



Legislation Guide

Prepared by Council Budget Office

August 2023

Legislation Manual

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This guide is an update of several previous guides prepared by the City Clerk's Office and the Budget Office. It is to provide guidance to departments on how to prepare legislation for City Council consideration.

Legislation Process and Requirements

[Chapter VIII. Legislation of the Rules of Council](#) broadly outlines how bills are to be introduced and considered by Pittsburgh City Council. Below is some additional information regarding the process.

1. City Council receives legislation from the Mayor and Departments via the Office of Management and Budget. Any questions about procedures and deadlines to submitting legislation to OMB should be referred to OMB.
2. All legislation should include the following:
 - a. A **cover letter** addressed to the President and Members of Pittsburgh City Council from the Department Director requesting consideration of the legislation. (Attachment A: Sample Cover Letter)
 - b. The **bill** itself.
 - c. A **Fiscal Impact Statement**. (Attachment B: Fiscal Impact Statement)
 - d. Any relevant documents that support the legislation.
 - e. If a waiver of Rule VIII is requested, it should be requested in the cover letter.
3. The City Clerk will determine the appropriate Committee and Chair to introduce the legislation.
4. Legislation will be introduced at Council's Regular Meeting, which is typically held on Tuesdays.
5. Discussion regarding the legislation will occur at the Standing Committee Meeting, which will be held **the week following** (typically a Wednesday) its introduction. Department representatives should be present and available for questions from City Council members. Council will vote to affirmatively recommend or not.
6. Then the legislation will go before Council for final approval at the next Regular Meeting.
7. If Council finally approves the legislation, the legislation will then be submitted to the Mayor for approval. The Mayor will sign the legislation within ten days if approved, but if not, will return it to council stating objections. City Council, at its next meeting, will reconsider any legislation disapproved by the mayor and may pass it in spite of the mayor's disapproval by a **two-thirds vote of all the members (6 members)**. If the mayor fails to sign or return legislation to council with reasons for disapproval, it shall become law as of its effective date, ten days after submission to the mayor.
8. These are the general procedures for City of Pittsburgh legislation. There may be other procedures for certain kinds of legislation. For example, legislation regarding budget matters, salaries, land use, new taxes, the creation of a new authority, and other matters may require a public hearing.

9. Please note that the President of Council reviews all legislation sent over from the Mayor's Office and may have have questions, legal and otherwise, that may delay an item's inclusion on the Agenda. Also, the City Clerk may send back legislation that is not complete or is not formatted or written correctly. In addition, Committee Chairs have the authority to hold bills.

Format for All Legislation

General: All legislation should use Times New Roman 12-point font. All legislation should be single spaced. In the body of legislation, all dollar amounts should be both written out and in numerals within parenthesis. For example: Two Thousand Five Hundred Dollars (\$2,500.00)

Removing language:

When removing language from either an existing law or a bill that is currently before Council, use ~~strikethroughs~~ or [brackets], although strikethroughs are preferred. However, *do not* use strikethroughs and brackets together.

Adding language:

When adding language to either an existing law, underline and **boldface** the new language.

Here is a good example of an [ordinance](#) that both removed and added language to [§ 633.22](#):

§ 633.22 - OFF-LEASH EXERCISE AREAS.

A. ~~**PILOT PROGRAM ESTABLISHMENT.** An pilot off-leash program shall be established under the administration of the Department of Parks and Recreation and the Bureau of Animal Care and Control. The pilot off-leash program shall continue in effect for a period of three (3) years or, in the alternative, for a period ending sixty (60) days after the revocation of the program by a majority vote of City Council.~~

~~At the end of the three (3) year period the program shall be reviewed and the Council shall take action to either rescind this Chapter or take no action and allow the OLEA program to become a permanent part of the City Code.~~

B. ~~**OLEA SITES. DEFINITION.** An Off-Leash Exercise Area, referred to as an OLEA, are areas which have been designated by the City of Pittsburgh where dogs may be allowed to run freely. These OLEA sites may or may not be fenced in.~~

