

CITY OF SOMERVILLE

ORDINANCE NO. 2015-__

In Board of Aldermen: _____

Be it ordained by the Board of Aldermen, in session assembled, that the Code of Ordinances of the City of Somerville is amended by adding the following provisions to the Code of Ordinances of the City of Somerville:

~~The production and use of disposable plastic shopping bags have significant impacts on the marine and land environment of all coastal communities, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to our solid waste collection and recycling facility; clogging our storm drainage systems, and requiring the use of millions of barrels of crude oil nationally for their manufacture. The reduction in the use of disposable plastic shopping bags by Retail Establishments in the City of Somerville (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.~~

SECTION 1

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

"Department", the Somerville Department of Public Health.

"Director", the Director of Health and Human Services or his/her designee.

"Disposable Plastic Shopping Bag" 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, ~~petroleum~~ 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 (i), reusable bags, (ii) produce bags, or (iii) 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", a carry-out bag provided by a retail establishment 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 to deliver such items to the point of sale or check out area of the retail establishment.
- b. Laundry or dry cleaner bags;
- c. Newspaper bags; or
- d. Bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.

~~"Reusable bag", a bag with handles that is specifically designed for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses which, for purposes of this definition means the capability of carrying a minimum of 22 pounds 125 times over a distance of 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.~~

"Reusable Bag" means a bag with handles 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 over a distance of at least 175 feet; (2) Is capable of being washed so as to be cleaned and disinfected at least 100 times.

"Recyclable Paper Bag" means a paper bag that is 100% recyclable and contains at least 40% 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.

SECTION .2

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.

(a) 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.

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

SECTION 3 PENALTIES AND ENFORCEMENT

The penalty for each violation that occurs after the issuance of the warning notice shall be in accordance with section 1-11(b) of the Code of Ordinances.

SECTION 4

All of the requirements set forth in this ordinance shall take effect ~~December~~ February 1, 2016. In the event that compliance with the effective date of this ordinance is not feasible for a ~~food~~ service retail establishment because of either unavailability of alternative checkout bags or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or the owner's representative. ~~The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth above. The~~ Director shall notify the Board of Aldermen whenever a waiver is granted under this Section.

Be it further ordained by the Board of Aldermen of the city of Somerville that section 1-11(b) is amended by adding the following provisions:

Offense	Fine	Enforcing Personnel
Plastic Bags in a retail establishment	1 st offense: warning (<u>Note: The offender shall have one week after issuance of a warning to apply for a waiver.</u>) 2 nd offense: \$50.00 3 rd and subsequent offense: \$100.00	Inspectional services