bags where it is not possible to provide reusable bags or recyclable paper bags; and

WHEREAS, this Executive Order issued by the Governor of California expressly did not include cities that adopted ordinances regulating bag charges prior to January 1, 2015; and

WHEREAS, the City, although not included in the Governor's Executive Order N-54-20 because Ordinance 10.12 was adopted prior to January 1, 2015, desires to ensure the health and safety of Mountain View residents and to ensure Mountain View residents are not fiscally impacted by any such requirements throughout the period of the local emergency;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that, to be consistent with the Governor's Executive Order N-54-20 and the County's social distancing protocols prohibiting the use of reusable bags, and due to the City's declared local emergency, it is appropriate to temporarily suspend enforcement of the provisions of Chapter 16, Article IV of the Mountain View City Code requiring retail establishments to charge for bags provided to customers and prohibiting the use of single-use, carry-out bags where it is not possible to provide reusable bags or recyclable paper bags. The suspension of enforcement on the aforementioned provisions shall be in effect while State law provisions are suspended under Executive Order N-54-20 and any subsequent COVID-19 related orders from the State or Governor.

LT-DSC/TS/1/RESO
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