~~**C. OLEA SITES.** Dogs may be allowed to run at large only in the following areas: hereby designated as Off Leash Exercise Areas (OLEA):~~

1. ~~OLEA within Upper Frick Park; and~~
2. ~~OLEA within Lower Frick Park, referred to as Hot Dog Dam; and~~
3. ~~OLEA within Allegheny Commons Park; and~~
4. ~~West Park OLEA within Highland Park; and~~
5. ~~OLEA within Riverview Park; and~~
6. ~~OLEA located in Central Lawrenceville, referred to as Bernard Dog Run; and~~

7. OLEA within South Side Riverfront Park, referred to as South Side Dog Park; and

8. OLEA within Olympia Park, referred to as Emerald View Park; and

9. OLEA located in the Central Business District between Fort Duquesne Boulevard and the Rachel Carson Bridge; and

10. ~~and~~ in any such area to be designated by the Department of Parks and Recreation in the future.

Resolutions

Resolutions are the most common pieces of legislation that come before Pittsburgh City Council. A resolution deals with matters of special or temporary character, or that change annually. It formally expresses City Council's will, adopted by an official vote and resulting in a separate document, that goes beyond simply recording an action taken by Council in the minutes. Resolutions are confined to one subject and record official administrative actions not supported by the City's Home Rule Charter or Code of Ordinances. Examples of resolutions include, but are not limited to, annual budgets, budget amendments, financial transfers, fees and changes, professional services agreements, acceptance of grant funds, and warrants.

Title: The title contained in each piece of legislation is critical. It should only have one topic and it must describe what the legislation is attempting to do. Specifically, it should include:

- The **purpose** of the legislation
- The **Department** or **Departments** involved in the legislation
- Whether it is a professional services contract, agreement, warrant, plan revision, amendment, appointment, acceptance of a donation, sale of property, etc.
- The name of the **vendor** or **consultant**
- The **total cost** or **not to exceed cost** of the service. (If there is no cost, this should be explicitly stated as well. For example, the phrase "*at no cost to the City*" should be used.
- Amendments to contracts or agreements should include **the total amount to be added** to the contract
- Transfer legislation should list to and from information, as well as the purpose

Body:

Section 1 should be a restatement of the title, but with the ERP account information. At the minimum, for Operating Budget resolutions, account information should include the 6-digit Department Code, the five-digit account number, and the four-digit year. For example: 230000.53901.2023. If the resolution is for any kind of agreement that must be approved by Law, add language such as "in a form approved by the Solicitor." If the resolution authorizes funding from future years, add the language "subject to appropriations by City Council."

Additional sections may be added to contain additional information. For example, they may contain whereas clauses that explain the various reasons for the action of the resolution. If the resolution is doing more than one action, those actions can be in separate sections of the body.

Please remember that per the [Home Rule Charter](#), every contract relating to city affairs must be authorized by resolution of City Council.

Amending Resolutions: If the resolution amends an existing resolution, the title must say which resolution is being amended. Use both the resolution number, and the title of the original bill. Use strikethroughs-(or brackets) and underlines to remove and add language to the resolution.

For Capital Budget amendment resolutions, the account information should include the five-digit fund, the 10-digit job number, the Project Name, the Deliverable, the Department, Current Budget Amount, the Change in Budget Amount, and the Revised Budget Amount. This information is often shown in a table:

Fund	Job	Project	Deliverable	Dept.	Current Budget Amount	Change	Revised Budget Amount
40022	6000900122	FLOOD CONTROL PROJECTS	URGENT FLOOD CONTROL UPGRADES	DOMI	\$500,000	(\$196,833.44)	\$303,166.56
40022	6091030322	SLOPE FAILURE REMEDIATION	RAPID RESPONSE UPGRADES	DOMI	\$439,059.72	\$196,833.44	\$635,893.16

Please see attachments C-G for examples of how resolutions should be written and formatted.

