



CITY OF MELROSE
In Board of Aldermen

December 18, 2017

AN ORDER
2018-53

Amending Melrose Revised Ordinances, Chapter 198 by adding Article V - Recyclable and Reusable Bags; further add Section 198-11 Use of Recyclable and Reusable Bags as set forth herein.

Offered by: Alderman Mary Beth McAteer-Margolis
Alderman Michael P. Zwirko

BE IT ORDAINED

by the Board of Aldermen of the City of Melrose that the Melrose Revised Ordinances, Chapter 198 be amended by adding Article V – Recyclable and Reusable Bags; further add Section 198-11, Use of recyclable and reusable bags as set forth in the attached document. The same be and hereby is passed as amended.

December 18, 2017
In the Board of Aldermen
Ordained Roll Call:
11 Yea, 0 Nay
Mary-Rita O'Shea, Clerk

Order No. 2018-53

Passed as amended December 18, 2017
Donald L. Conn, Jr., President
Board of Aldermen

Approved December 20, 2017
Robert J Dolan
Mayor

**AN ORDINANCE REGARDING THE USE OF RECYCLABLE AND REUSABLE BAGS
IN MELROSE**

Amend Melrose Revised Ordinances, Chapter 198, by adding Article V – Recyclable and Reusable Bags; further add Section 198-11, Use of recyclable and reusable bags, as set forth herein.

**ARTICLE V
Recyclable and Reusable Bags**

§ 198-11 Use of recyclable and reusable bags.

A. Purpose.

- (1) The reduction in the use of single-use plastic bags is a public purpose that protects the land and marine environment and waterways, minimizes litter, and reduces greenhouse gas emissions. Furthermore, single-use plastic bags create a burden for solid waste collection and recycling facilities, clog storm drainage systems, and require the use of millions of barrels of crude oil nationally for their manufacture. Reduction in use of single-use plastic bags is consistent with and supports the City of Melrose’s participation in the Metro Boston Climate Preparedness Commitment and its goal to achieve net-zero carbon-free status by 2050.
- (2) The purpose of this ordinance is to reduce the number of single-use plastic bags that are being used, discarded, and/or littered and to promote the use of reusable bags and recyclable paper bags by retail establishments in the City of Melrose (the “City”).

B. Definitions. For the purposes of this ordinance, the following words shall, unless the context clearly requires otherwise, have the following meanings:

CITY – The City of Melrose, Massachusetts.

CHECKOUT BAG – A carryout bag provided by a retail establishment to a customer at the point of sale. Checkout bags shall not include:

- (1) Bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or checkout area of a retail establishment;
- (2) Laundry or dry-cleaner bags;
- (3) Newspaper bags; or

- (4) Bags used to contain or wrap products, whether prepackaged or not, to prevent or contain moisture.

RECYCLABLE PAPER BAG – A paper bag that:

- (1) Is 100% recyclable, including the handles;
- (2) Contains at least 40% post-consumer recycled paper content; and
- (3) Displays the words “Recyclable” and “made from 40% post-consumer recycled content” (or greater amount) in a visible manner on the outside of the bag.

RETAIL ESTABLISHMENT – Any person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods or materials directly to the customer, whether for or not for profit, including, but not limited to, convenience and grocery stores, restaurants, pharmacies, stores that sell wine, beer or spirits, seasonal and temporary businesses, jewelry stores and household goods stores.

REUSABLE BAG – A sewn bag with stitched handles that is specifically designed for multiple reuse that:

- (1) Can carry 25 pounds;
- (2) Is machine washable or is made of a material that can be cleaned or disinfected 125 times;
- (3) Is made of either polyester, polypropylene, cotton or other natural fiber material; and
- (4) Has a thickness of greater than 4.0 mils.

C. Requirements.

- (1) If a retail establishment provides checkout bags to customers, such bags shall be either a recyclable paper bag or a reusable bag.

D. Education. The City shall send written notice detailing the requirements imposed by this ordinance to the retail establishments at least six months prior to the effective date of this ordinance. Thereafter, the City Clerk and/or Health Department will notify all retail establishments, upon the next license renewal or initial application, of the requirements imposed by this ordinance.

E. Penalties.

- (1) This ordinance shall be enforced by the Health Department, Inspectional Services Department, City Clerk, or any other department having jurisdiction for licensing, inspectional services and code enforcement.
- (2) If the City determines that a violation of this ordinance has occurred at or by a retail establishment, such retail establishment shall be penalized as provided for in Section 21D of Article 40 of the Massachusetts General Laws, and as adopted by the City in § 1-19 of Chapter 1 of the Code of Ordinances of the City, in the amounts set forth in this ordinance.
- (3) The penalties for any violation of this ordinance shall be as follows:
 - (a) First violation: written warning, which will enable the violator to cure such violation within 30 days.
 - (b) Second violation: if, after 30 days, the violation has not been cured, the penalty shall be \$25.
 - (c) Third violation and all subsequent violations: \$100.
- (4) In the event any retail establishment continues to violate this ordinance after a third violation, such continuing violation shall constitute a separate offense hereunder resulting in a fine of \$100 per day.

F. When effective. This ordinance shall become effective six months after the last day of the month of its passage for retail establishments with an interior finished floor area of more than 8,000 square feet and nine months after the last day of the month of its passage for all other retail establishments.

G. Severability. Each section of this ordinance is an independent section; and in the event any section or part thereof is determined by a court of competent jurisdiction to be unconstitutional, void or ineffective for any reason, such determination shall not invalidate any other sections or parts thereof.