



Watertown Town Council

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

ELECTED OFFICIALS:

Mark S. Sideris,
Council President

Vincent J. Piccirilli, Jr.,
Vice President &
District C Councilor

Caroline Bays
Councilor At Large

Anthony J. Donato,
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 # 78

O – 2018 - 78

BRING YOUR OWN BAG ORDINANCE

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

WHEREAS, the long-term elimination and short-term reduction of environmentally dangerous petrochemical and natural gas products, and a return to environmentally sustainable materials that are rapidly renewable and biodegradable is desired; 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 Regulations, 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

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, 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; or
- (v) newspaper bags; ~~or~~
- (vi) plastic bags 4 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 sewn bag with stitched handles that is specifically designed for multiple reuse and that (1) is machine washable or is made of a material that can be cleaned or disinfected; and, (2) is either (a) made of natural fibers (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 5.0 mils thick.

~~a bag with handles that is specifically designed and manufactured for multiple use and is at least 4 mils 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 July 1, 2017, n~~No Single-use plastic bag shall be distributed, either with or without charge, to a customer at any Retail Establishment located in the Town, except for degradable plastic bags as noted in (2) below.

(2) Retail Establishments may provide or sell to customers Recyclable Paper Bags, Degradable Plastic Bags, or Reusable Bags. ~~Public i~~Information publicizing the Bring Your Own Bag Ordinance and 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) Public information advising customers on the proper care and maintenance of reusable bags shall be available through the Public Health Department.

(4) The Department 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

Town employees from time to time as 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.

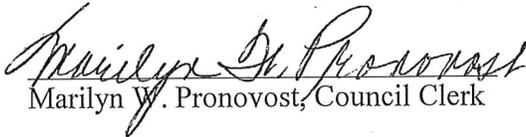
§115.07 Effective Date

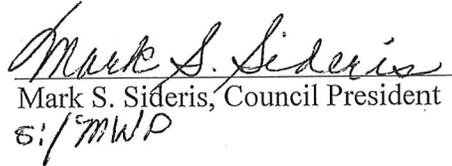
The language of this amended Ordinance will take effect on March 1, 2019. Until that time, the language of the previous Ordinance shall apply.



Council Member

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Ordinance was adopted by a roll call vote of 9 for, 0 against, and 0 present on September 25 2018.


Marilyn W. Pronovost, Council Clerk


Mark S. Sideris, Council President
6:1/MWP