Ordinances

Ordinances are written laws adopted by the City of Pittsburgh that serve as permanent, enforceable laws (unless amended or repealed through the adoption of a new ordinance) and typically become part of the Pittsburgh Code of Ordinances. The Pittsburgh Home Rule Charter provides for local control over municipal matters through the Code of Ordinances. In addition, the Code will provide additional details on how ordinances were specifically adopted. (**Example:** Ord. No. 16-2011, § 1, eff. 9-12-11.) Keep in mind that state and federal laws supersede any conflicting city ordinances.

Title: Nearly all ordinance legislation titles, whether it is an entirely new ordinance, or an amendment or supplement to an existing ordinance, should begin with the language “Ordinance amending the Pittsburgh Code”, or “Ordinance amending and supplementing the Pittsburgh Code”. Then the Title, Article, Chapter, etc. of the Code that is being revised, followed by the description of the amendment.

Example: Ordinance amending and supplementing the City Code at Title Six: Conduct, Article I: Regulated Rights and Actions, by adding a new Chapter 610 entitled "Prohibition on Use of Certain Bags and Checkout Bag Charge," to permit the use of only certain bags by retail establishments at the point of sale or for a delivery; and establishing a charge, payable by the customer to the establishment, for the provision of other types of bags; all under certain terms and conditions.

Body: The following is some guidance in writing ordinances, but always have the Law Department or City Council Solicitor review before submission.

- Write in plain English and avoid jargon.
- Be specific clearly state who must do what. (“The President of Pittsburgh City Council is directed to establish a committee to review the implementation and enforcement of this Chapter..”)
- Avoid vague and ambiguous terms such as *substantial*, *significant*, *insufficient*, *unacceptable*, *adequate*, and *unreasonable*.
- Use active voice and the present tense.
- Use gender neutral language. (Use *Councilperson* rather than *Councilman*.)
- Remember that the word “shall” means required and “may” is permissive. Always avoid the word “should”.
- Avoid lengthy run-on sentences.
- Do not use contractions or avoid abbreviations.
- Do not use “etc.”.

[Chapter 101 of the City Code](#) outlines the format and organization of the Pittsburgh Code.

Ordinances that are related to street naming and some intergovernmental agreements may follow a different format than outlined above. Again, please consult with the Law Department when drafting ordinances.

Please see Attachment H for an example of how ordinances should be written and formatted.

ED GAINNEY
MAYOR



HEIDI NORMAN
DIRECTOR

CITY OF PITTSBURGH
DEPARTMENT OF INNOVATION & PERFORMANCE
CITY-COUNTY BUILDING

June 30, 2023

The Honorable President and Members of Council
510 City-County Building
414 Grant Street
Pittsburgh, PA 15219

RE: To enter into a cable franchise agreement with Verizon Pennsylvania LLC (“Verizon”)

Dear President and Members:

This letter is to request a Resolution authorizing the City of Pittsburgh to enter into a cable franchise agreement with Verizon Pennsylvania LLC (“Verizon”).

Your favorable consideration is appreciated.

Sincerely,

Heidi Norman

Heidi Norman, Director
Innovation & Performance

Attachment B: Fiscal Impact Statement

Fiscal Impact Statement

Updated 1/1/2020 to satisfy City Code §219.07

Department	
Preparer	Who submitted this analysis?
Standing Committee Representative	Who will appear in front of Council to discuss this?
Type of Legislation	Choose an item, if applicable

Description of Legislation

Provide a detailed description of the proposal, including its purpose, scope of request, key issues and impacts of the program, a description of the current policy, relevant history, and any reference to City Code. Please provide any additional social, environmental, public health, public safety, legal, or economic justifications for this expenditure.

Capital-related initiatives should indicate whether the project is new or recurring, include a list of specific deliverables and their locations, the work to be completed at each location, the status of previous work or funding remaining on the project, and the estimated timeframe for the completion of the project.

Total Cost	\$ Enter the total dollar amount			
Frequency of Expenditure	<input type="checkbox"/> One-Time		<input type="checkbox"/> Multi-Year	
Funding Source	<input type="checkbox"/> Operating	<input type="checkbox"/> Capital	<input type="checkbox"/> Grant	<input type="checkbox"/> Trust Fund
Is this item budgeted?	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No	

JDE Account Information

Additional Operational Costs

List any additional operating costs, including grant matches. For example, if a project will require additional staff time or resources for implementation, please describe.

