



Plastic Bag Reduction

PLASTIC BAG REDUCTION ORDINANCE

SECTION 1 DEFINITIONS

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

“Director”, the Commissioner of Health and Human Services or their 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”.

“Checkout bag”, a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include:

- A. bags, whether plastic or not, in which loose produce or products are placed by the consumer or manufacturer to deliver such items to the point of sale or check out area of the store; or
- B. Laundry or dry-cleaner bags; or
- C. Newspaper bags; or
- D. Bags to contain or wrap produce, frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.
- E. A non-plastic bag without handles in which prepared food is placed.
- F. A bag provided by a pharmacy to a customer purchasing a prescription medication.

“Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.

“Department”, the City’s Department of Health and Human Services.

“Marine-degradable plastic bag”, a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability; and conforms to any other standards deemed acceptable by the Department, provided additional, Department-approved standards are as stringent as ASTM D7081.

"Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and, (3) displays the words "recyclable" in a visible manner on the outside of the bag.

“Retail establishment”, any retail space located in the City including without limitation a restaurant, food or ice cream truck, convenience store, retail pharmacy, or supermarket.

“Reusable checkout bag”, a sewn bag with stitched handles that (1) can carry 25 pounds over a distance of 300 feet; (2) is either (a) made of cloth or other machine washable fabric; or (b) made of plastic other than polyethylene (HDPE, LDPE, PETE, etc.) or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is more than 4 mils thick.

SECTION 2 REQUIREMENTS

(a) If any retail establishment as defined in section 1 provides a checkout bag to customers, the bag shall comply with the requirements of being either a recyclable paper bag, a compostable and marine-degradable plastic bag, or a reusable checkout bag.

(b) A store that provides any type of checkout bag may provide them for free or at such cost they deem appropriate. All moneys collected pursuant to this ordinance shall be retained by the store.

(c) Any charge for a checkout bag shall be separately stated on a receipt provided at the time of sale and shall be identified as the “checkout bag charge” thereon.

(d) The Director may promulgate rules and regulations to implement this section.

SECTION 3 PENALTIES AND ENFORCEMENT

(a) Each Retail Establishment shall comply with this by-law.

- (1) If it is determined that a violation has occurred the Director shall issue a warning notice to the Retail Establishment for the initial violation.
- (2) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.
- (3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
 - A) \$50 for the first offense
 - B) \$100 for the second offense and all subsequent offenses. Payment of such fines may be enforced through civil action in the state District Court.
- (4) No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.
- (5) A Retail Establishment shall have thirty (30) calendar days after the date that a notice of violation is issued to pay the penalty.

B. The Department of Health and Human Services shall notify all retail and food service establishments in writing by mail of the effective date of this ordinance by June 30, 2019.

SECTION 4 EFFECTIVE DATE

All of the requirements set forth in this by-law shall take effect June 1, 2020 for retail establishments 10,000 square feet and greater and December 1, 2020 for retail establishments less than 10,000 square feet.

SECTION 5 SEVERABILITY

It is the intention of the City Council that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain valid and enforceable.

SECTION 6 REVIEW

The City Council's Committee on Sustainability and Environment shall review this ordinance 12 months from initial implementation.

Chapter 280-Plastic Bag Reduction

RESULT:	SECOND & THIRD STEPS [12 TO 0]	
MOVER:	Jesse Lederman	
AYES:	Gomez, Ryan, Fenton, Edwards, Twiggs, Shea, Ramos, Lederman, Williams, Allen, Walsh, Hurst	
ABSENT:	Tracye Whitfield	
APPROVED BY THE MAYOR:		APRIL 23, 2019
EFFECTIVE DATE:		MAY 13, 2019
ATTEST:	ANTHONY IVAN WILSON ESQ.	CITY CLERK