

ARTICLE XIII. - AT-STORE RECYCLING PROGRAM FOR PLASTIC BAGS^{CH008_59}

Cross reference—Plastic bags, § 8-11.

[Sec. 8-301. - Definitions.](#)

[Sec. 8-302. - At-store recycling program; requirements.](#)

[Sec. 8-303. - Penalties.](#)

Sec. 8-301. - Definitions.

Wherever used in this article, the following terms shall be defined as follows unless the context or subject matter otherwise requires:

Operator shall mean a person in control of, or having daily responsibility for, the daily operation of a store, which may include, but is not limited to, the owner or manager of the store.

Plastic carryout bag shall mean a plastic carryout bag provided by a store to a customer at the point of sale and which is composed of low density polyethylene ("LDPE"), linear low density polyethylene ("LLDPE"), medium density polyethylene ("MDPE") or high density polyethylene ("HDPE").

Store as used herein shall mean a retail establishment that (1) provides plastic carryout bags to its customers as a result of the sale of a consumer good; and (2) occupies an area of 5,000 square feet or more.

(Ord. No. 2008-12, 7-10-2008)

Sec. 8-302. - At-store recycling program; requirements.

The operator of a store shall establish an at-store recycling program as follows:

- (1) Each store shall have a sign clearly readable when exiting the store, which shall be no less than two feet high and two feet wide, which encourages the reuse or recycling of plastic carryout bags.
- (2) A plastic carryout bag collection bin ("bin") shall be placed in a visible location that is easily accessible to the consumer. The color of such bin must be highly visible and the bin must clearly indicate that it is intended for the recycling of plastic carryout bags only and not for the discarding of garbage. The inspectional services division shall have the authority to establish rules and regulations regarding the specific requirements of the bin as may be necessary.
- (3) The plastic carryout bag collection bin shall be available to the general public for the recycling of all clean plastic bags regardless of origin of said plastic bags. No store shall prohibit or otherwise limit the acceptance of plastic bags from any person unless said plastic bag is not appropriate for recycling.
- (4) All plastic carryout bags collected by the store are to be collected, transported and recycled in a manner consistent with all applicable laws or any rule or regulation promulgated pursuant to this law.
- (5) The operator of a store shall cooperate with the inspectional services division. Upon written request, the operator shall furnish the inspectional services division with information to verify that the plastic carry-out bags are being properly recycled in accordance with all applicable laws.
- (6) This article shall take effect six months after enactment, except that the inspectional services division shall take such actions, including the promulgation of rules, as are necessary for the implementation of this article prior to such effective date.

(Ord. No. 2008-12, 7-10-2008)

Sec. 8-303. - Penalties.

This provisions of this article shall be enforced by a noncriminal disposition pursuant to G. L. c. 40, § 21D. Each day on which a violation exists shall be deemed a separate offense and shall be punished by a fine specified in Section 1-11(b)

of this Code of Ordinances. Nothing in this provision shall be deemed to limit the use of other lawful methods of abating violations of this section, including but not limited to application for equitable relief from a court of law. The city may seek costs and attorney's fees from a court of competent jurisdiction for any enforcement action taken.

(Ord. No. 2008-12, 7-10-2008)