Impact on City Revenue

Describe what short- and long-term impacts the initiative will have on the City's revenues.

Professional Service Contract Authorization:

<i>Method of Procurement</i>	<input type="checkbox"/> RFP	<input type="checkbox"/> Signed Waiver
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Name and Qualifications of the Vendor

List the name of the awarded vendor and its qualifications.

Other Respondents

List the other respondents. If there were none, clearly state that.

Selection Criteria

Describe the selection or scoring criteria.

Selection Committee Representation

List the department(s) or bureau(s) represented on the committee. Do not list individual names.

Waiver Justification

If a waiver was granted, explain the justification.

EORC Synopsis

Insert synopsis that was presented.

<i>Date Presented at EORC:</i> Insert date.	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
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Attachments

*As per §219.07 of the City Code, you **must** include an electronic copy of the solicitation with your submission. Please attach any additional documents and/or exhibits.*

Attachment C: Entering into a Professional Services Agreement

Res. 574 of 2022; Bill 2022-0797

Title

Resolution authorizing the Mayor and the Director the Department of Human Resources and Civil Service to enter into a Professional Services Agreement(s) and/or Contract(s) with NEOGOV for the continual maintenance of software for HR workforce management, applicant tracking, and Civil Service testing, and providing for the payment of the costs thereof. Cost not to exceed \$36,000.00.

Body

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Mayor and the Director of the Department of Human Resources and Civil Service, on behalf of the City of Pittsburgh, are hereby authorized to enter into a Professional Services Agreement(s) and/or Contract(s) for the continuation of software services for HR workforce management, applicant tracking, and Civil Service testing for a sum not to exceed Thirty-Six Thousand Dollars and No Cents (\$36,000.00).

Funds shall be allocated and encumbered as follows, subject to Council approval in future budget years:

\$36,000.00 from 11101.109000.53.53509.2023

Section 2. The Agreement(s) and/or Contract(s) shall be approved by the City Solicitor as to form and substance.

Section 3. Any ordinance or Resolution or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.

Attachment D: Capital Budget Amendment

Res. 687 of 2022; Bill 2022-069

Title

Resolution further amending Resolution No. 840 of 2019, effective January 1, 2020, as amended, entitled “Resolution adopting and approving the 2020 Capital Budget and the 2020 Community Development Block Grant Program, and the 2020 through 2025 Capital Improvement Program” by reducing PLAY AREA IMPROVEMENTS by \$8,832.52 and increasing COMPLETE STREETS by \$8,832.52

Body

Be it resolved by the Council of the City of Pittsburgh:

Section 1. Resolution No. 840 of 2019, effective January 1, 2020, as amended, which presently reads as per **Current Budget Amount**, is hereby further amended to read as per **Revised Budget Amount**.

Fund	Job	Project	Deliverable	Dept.	Current Budget Amount	Change	Revised Budget Amount
40020	4510020620	PLAY AREA IMPROVEMENTS	Leolyn Sidewalk Repairs	DPW	\$17,054.50	(\$8,832.52)	\$8,221.98
40020	6074012820	COMPLETE STREETS	Brownsville Road Planning Study	DOMI	\$0.00	\$8,832.52	\$8,832.52

Attachment E. Amending a Professional Services Agreement

Res. 702 of 2014; Bill 2014-0879

Title

Resolution amending and supplementing Resolution No. 495 of 2014 to authorize the Mayor and Director of the Department of Public Safety to enter into professional services agreements with the Goodwill of Southwestern Pennsylvania for the continued implementation, promotion and administration of the Pittsburgh Initiative to Reduce Crime, by adding Youth Opportunities Development and increasing the total amount not to exceed ~~Three Hundred Thousand Dollars and no cents (\$300,000.00)~~ **Two Hundred Fifty Thousand dollars and no cents (\$250,000.00).**

Body

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. Resolution No. 495, effective July 29, 2014 is hereby amended to read as follows:

The Mayor and Director of the Department of Public Safety are hereby authorized and directed, on behalf of the City of Pittsburgh, to amend Resolution No. 495 of 2014 and enter into a professional services agreement or agreements with the Goodwill of Southwestern Pennsylvania for the purpose of continuing the implementation of the Pittsburgh Initiative to Reduce Crime at a cost not to exceed One Hundred Fifty Thousand Dollars and no cents (\$150,000.00), chargeable to and payable from 210000.53529.2014.

