



Watertown Town Council

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

ELECTED
OFFICIALS:

Mark S. Sideris,
Council President

Vincent J. Piccirilli, Jr.,
Vice President

Michael F. Dattoli,
Councilor At Large

Aaron P. Dushku,
Councilor At Large

Susan G. Falkoff,
Councilor At Large

Anthony Palomba,
Councilor At Large

Angeline B. Kounelis,
District A Councilor

Lisa J. Feltner,
District B Councilor

Kenneth M. Woodland,
District D Councilor

Ordinance#

2016-

AN ORDINANCE FOR A SINGLE-USE PLASTIC BAG REDUCTION

WHEREAS: The commercial use of plastic bags has been determined to have a significant impact upon the environment; and

WHEREAS: The Town seeks to protect and preserve the environment through the reduction in commercial use of plastic bags.

NOW THEREFORE BE IT ORDAINED by the Town Council of the City known as the Town of Watertown that Title IX of the Watertown Code of Ordinances, Business Regulation, is hereby amended by the insertion of new Chapter 115 as follows:

Chapter 115: SINGLE-USE PLASTIC BAG REDUCTION ORDINANCE

§115.01 Intent and Purpose

The purpose of this Section is to reduce the commercial use of single-use plastic bags in Watertown.

The Town Council hereby finds that the reduction in the use of single-use plastic bags by commercial entities is a public purpose that protects the land and marine environment, advances solid waste reduction, and protects waterways. Further, single-use plastic bags clog storm drainage systems, create a burden to solid waste collection and recycling, and require the use of millions of barrels of crude oil nationally for their manufacture. This Ordinance seeks to reduce the number of single-use plastic bags that are being used, discarded and littered, and to promote the use of reusable checkout bags by retail stores located in Watertown.

The Town Council notes that several neighboring communities and the State of Massachusetts have enacted or are considering enacting similar measures. Furthermore, at the time of enactment of this Ordinance, the Council is aware that 20 million Americans live in communities where bag bans are in place, including the entire states of Hawaii and California, along with several major countries including India, China and Italy.

§115.02 Definitions

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

- (a) "Department" means the enforcing Town department from time to time as designated by the Town Manager.
- (b) "Director" means the head of that Department.
- (c) "Single-use plastic bag" means a plastic bag made of plastic, including but not limited to bags made of high-density polyethylene, low-density polyethylene, "biodegradable," "compostable" or "oxo-biodegradable" materials, with a thickness of less than 1.5 mils that are intended for the purpose of transporting food or merchandise out of a Retail Establishment.
For the purposes of this Ordinance, Single-use plastic bags shall not include:
 - (i) bags, whether plastic or not, in which loose or bulk candy, produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a Retail Establishment;
 - (ii) bags used to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a point-of-sale bag;
 - (iii) laundry or dry-cleaner bags;
 - (iv) bags holding prescription medication dispensed from a pharmacy
 - (v) newspaper bags; or
 - (vi) plastic bags 3 mil or more thick.
- (d) "Recyclable Paper Bag" means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words "Recyclable" and "made from 40% post-consumer recycled content" in a visible manner on the outside of the bag.
- (e) "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple use and is either polyester, polypropylene, cotton, or other durable material, or durable plastic that is at least 3.0 millimeters in thickness.
- (f) "Retail Establishment" means any commercial enterprise selling goods, articles, food or personal services to the public, including but not limited to markets, restaurants, bars, take-out food purveyors, merchandise retailers, florists and galleries.
- (g) "Degradable plastic bags" mean plastic bags that are comprised of a material that is capable of being rapidly decomposed by bacteria or other living organisms (biodegradable), light (photodegradable) under marine conditions (marine-degradable) as defined by ASTM or ISO standards.

§115.03 Requirements

- (1) Beginning 6 months after passage, no Single-use plastic bag shall be distributed, either with or without charge, to a customer at any Retail Establishment located in the Town.
- (2) Retail Establishments may provide or sell to customers Recyclable Paper Bags, Degradable Plastic Bags, or Reusable Bags. Public information advising customers to wash Reusable Bags to prevent food-borne illness must be prominently displayed or communicated at the point of provision or sale.
- (3) The Department, acting through the Town's Board of Health, shall have the authority to promulgate regulations to accomplish any of the provisions of this Section.

§115.04 Exemption

- (1) The Director may exempt a Retail Establishment from the requirements of this Section for a period of up to six (6) additional months, upon a finding by the

Director that the requirements of this Section would cause undue hardship to the Retail Establishment. An "undue hardship" shall only be found in circumstances where the Retail Establishment requires additional time in order to draw down an existing inventory of single-use plastic bags or paper bags which do not meet the definition of recyclable paper bags. Any Retail Establishment receiving an exemption shall file with the Director monthly reports on inventory reduction and remaining stocks.

(2) Any Retail Establishment may apply for an exemption to the Director using forms provided by the Department, and shall allow the Director or his or her designee, access to all information supporting its application.

(3) The Director may approve the exemption request, in whole or in part, with or without conditions

§115.05 Enforcement

The Town Manager, the Superintendent of Public Works, all Watertown police officers, Health Department, and any other Town employees from time to time designated by the Town Manager are empowered and authorized to enforce this ordinance.

This Ordinance may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D the Town's Ordinances. If non-criminal disposition is elected, then any Retail Establishment which violates any provision of this Ordinance shall be subject to the following penalties:

First Offense: \$100 fine

Second Offense: \$200 fine

Third and Subsequent Offenses: \$300 fine each

Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

§115.06 Severability

If any portion of this Section is declared to be invalid, the remainder shall continue to be in full force and effect.

Council Member

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above resolution was adopted by a vote of _____ for, _____ against, and _____ present on _____, 2016.

Marilyn W. Pronovost, Council Clerk

Mark S. Sideris, Council President