



Gloucester City Council

CERTIFICATE OF VOTE

Certificate Number: 2017-208

The Gloucester City Council, at a meeting held on **Tuesday, November 14, 2017** at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following:

IN CITY COUNCIL:

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the City Council voted 7 in favor, 1 (Orlando) opposed, 1 (Ciolino) recused, to Amend GCO Ch. 9 Sec. 9-12 by **ADDING** a new **ARTICLE II. – "PLASTIC BAGS" Sec. 9-12 "Definitions"** as follows:

The following words shall have the following meanings:

"Building Inspector", the Building Inspector or his/her designee.

"ASTM D6400", the American Society for Testing and Materials (ASTM) International "Standard Specification for Compostable Plastics".

"ASTM D7081", ASTM International "Standard Specification for Biodegradable Plastics in the Marine Environment".

"Compostable plastic bag", a plastic bag that (1) conforms to the current ASTM D6400 for compostability; and (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed "compostable".

"Department", the City's Building Department.

"Marine-degradable plastic bag", a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed "marine-degradable".

"Recyclable Paper Bag", a paper bag that meets all of the following requirements: (1) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material; and (2) is capable of composting, consistent with the timeline and specifications of the ASTM Standard D6400.

"Retail establishment", any commercial business facility that sells goods and/or services directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenient stores, restaurants and retail stores selling clothing, food and personal items, and dry cleaning services.

"Reusable checkout bag", a sewn bag with stitched handles that is either (a) made of cloth or other machine washable fabric; or (b) made of plastic other than polyethylene or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is more than 2.25 mils thick.

"Single-use Plastic Bag", a plastic bag provided by a retail establishment to a customer at the point of sale for the purpose of removing products purchased within that retail establishment. Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, cheese, bulk foods, wet items and other similar merchandise, typically without handles, are permissible.

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the City Council voted 7 in favor, 1 (Orlando) opposed, 1 (Ciolino) recused, to Amend GCO Ch. 9, by **ADDING** a new Sec. 9-13 "Requirements" as follows:

(a) No retail establishment as defined in this article shall provide a single-use plastic bag to a customer or customers unless the bag complies with the requirements of being either a recyclable paper bag, a compostable and marine-degradable plastic bag, or a reusable checkout bag.

(b) Nothing in this article shall prohibit customers from using bags of any type that they bring in to the retail establishment themselves or from carrying away goods that not placed in a bag in lieu of bags provided by the retail establishment.

(c) The Building Inspector may promulgate rules and regulations to implement this article.

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the City Council voted 7 in favor, 1 (Orlando) opposed, 1 (Ciolino) recused, to Amend GCO Ch. 9 by ADDING a new Sec. 9-14 "Enforcement and Penalties" as follows:

"The Building Inspector shall investigate any report of a failure to comply with this article.

(a) If the Building Inspector determines that a violation has occurred, the Building Inspector shall issue a warning notice to the retail establishment for the initial violation.

(b) The penalty for each violation that occurs after the issuance of the warning notice shall be \$50 for each offense. Payment of such fines may be enforced through civil action in the District Court.

(c) A retail establishment shall have fifteen (15) business days after the date that a notice of violation is issued to pay the penalty or the amount of the penalty payable shall be doubled."

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Ciolino) recused, to Amend GCO Ch. 9 by ADDING a new Sec. 9-15 "Exemptions" as follows:

"The annual Stamp Out Hunger Food Drive sponsored by the Open Door and National Association of Letter Carriers food drive shall be exempt from this article.

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the City Council voted 7 in favor, 1 (Orlando) opposed, 1 (Ciolino) recused, to Amend GCO Ch. 9 by ADDING a new Sec. 9-16 "Effective Date" as follows:

"All of the requirements set forth in this article shall take effect on January 1, 2019."



Joanne M. Senos, City Clerk

Date: November 16, 2017

APPROVED BY THE MAYOR



Sefatia Romeo Theken

VETOED BY THE MAYOR

Sefatia Romeo Theken

SIGNED THIS 16 DAY OF NOVEMBER, 2017

All Ordinances shall become effective 31 days after passage except
Emergency Orders and Zoning Amendments shall become effective the next day