Section 2. Resolution No. 495, effective July 29, 2014, is hereby supplemented by adding Section 2, which shall read as follows:

The Mayor and Director of the Department of Public Safety are hereby further authorized and directed, on behalf of the City of Pittsburgh, to amend Resolution No. 495 of 2014 and enter into a professional services agreement or agreements jointly with Youth Opportunities Development and Goodwill of Southwestern Pennsylvania for the purpose of facilitating community outreach services designed to promote and administer the Pittsburgh Initiative to Reduce Crime at a cost not to exceed ~~One Hundred Fifty Thousand Dollars and no cents (\$150,000.00)~~ **One Hundred Thousand Dollars and no cents (\$100,000.00)**, chargeable to and payable from the following:

210000.53529.2014 budget year 2014 - \$75,000.00

210000.53529.2015 budget year 2015 - ~~\$75,000.00~~ **\$25,000.00**

Said agreements shall be approved by the City Solicitor as to form and substance.

Attachment F: Acceptance of Grant Funds

[Res. 702 of 2022; Bill 2022-0995](#)

Title

Resolution authorizing the Mayor and the Director of Public Safety, on the behalf of the City of Pittsburgh, to enter into an Agreement or Agreements with United States Department of Justice (“DOJ”) for the purpose of receiving and spending grant funds in the amount of SEVENTY-NINE THOUSAND THREE HUNDRED TWENTY-SEVEN DOLLARS (\$79,327.00) for funding technology projects.

Body

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Mayor, the Director of the Department of Public Safety, and the Chief of Police, on the behalf of the City of Pittsburgh, are authorized to enter into an Agreement or Agreements with the United States Department of Justice (“DOJ”) in order to receive a grant award from the 2022 Byrne Justice Assistance Grant Program for SEVENTY-NINE THOUSAND THREE HUNDRED TWENTY-SEVEN DOLLARS (\$79,327.00) to fund technology projects. Monies from the grant agreement shall be deposited into the Grants Trust Fund account 2329400410.45703.00

Section 2. The Mayor and the Director of Public Safety, on behalf of the City of Pittsburgh, are further authorized to enter into an Agreement, or Contract, or utilize existing Agreements or Contracts, to make all legitimate expenditures required by said Agreement(s) as outlined in Section 1. Said expenditures shall not to exceed SEVENTY-NINE THOUSAND THREE HUNDRED TWENTY-SEVEN DOLLARS (\$79,327.00), chargeable to and payable from the appropriate expense account in the Grants Trust Fund job number 2329400410.

Attachment G: Issuance of a Warrant

[Res. 371 of 2023; Bill 2023-1560](#)

Title

Resolution authorizing the issuance of a warrant in the amount of Eight Thousand Three Hundred Seventy-Five Dollars and No Cents (\$8,375.00) to Jane DeSimone, Esq., for arbitration services rendered in connection with FOP arbitration.

Body

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. Resolution authorizing the issuance of a warrant in the amount of Eight Thousand Three Hundred Seventy-Five Dollars and No Cents (\$8,375.00) to Jane DeSimone, Esq., for arbitration services rendered in connection with FOP arbitration, charging to and payable from 11101.108000.53.53513.2023.

Attachment H: Ordinance

Ordinance 4 of 2023; Bill 2023-1396

Title

Ordinance amending and supplementing the City Code at Title Six: Conduct, Article I: Regulated Rights and Actions, by adding a new Chapter 610 entitled “Prohibition on Use of Certain Bags and Checkout Bag Charge,” to permit the use of only certain bags by retail establishments at the point of sale or for a delivery; and establishing a charge, payable by the customer to the establishment, for the provision of other types of bags; all under certain terms and conditions.

