

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:

PLASTIC BAG ORDINANCE

SECTION 1: PURPOSE

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 2: 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 (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" means 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” 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.

“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 3: 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.

SECTION 4: 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. The warning notice issued for the first offense shall provide at least fourteen (14) days to correct the violation. No fine for the second offense shall be issued until at least fourteen (14) days after the warning is issued.

SECTION 5: EFFECTIVE DATE

This ordinance shall take effect nine (9) months after passage for Retail Establishments with a floor area equal to or exceeding 10,000 square feet. This ordinance shall take effect one (1) year after passage for Retail Establishments less than 10,000 square feet.

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 2 nd offense: \$50.00 3 rd and subsequent offense: \$100.00	Inspectional services

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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 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: DEFINITIONS

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" 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 ~~over a distance of at least 175 feet; and~~ (2) Is capable machine washable or is made of a material that can be cleaned or disinfected 125 times. ~~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: PROHIBITION ON DISPOSABLE PLASTIC SHOPPING BAGS

~~No~~ 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 Bbags available for sale to customers or utilizing Recyclable Paper Bbags 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. The warning notice issued for the first offense shall provide at least fourteen (14) days to correct the violation. No fine for the second offense shall be issued until at least fourteen (14) days after the warning is issued.

SECTION 4: EFFECTIVE DATE

This ordinance All of the requirements set forth in this ordinance shall take effect December February 1, 2016, nine one (91) months year after passage for Retail Establishments. The ordinance shall apply to retail establishments over with a floor area equal to or exceeding over 10,000 square feet. This ordinance shall take effect e ordinance shall apply to all retail establishments one eighteen (18) year months after passage for Retail Establishments less than

10,000 square feet of the ordinance. 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