

**CITY OF WALTHAM
MASSACHUSETTS
IN THE CITY COUNCIL**

Ordinance No. 35369

**AN ORDINANCE REGARDING THE
REDUCTION OF PLASTIC BAGS IN WALTHAM**

WHEREAS: The production, use and disposal of single-use plastic bags have significant adverse impacts on the environment and their light weight makes them particularly susceptible to air currents that land them in the streets, gutters, wetlands, parks, private property, and trees throughout the City; and

WHEREAS: The City of Waltham desires to conserve resources, reduce greenhouse gas emissions, waste, and environmental pollution and to protect the public health and welfare of its residents; and

WHEREAS: Plastic bags contribute to a significant burden on the City's solid waste disposal and single stream recycling systems...

NOW THEREFORE,

Be it Ordained: That Chapter 8 of the General Ordinances of the City of Waltham, entitled "LICENSES, PERMITS AND BUSINESS REGULATIONS" as most recently amended, is hereby further amended by adding a new Article XV as follows:

**"ARTICLE XV
Reduction of Plastic Bags**

Sec. 8-168. Definitions.

For the purposes of this Article, the following definitions shall apply:

CHECK-OUT BAG – Shall be defined as a bag provided by a store to a customer at the point of sale. Check-out 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.

DEPARTMENT – Shall mean the Waltham Health Department.

DIRECTOR – Shall mean the Director Public Health or their designee.

FLOOR AREA – Shall mean Gross Floor Area as defined by the City of Waltham Zoning Ordinance.

RECYCLABLE PAPER BAG – Shall be defined as a paper bag that is 100% recyclable and contains at least 40% postconsumer recycled content, and displays in a visible manner on the outside of the bag (1) the word “recyclable” or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from postconsumer recycled content and the percentage of post-consumer recycled content in the bag.

BIODEGRADABLE- 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 purpose of this Article, “biodegradable bags” does not include paper bags.

REUSABLE CHECK-OUT BAG – Shall be defined as a sewn bag with stitched handles that is specifically designed for multiple reuse and that (1) can carry 25 pounds over a distance of 300 feet; (2) is machine washable; and, (3) 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 4 mils thick.

RETAIL ESTABLISHMENT – Shall be defined as any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

SINGLE-USE PLASTIC CHECK-OUT BAG – Shall be defined as those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low-density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

SMALL BUSINESS – Shall be defined as any retail establishment which is not publicly owned and which has a floor area of less than 2,500 square feet, provided that any retail business with two (2) or more locations under the same name within the City of Waltham where the combined square footage is 2,500 square feet or more shall not be considered a small business.

Sec. 8-169. Restrictions.

Retail establishments shall be subject to the following restrictions:

- (a) Except as otherwise provided herein, single-use plastic check-out bags shall not be distributed, used or sold for checkout or other purposes by any retail establishment within the City of Waltham.
- (b) If a retail establishment provides checkout bags to customers, these bags must either be recyclable paper bags, biodegradable bags or reusable bags.

- (c) A retail establishment that provides any type of checkout bag shall sell them for no less than ten cents (\$0.10) per bag. All moneys collected pursuant to this ordinance shall be retained by the retail establishment.
- (d) Any charge for a checkout bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "check-out bag charge" thereon.

Sec. 8-170. Exemptions.

The following shall be exempt from the provisions of this Article:

- (a) Bags used by customers to package bulk items such as fruit, vegetables, nuts, grains, candy or small hardware items; to contain or wrap frozen foods, meat, or fish; or to contain or wrap flowers, potted plants, or other items where dampness may be a problem.
- (b) Laundry or dry-cleaning bags or hanging bags meant for suits, dresses, or other apparel.
- (c) Newspaper bags.
- (d) Bags sold in packages containing multiple bags intended to be used for home food storage, or garbage, waste, or yard waste disposal.
- (e) Bags sold in packages containing multiple bags intended to be used for pet waste, and bags that are provided by restaurants for takeout orders or unfished food unless that are 100% biodegradable.

Sec. 8-171. Effective date.

This Article shall take effect one hundred and twenty (180) days from the date of adoption. Small businesses, as defined in Section 8-168, shall have an additional ninety (90) days from the effective date to comply with the requirements of this Article.

Sec. 8-172. Education.

The Director shall send a written notice detailing the requirements imposed by this ordinance to all retail establishments operating within the City of Waltham at least ninety (90) days prior to the effective date of this ordinance.

Sec. 8-173. 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.”

First Reading: June 17, 2021

Second Reading: September 27, 2021

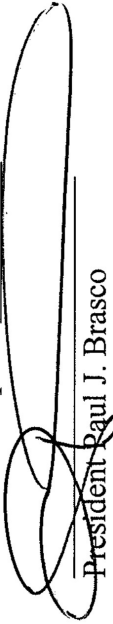
Third Reading: December 27, 2021

Approved:

Order # 35369

In the City Council
Plastic Bag Ordinance

Read and Adopted: 12 | 27 | 21



President Paul J. Brasco

Approved: 12 | 25 | 2021



Mayor Jeannette A. McCarthy

RECEIVED

DEC 28 2021

Mayor's Office

CC: _____

Waltham City Council

Roll Call

Item: Plastic Bag Ord.

Date: 12/27/21

	Yea	Nay	Abstained	Absent
City Council				
George A. Darcy III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Caren Dunn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean T. Durkee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cathyann Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joseph P. LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony LaFauci	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Randy J. LeBlanc	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kristine A. Mackin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John J. McLaughlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kathleen B. McMenimen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick J. O'Brien	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jonathan Paz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Thomas M. Stanley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carlos A. Vidal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Paul J. Brasco President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals (15)	<u>13</u>	<u>0</u>	<u>0</u>	<u>2</u>