Body

WHEREAS, the Constitution of the Commonwealth of Pennsylvania at Article I, Section 27 provides that “[t]he people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment”; and

WHEREAS, the Home Rule Charter of the City of Pittsburgh provides at Section 104 that “[n]atural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other water systems, possess inalienable and fundamental rights to exist and flourish within the City of Pittsburgh”; and

WHEREAS, In an effort to combat the plastic pollution crisis, local and state governments across the United States and abroad have focused their efforts on regulating the use of single-use plastic bags; and,

WHEREAS, Americans use 100 billion plastic bags a year, which requires 12 million barrels of oil to manufacture. Single-use plastics are created through a process called fracking, which releases a toxic stew of air pollution that can cause asthma, childhood leukemia, cardiac problems, and birth defects; and,

WHEREAS, Single-use plastics not only create pollution in their creation, they also litter our communities, end up in our waterways, and obstruct our recycling machines. Following their use, single-use plastic bags take approximately 500 years to decompose; and,

WHEREAS, Single-use plastic bags do not biodegrade even when properly landfilled. The bags then end up shredding, and degrading into toxic plastic ribbons that contaminate the soil and water that then enters the food chain; and,

WHEREAS, Penn Environment, a non-profit dedicated towards eliminating climate impacts, recently released a report that found microplastics in 100 percent of tested Pennsylvania waterways, which leads to microplastics in our drinking water, harming not only our environment but also potentially our physical health; and,

WHEREAS, The City of Pittsburgh and other local municipalities in the Commonwealth of Pennsylvania have a duty to comply with the General Assembly's mandate under Act 101 of 1988, which states that municipalities must establish a recycling source-separation and collection program and engage in waste reduction efforts; and,

WHEREAS, Act 101 of 1988, as amended, imposes a duty upon municipalities to adopt and implement programs for the collection and recycling of municipal waste **by ordinance or regulation as needed whilst ensuring that the ability of the scrap processing and recycling industry to continue purchasing, processing and marketing recoverable materials is not thereby impaired**; and,

WHEREAS, Plastic Bags or film and Styrofoam present the City with difficulty in recycling municipal waste, because they require specialized processing, and the plants and vendors are limited. The lack of recyclers and specialized collection needs make plastic bag/film and Styrofoam recycling impractical for the City. This is due to the bags falling into the crevices, wrapping around, or jamming recycling machinery, therefore they are not accepted by recycling centers; and,

WHEREAS, The City of Pittsburgh has a difficult time contracting with recycling services, due to the prevalence of use of single-use plastic bags within the City and the magnitude of the problem single-use plastic bags present to recycling enterprises by getting stuck in machinery, thereby, making compliance with Act 101 difficult. ~~Preventing municipalities from local action such as banning single-use plastic bags thwarts compliance with the mandate to reduce waste in our municipality, as set forth in Act 101 of 1988, as amended;~~ and,

~~WHEREAS, Section 619.04(c)(2)c. of Pittsburgh's City Code of Ordinances explicitly allows recyclables to be placed for curb-side collection in, among other containers specified, blue bags; and,~~

~~WHEREAS, A goal of the City of Pittsburgh is to move away from a bag collection program; and,~~

WHEREAS, Regulating the **mass-distribution** use of single-use plastic bags **promotes the continuing vitality of the City of Pittsburgh's recycling program and the recycling industry generally; and** ~~would be impactful in Pittsburgh in terms of economic impact, community beautification, environmental impact, health impact, and more;~~ and,

WHEREAS, the Pennsylvania General Assembly by Act 23 of 2020, expressly preempted municipalities from any regulation of single-use plastics, however the state's prohibition on single-use plastic regulation was permitted to expire without renewal; and

WHEREAS, regulating the mass distribution of single-use plastic bags would be consistent with state and local environmental mandates as well as impactful in Pittsburgh in terms of economic impact, community beautification, environmental impact, health impact, and more; and,

