

BRING YOUR OWN BAG ORDINANCE

WHEREAS, the impact of single-use plastic checkout bags includes, but is not limited to, contributing to pollution of our air, land, and marine environment and waterways; contributing to the injury and/or death of marine animals and other wildlife through ingestion and entanglement; creating a burden to our solid waste collection and recycling facility; and clogging our storm drainage systems;

WHEREAS, the City seeks to eliminate the use of single-use plastic checkout bags and encourage the use of re-usable bags by customers of retail establishments in order to mitigate the deleterious impact of single-use plastic checkout bags and to protect the public health and welfare; our air, land, and marine environment and waterways; marine animals and other wildlife;

NOW THEREFORE, the City hereby amends Chapter 244 of the City Ordinances by adding "Article VI Bring Your Own Bag" pursuant to which retail establishments in the City of Beverly shall be prohibited from offering single-use plastic checkout bags to any customer for the purpose of enabling the customer to carry away goods from the point of sale.

Chapter 244: Solid Waste

Insert new article

Article VI Bring Your Own Bag

A. Definitions

1. **Biodegradable Checkout Bags** means a bag that is capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known compostable materials; for the purposes of this ordinance "biodegradable checkout bags" does not include paper bags.
2. **Degradable Checkout Bags** means plastic bags that are made from polymers that are capable of being broken down quite readily by hydrolysis, the process by which chemical bonds are broken by the addition of water.
3. **Customer** means any person purchasing or carrying goods from a retail establishment.
4. **Recyclable Paper Bag** means a paper bag that is 100 percent recyclable and contains at least 40 percent 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.
5. **Retail Establishment:** Any business or commercial enterprise or facility, whether for profit or not, that sells goods and/or services directly to the customer including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, restaurants, retail stores, pop up retail stores, and vendors selling clothing, food, and personal items, and dry cleaning services.
6. **Reusable Bag:** means a bag that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is greater than 4.0 mils in thickness.
7. **Single-Use Plastic Checkout Bag:** means a carryout bag or checkout bag made predominantly 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 and which is 4.0 mils (0.1016 mm) in thickness or less.
 - a. The term Single-Use Plastic Checkout Bag shall not include:

- i) bags, whether plastic or not, in which loose 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) laundry or dry-cleaner bags;
 - iii) newspaper bags;
 - iv) bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture;
 - v) Reusable bags; or
 - vi) Recyclable paper bags.
- b. The term Single-Use Plastic Checkout Bag shall include:
- i. Degradable plastic bags; and
 - ii. Biodegradable plastic bags that are not commercially compostable as well as commercially compostable plastic bags.

B. Regulation

- 1) No retail establishment in the City of Beverly shall provide Single-Use Plastic Checkout Bags to any customer for the purpose of enabling the customer to carry away goods from the point of sale.
- 2) If a Retail Establishment provides or offers any checkout bags to customers, such bags shall be either a Recyclable Paper Bag or a Reusable Bag.

C. Enforcement and Fines

- 1) This ordinance shall be enforced by the Public Health Director or his/her designee to be made in writing. Any Retail Establishment that violates any provision of this Article shall be subject to the following penalties:
 - a. Upon the first violation the enforcement agent shall provide the violator with written notice of such violation. The violator will then be entitled to 30 days after receipt of such notice to cure the violation before imposition of the fine.
 - b. After the 30-day period, if the first violation has not been cured, the enforcement agent may levy a fine in the amount of \$25 for each day that a retail establishment continues to distribute Single-Use Plastic Check-Out Bags after receipt of the written warning provided for in section (a) above.
 - c. Any subsequent violation shall not be entitled to a written warning and the enforcement agent is authorized to levy a fine in the amount of \$50 for each day a retail establishment is in violation of this Article.

2) Whoever violates any provision of this Chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D.

Effective Date

This ordinance shall take effect on January 1, 2019