



Office of the Chicago City
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O2011-8840

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date: 11/2/2011

Sponsor(s): Moreno, Proco Joe (1)
And Others, And Others (0)

Type: Ordinance

Title: Amendment of Chapter 11-4 of Municipal Code by adding
new Article XXIII regarding retail bag use

Committee(s) Assignment: Committee on Health and Environmental Protection

ORDINANCE

WHEREAS, The City Council of the City of Chicago seeks to reduce the toxicity of waste materials in the solid waste stream directed to resource recovery and sanitary landfill facilities, and to maximize the removal of plastic carryout bags from the waste stream; and

WHEREAS, The City Council finds that plastic carryout bags do not biodegrade, which means that these bags ultimately break down into smaller bits that contaminate soil and waterways and enter into the food supply that animals and marine life ingest; and

WHEREAS, The production of plastic bags worldwide uses over 12 million barrels of oil per year, which causes significant environmental impacts; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 11-4 of the Municipal Code of Chicago is amended by adding a new Article XXIII as follows:

ARTICLE XXIII. RETAIL BAG USE

11-4-4000 Definitions.

(a) As used in this Article:

"Customer" means any person purchasing goods from a store.

"Operator" means the person in control of, or having the responsibility for, the operation of a store, which may include, but is not limited to, the owner of the store.

"Plastic carryout bag" means any bag made predominantly of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags.

"Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle.

"Postconsumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

"Produce bag" or "product bag" means any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

"Recyclable" means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

"Recyclable paper carryout bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber, (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; (3) is

capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; (4) is accepted for recycling in curbside programs in the County; (5) has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the percentage of postconsumer recycled material used; and (6) displays the word "Recyclable" in a highly visible manner on the outside of the bag.

"Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) has a minimum volume of 15 liters; (3) is machine washable or is made from a material that can be cleaned or disinfected; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts; (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the country where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and (6) if made of plastic, is a minimum of at least 2.25 mils thick.

"Store" means a retail establishment that sells products and has over five thousand square feet of retail space.

11-4-4001 Plastic carryout bags prohibited.

(a) No store shall provide to any customer a plastic carryout bag.

(b) This prohibition applies to bags provided for the purpose of carrying away goods from the point of sale.

11-4-4002 Reusable bags.

Each operator must provide reusable bags to customers, either for sale or at no charge.

11-4-4003 Permitted bags.

Nothing in this Article prohibits customers from using bags of any type that they bring to the store themselves, or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

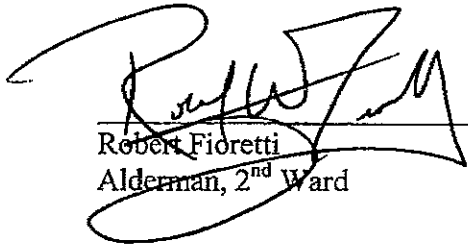
11-4-4004 Penalties.

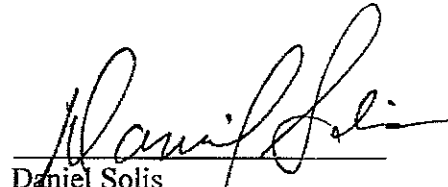
Any person who violates Section 11-4-4001 shall be subject to a fine of not less than \$150 and not more than \$250 for each offense. Any person who violates Section 11-4-4002 shall be subject to a fine of not less than \$50 and not more than \$150 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

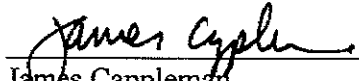
SECTION 2. This ordinance shall take effect 120 days after its passage and approval.




Joe Moreno
Alderman, 1st Ward


Robert Fioretti
Alderman, 2nd Ward


Daniel Solis
Alderman, 25th Ward


James Cappleman
Alderman, 46th Ward


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