WHEREAS, Keep Pennsylvania Beautiful found that the cost of dealing with litter and illegal dumping is large for communities, with Allentown, Altoona, Erie, Harrisburg, Lancaster, Philadelphia, Pittsburgh, Reading, and Scranton collectively spending more than \$68 million collectively annually on efforts to address these issues, with 80% of that funding going towards clean-up; and,

WHEREAS, There are an estimated 502 million pieces of litter on Pennsylvania's roads, with the most common items being cigarette butts and plastics; and, The City of Pittsburgh has 1,200 miles of streets, average of 2,000 pieces of litter per mile; and,

WHEREAS, The City of Pittsburgh in 2018 spent approximately \$2,734,400 on litter prevention, \$57,700 on litter education and outreach, \$2,706,900 on litter abatement, and \$331,300 on enforcement of litter according to the Keep Pennsylvania Beautiful "The Cost of Litter & Illegal Dumping in Pennsylvania" study; and,

WHEREAS, The City of Pittsburgh's Climate Action Plan 3.0 outlines goals of Zero Waste, a 100% diversion of waste from landfills, modernizing waste collection systems, and shifting towards a circular economy; and,

WHEREAS, It is beneficial for the health of our residents and our natural wildlife to reduce the amount of microplastics in our waterways in addition to the economic impact from reduced costs of clean up; and,

WHEREAS, In Pittsburgh, a ban on Single-Use Plastic bags has the potential to eliminate more than 108 million plastic bags from our waste stream every year.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The City Code is hereby amended and supplemented by adding a new Chapter 610, entitled "Prohibition on Use of Certain Bags and Checkout Bag Charge" as follows:

Chapter 610: PROHIBITION ON USE OF CERTAIN BAGS AND CHECKOUT BAG CHARGE

§ 610.01 - DEFINITIONS:

(a) "Department" means the **Division of Public Works - Bureau of Environmental Services or Division of Public Works - Administration** ~~Office of Sustainability~~

~~and Resiliency~~, or such other office or department as may be designated by the Mayor.

(b) “Effective Date” means the effective date of the ordinance that added this Chapter to the Pittsburgh City Code.

(c) “Exempted Bag” means

- (1) a bag used inside a Retail Establishment by a customer to deliver perishable items to the point-of-sale at that establishment, such as: to package bulk items such as fruit, vegetables, nuts, grains, or candy; to contain or wrap meats or fish; to contain unwrapped prepared foods or bakery goods or to contain or wrap flowers, potted plants, or similar items; or to package medications distributed through a pharmacy; or
- (2) a bag sold in packaging containing multiple bags and packaged at the time of manufacture of the bag such as food storage, garbage containment or pet waste collection

(d) “Plastic” means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal, including material derived from either petrochemicals or a biologically based polymer, such as corn or other plant sources.

(e) “Recycled Paper Bag” means a paper bag that meets the following, but not including an Exempted Bag:

- (1) contains no old growth fiber;
- (2) contains a minimum of 40% post-consumer recycled content;
- ~~(3) displays the word “Recyclable” and “Recycled Content” in a highly visible manner and is labeled with the name of the manufacturer and the percentage of post-consumer recycled content of the bag in an easy-to-read font size~~

(f) “Retail Establishment” means a location where food or other products are offered to the public for direct sale, free distribution, or delivery to a customer, including but not limited to the following: supermarket, convenience store, service station, department store, dollar store, clothing store, restaurant, cafeteria, food truck, farmers’ market or delivery service, but not including drycleaners or pharmacies

(g) “Single-use Plastic Bag” means a bag made from Plastic that is made through a blown-film extrusion process, but not including an Exempted Bag.

§ 610.02 - PROHIBITION AGAINST SINGLE-USE PLASTIC BAGS

Beginning ~~180 days~~ **18 months** after the *Effective Date*, Retail Establishments are prohibited from providing a Single-use Plastic Bag or a non-Recycled Paper Bag to a customer at the retail establishment or through a delivery.

