

**City of Salem**  
FIRST PASSAGE

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*In the year Two Thousand and Sixteen*

**An Ordinance** to restrict the use of disposable plastic bags in retail establishments.

*Be it ordained by the City Council of the City of Salem, as follows:*

**Section 1.** Chapter 14 - Business Licenses and Fees is hereby amended to by adding the following new Article:

**“Article VII. Use of Disposable Plastic Bags at Retail Business Establishments**

**Sec. 14-500. Purpose.**

The reduction in the use of disposable plastic shopping bags by retail establishments in the city is a public purpose that protects the marine environment, advances solid waste reduction, reduces greenhouse gas emissions, and protects waterways. This ordinance seeks to reduce the number of plastic bags that are being used, discarded and littered, and to promote the use of reusable checkout bags and recyclable paper bags by retail establishments located in the city.

**Sec. 14-501. Definitions.**

The following words shall, unless the context clearly requires otherwise, have the following meanings:

*Disposable plastic shopping bag* means any checkout bag made predominately of plastic derived from either petroleum, natural gas, or a biologically based source, such as corn or other plant sources, which is provided to a customer at the point of sale. The term, "disposable plastic shopping bag" includes:

- (1) Degradable plastic bags; and
- (2) Biodegradable plastic bags that are not commercially compostable as well as commercially compostable plastic bags.

The term "disposable plastic shopping bag" shall not include:

- (1) Reusable bags;
- (2) Produce bags; or
- (3) Product bags.

As used in this definition, the term "*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.

*Checkout bag* means a carry-out 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 bulk products are placed by the consumer to deliver such items to the point of sale or check out area of the retail establishment;
- (2) Laundry or dry cleaner bags;
- (3) Newspaper bags; or
- (4) Bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture and/or prevent contamination.

*Reusable bag* means a bag that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, and meets the following requirements:

- (1) Has a minimum lifetime capability of 125 or more uses carrying 22 or more pounds; and
- (2) Is machine washable or is made of a material that can be cleaned or disinfected 125 times.
- (3) Has a thickness of greater than 4 mil.

*Recyclable paper bag* means a paper bag that is 100 percent recyclable and contains at least 40 percent post-consumer recycled content, and displays the words "Recyclable" and "made from 40% post-consumer recyclable content" in a visible manner on the outside of the bag.

*Retail establishment* means any commercial enterprise, defined as the following: whether for or not for profit, including, but not limited to, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores.

**Sec. 14-502. Prohibition on disposable plastic shopping bags.**

No retail establishment shall provide a disposable plastic shopping bag to any customer for the purpose of enabling the customer to carry away goods from the point of sale. Nothing in this section shall be read to preclude any establishment from making reusable bags available for sale to customers or utilizing recyclable paper bags at checkout.

**Sec. 14-503. Penalties and enforcement.**

The penalty for each violation that occurs after the issuance of the warning notice shall be in accordance with section 1-10 (b) of the Code of Ordinances. The warning notice issued for the first offense shall provide at least 14 days to correct the violation. No fine for the second offense shall be issued until at least 14 days after the warning is issued. This ordinance may be enforced by any police officer, enforcement officer or agent of the Board of Health or Licensing Department.

**Sec. 14-504. Effective date.**

This ordinance shall take effect on January 1, 2018."

In City Council October 27, 2016  
Adopted for first passage

ATTEST:  
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CHERYL A. LAPOINTE  
CITY CLERK