

Plastic Bag Reduction Ordinance

Section 8.68.010 Short Title.

This Chapter may be cited as the “Plastic Bag Reduction Ordinance” of the City of Cambridge.

Section 8.68.020 Declaration of findings and policy—Scope.

The City Council hereby finds that the reduction in the use of plastic bags by commercial entities in the City of Cambridge (the “City”) is a public purpose that protects the marine environment, advances solid waste reduction 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 by retail stores located in the City. Further, this Ordinance seeks to reduce the use of paper bags, due to their greater use of natural resources and higher cost impacts on retailers. This Ordinance also seeks to ensure that customers using reusable checkout bags are made aware of the need to keep those bags sanitized between uses in order to protect against the transmission of food-borne illnesses.

Section 8.68.030 Definitions.

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

1. “Department” means the City’s Department of Public Works.
2. “Commissioner” means the City’s Commissioner of Public Works.
3. “Checkout Bag” means a carryout bag provided by a Retail Establishment to a customer at the point of sale. A Checkout Bag shall not include
 - a. 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;
 - b. laundry or dry-cleaner bags; or
 - c. newspaper bags.
4. “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.
5. “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, or durable plastic that is at least 3.0 mils in thickness.
6. “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, farmers’ markets, jewelry stores, household goods stores, street fairs or festivals or bazaars.

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Section 8.68.040 Requirements.

A. If a Retail Establishment provides Checkout Bags to customers, such bags shall be either a Recyclable Paper Bag or a Reusable Bag. Public information advising customers to sanitize Reusable Bags to prevent food-borne illness must be prominently displayed or communicated upon sale.

B. The Commissioner shall have the authority to promulgate regulations to accomplish any of the provisions of this Chapter.

C. Each Retail Establishment as defined in Section 8.66.030, above, shall comply with this Chapter.

Section 8.68.050 Effective Date.

This Chapter shall take effect one hundred and eighty (180) days from the date of enactment.

Section 8.68.060 Exemption.

A. The Commissioner may exempt a Retail Establishment from the requirements of this Chapter for a period of up to six (6) months, upon a finding by the Commissioner that the requirements of this Chapter would cause undue hardship to a Retail Establishment. An “undue hardship” shall only be found in:

1. Circumstances or situations unique to the particular Retail Establishment such that there are no reasonable alternatives to bags that are not Recyclable Paper Bags or Reusable Bags, or

2. Circumstances or situations unique to the Retail Establishment such that compliance with the requirements of this Chapter would deprive a person of a legally protected right, or

3. Circumstances where a Retail Establishment requires additional time in order to draw down an existing inventory of single-use plastic check out bags. Any Retail Establishment receiving an exemption shall file with the Commissioner monthly reports on inventory reduction and remaining stocks.

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

C. The Commissioner may approve the exemption request, in whole or in part, with or without conditions.

D. The Commissioner, by regulation, may establish a fee for exemption requests.

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Section 8.68.070 Enforcement.

A. Fine. Any Retail Establishment who shall violate any provision of this Chapter shall be liable for a fine of not more than \$300 and each day's violation shall constitute a separate offense.

B. Whoever violates any provision of this Chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D. For purposes of this section, the Commissioner of the Department of Public Works, the Executive Director of the License Commission, the Executive Director of the Inspectional Services Department and the Commissioner of the Health Commission, or their designees shall be enforcing persons.

Section 8.68.080 Severability.

It is the intention of the City Council that each separate provision of this Chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain valid and enforceable.