

Plastic Waste Reduction Ordinance

(Bring Your Own Bag Ordinance)

Section 7-11: Plastic Waste Reduction Ordinance

7-11.1 Declaration of findings and policy - Scope

The City Council hereby finds that the reduction in the use of disposable checkout bags by retail establishments in the City of Attleboro is a public purpose that protects marine environments, advances solid waste reductions, reduces greenhouse gas emissions and protects waterways. This ordinance seeks to reduce the number of plastic and paper bags that are being burned, used, discarded and littered, and to promote the use of reusable checkout bags by Retail Establishments located in the City of Attleboro.

7-11.2 Definitions:

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

1. **“Check-out bag”** shall mean a bag provided by a store to a customer at the point of sale for transporting food or merchandise from the establishment. The following bag types are excluded from this definition:
 - a. Bags, whether plastic or not, in which loose produce or products are placed to deliver such items to the point of sale or check out area of a Retail Establishment; or
 - b. Laundry or dry-cleaner bags; or
 - 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.
2. **“Recyclable paper bag”** shall mean a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word “recyclable” or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.
3. **“Reusable check-out bag”** shall mean any bag with handles that is specifically designed and manufactured for multiple, long-term reuse, made of:
 - a. Cloth or other machine- or hand-washable fabric; or
 - b. Other durable material, including plastic that is at least 4.0 mils thick.
4. **“Retail Establishment”** shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.
5. **“Thin-film, single-use plastic check-out bag”** shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low-density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

7-11.3 Regulated Conduct:

(A) No Retail Establishment in the City of Attleboro shall provide thin-film, single-use plastic check-out bags to customers, except as provided in Section 7-11.4 Exemptions. If a Retail Establishment provides check-out bags to customers, the bags must be one of the following: recyclable paper bag or reusable check-out bag.

(B) Retail Establishments with a total of 3,500 square feet or more that make available thin-film, single-use plastic check-out bags, with or without handles, that are exempt from the provisions of this ordinance, shall provide in-store collection and proper recycling of thin-film, single-use plastic check-out bags. In-store collection locations must be prominently displayed and easily accessible.

7-11.4 Exemptions:

Thin-film plastic bags typically without handles, which are used to contain produce, meat, bulk foods, wet items, dry cleaning are not prohibited under this ordinance.

7-11.5 Enforcement:

The Health Officer and the City of Attleboro Health Department shall have the authority to administer and enforce this ordinance. For the first violation, the enforcing authority, upon a determination that a violation has occurred, shall issue a written warning notice to the establishment specifying the violation. The following penalties shall apply: A fine of \$50 shall apply for the first violation following the issuance of a written warning notice. A fine of \$100 shall apply for the second violation and each additional violation of this ordinance after the issuance of a written warning notice. Fines shall be cumulative and each day on which a violation occurs shall constitute a separate offense.

7-11.6 Regulations:

The Health Officer or his/her designee may promulgate guidelines and regulations consistent with the enforcement of this chapter.

7-11.7 Effective Date:

This ordinance shall take effect on and after October 1, 2019 for Retail Establishments with a floor area equal to or exceeding 3,500 square feet or with at least two (2) locations under the same name within the City of Attleboro that total 3,500 square feet or more. For Retail Establishments with a floor area less than 3,500 square feet, the Health Officer or his/her designee may exempt the Retail Establishment from the requirements of this section for a period of up to six (6) months upon a finding by the Health Officer or his/her designee that (1) the requirements of this section would cause undue hardship; or (2) a retail establishment requires additional time in order to draw down an existing inventory of thin-film, single-use plastic check-out bags.

7-11.8 Severability:

If any provision of this ordinance is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.