

**CITY OF SOMERVILLE**  
**ORDINANCE NO. 2014-\_\_**  
**In Board of Aldermen: \_\_\_\_\_**

WHEREAS, The production and use of thin-film single-use plastic bags have significant impacts on the marine and land environment of all coastal communities, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to our solid waste collection and recycling facility; clogging our storm drainage systems, and requiring the use of millions of barrels of crude oil nationally for their manufacture.

NOW THEREFORE,

Be it ordained by the Board of Aldermen, in session assembled, that the Code of Ordinances of the City of Somerville is amended by adding the following provisions to the Code of Ordinances of the City of Somerville:

**SECTION 1**

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

"Department", the Somerville Department of Public Health.

"Director", the Director of Health and Human Services or his/her designee.

"ASTM D6400", the American Society for Testing and Materials (ASTM) International "Standard Specification for Compostable Plastics".

"ASTM D7081", ASTM International "Standard Specification for Biodegradable Plastics in the Marine Environment".

"Checkout bag", a carry-out bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

"Compostable plastic bag", a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.

"Marine degradable plastic bag", a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability; and conforms to any other standards deemed acceptable by the Director, provided additional, Director-approved standards are as stringent as ASTM D7081.

"Reusable check-out bag", a bag with handles that is specifically designed for multiple reuse and is either (1) made of cloth or other machine washable fabric; or (2) made of durable plastic that is at least 2.25 mils thick; or (3) made of other durable material.

"Retail establishment", any retail store that satisfies at least one of the following requirements: (a) a retail space of 2,500 square feet or larger, including establishments with at least three (3) locations under the same name within the City of Somerville that total 2,500 square feet of or more of retail space; or (b) a retail pharmacy with at least two locations under the same ownership within the City of Somerville; or (c) a full-line, self-service supermarket that had annual gross sales in excess of \$1,000,000 during the previous tax year, and which sells a line of dry grocery, canned goods or nonfood items and some perishable items;

## SECTION .2

If a retail establishment as defined in section 1 provides plastic checkout bags to customers, the plastic bags shall comply with the requirements of being compostable plastic bags, as well as marine degradable plastic bags.

(a) Nothing in this section shall be read to preclude any establishment from making reusable checkout bags available for sale to customers or utilizing recyclable paper bags at checkout.

(b) The Director may promulgate rules and regulations to implement this section.

## SECTION 3 PENALTIES AND ENFORCEMENT

The penalty for each violation that occurs after the issuance of the warning notice shall be in accordance with section 1-11(b) of the Code of Ordinances.

## SECTION 4

All of the requirements set forth in this ordinance shall take effect December 1, 2015. In the event that compliance with the effective date of this ordinance is not feasible for a food service establishment because of either unavailability of alternative checkout bags or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth above.

Be it further ordained by the Board of Aldermen of the city of Somerville that section 1-11(b) is amended by adding the following provisions:

Offense	Fine	Enforcing Personnel
Plastic Bags in a retail establishment	1 <sup>st</sup> offense: warning 2 <sup>nd</sup> offense: \$50.00 3 <sup>rd</sup> and subsequent offense: \$100.00	Inspectional services

APPROVED:

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 President  
 Board of Aldermen