§610.03 - SIGNAGE REQUIREMENT

Beginning 90 days prior to the prohibition date, and for six months thereafter, Retail Establishments are required to post at all points of sale conspicuous signage: informing customers that Single-use Plastic Bags and non-Recyclable Paper Bags will no longer be provided by the establishment as of the date the prohibition begins; explaining what types of bags and purchases are impacted;

and providing any other information the Department may require by regulation.

§610.034 - SINGLE-USE PAPER BAGS

- (a) Beginning ~~180 days~~ **18 months** after the Effective Date, Retail Establishments are prohibited from providing a non-Recycled Paper Bag to a customer at the Retail Establishment or through a delivery.
- (b) A retail establishment may provide a consumer a Recycled Paper Bag at the point of sale if the bag is provided to the consumer for a charge of not less than \$0.150 per bag.
- (c) All monies collected by a retail establishment under this section for provision of a Recycled Paper Bag shall be retained by the retail establishment.
- (d) Any charge for a Recycled Paper Bag shall be separately stated on any receipt provided to the customer at the time of sale and shall be identified as the “Carry-Out Bag Charge” thereon.
- (e) **Recycled Paper Bags or Reusable Bags may be provided at no cost to customers who:**
 - (i) Use a voucher or card issued under the Women, Infants and Children Program.**
 - (ii) Use an electronic benefits transfer card issued by the Department of Human Services.**
 - (iii) This provision will only apply to businesses that accept these benefits.**

§610.04 - SIGNAGE REQUIREMENT

~~Beginning 90 days after the Effective Date, and for six months thereafter, Retail Establishments are required to post at all points of sale conspicuous signage: informing customers that Single-use Plastic Bags and non-Recyclable Paper Bags will no longer be provided by the establishment as of the date the prohibition begins; explaining what types of bags and purchases are impacted; and providing any other information the Department may require by regulation.~~

610.05- PUBLIC EDUCATION REQUIREMENT

- (a) The Department shall develop a plan for providing for education and engagement of the public concerning the content of this Chapter 610. The plan shall be submitted to Council and made public no later than 15 months after the Effective Date.**
- (b) The Department shall also launch and maintain a public-facing webpage providing guidance and resources for businesses and individuals in order to promote compliance with this Chapter.
- (c) The Department shall establish and maintain a list of suppliers of both Recycled Paper Bags and Reusable Bags, and shall furnish these lists to any Retail Establishment who requests them for procurement purposes.

§610.06 - PILOT OF REUSABLE BAG PROGRAM

- (a) **The Department shall develop a plan to facilitate and support a pilot reusable bag program that would allow for purchase, donation, and distribution of reusable bags by individuals and organizations. This plan shall be made public no later than 15 months after the Effective Date.**

§610.057 - STUDY OF BAG USE

The **Department's** Office of Sustainability and Resilience, ~~or such other office or department as may be designated by the Mayor,~~ is **directed** ~~called upon~~ to conduct or commission a study of the quantities and frequency of the provision by retail establishments to customers of Single-Use Plastic Bags, other Plastic Bags, non-Recyclable Paper Bags, ~~Recycled Paper Bags,~~ and any other bags. **The report, as applicable shall also quantify the costs of the City's administration and enforcement of this program, as well as the success of the PILOT bag-sharing program.** Any such reports shall be provided to the City Council and posted on a City webpage within two weeks of finalization of the report.

§610.075 - REGULATION

- (a) Upon discovery that a Retail Establishment is operating in violation of this Chapter 610, City enforcement officials shall impose fines according to the following structure:
- a. A written warning for a Retail Establishment's first discovered violation;
 - b. A \$100 fine upon discovery of a second violation;
 - c. A \$250 fine upon discovery of any subsequent violation.
- (b) **The Department is authorized to promulgate regulations as required for implementation of the provisions of this Chapter 610.**

§ 610.086 - SEVERABILITY

Severability is intended throughout and within the provisions of the chapter. If any section, subsection, sentence, clause, phrase or portion of this chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this chapter.