

City of Salem, Massachusetts



"Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25 and
City Ordinance Sections 2-2028 through 2-2033."

The City Council Committee on Public Health, Safety and Environment co-posted with the
Committee of the Whole

met in the Council Chamber Monday October 17, 2016 at 6:30 P.M.

for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on

October 7, 2016 at 10:57 A.M.

(This meeting is being recorded)

ATTENDANCE

ABSENT WERE: ~~At Eubank~~ + Eppley

SUBJECT(S)

#398 – Discuss the creation of an Ordinance regarding Plastic Bags and poly styrene food beverage container reduction

C. Lovely → motion to suspend the rules to allow the public to speak. Approved 3-0.

Tori Kalco → 251 Loring Ave. frustrated to ~~have~~^{ask} businesses show up, and only 2 show up regularly. Tired of being on hold.

Rinus Oosthoek - Salem Chamber of Commerce from business community is overwhelmingly in favor of plastic ban. Main issues/concerns:
1. which bags can be cleaned/disinfected 125 ~~times~~^{times?}
- goal for them is to make ordinance accessible for all.
2. Are we considering a marketing campaign to get the word out?

C. Lovely - should be state-wide issue. Could impact Salem negatively due to ~~cost~~ cost. Doesn't want to harm businesses.

Rinus - Chamber believes that this should be done

here and state wide.

Rinus - 1 thing that's different is if you don't bring your bag, you pay - that system works well in Europe.

- 1 thing missing is reusable plastic bags

- Everyone realizes something should be done - but what bags hold up ~~under~~ during bad weather?

C. Furey - most cities + towns in MA would love to have this w/ a level playing field. Takes local cities + towns to prod the state to do it. Nothing more powerful is an idea whose time has come. What is impact on small businesses?

Rinus - impact is seen through educating customers.

Have to figure out way to do it. Start campaign before ordinance to encourage behavior change.

C. Dibble - timeframe to deplete plastic bags?

Rinus - place like Crosby's need 9 mos - a year; Target could take only a few months. Should be an encouraging thing - not punishable.

C. Dibble - agrees w/ C. Furey. Shouldn't have to wait on ~~envi~~ state to have impact on environment. Set draft dates, get this on Council floor to hammer out.

V. Caldwell, Asst City Solicitor, Market Basket 104 bags being sold. Somerville plastic bag ban was simplest in combination w/ draft ordinance from Salem Sound Coastwatch. Noted long lag times for implementation. Education is essential.

Rinus: start now w/ education. * PAGE 2 => *

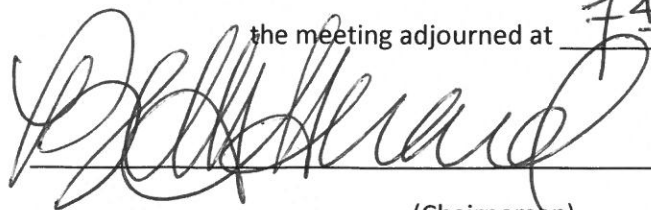
On the motion of C.

Furey

the meeting adjourned at

7:40

P.M.



(Chairperson)

Rinus: apply to all business.

C. Furey: move up to full council.

V. Caldwell: need dates but otherwise ready

Barbara Warren - Salem Sound Coastwatch - presented bags that they gave out. Part of marketing, and would help city w/ marketing. Manchester-by-the-Sea businesses needed 1 year to transition. Should not be punishable. Emphasized banning thin plastic store bags. These are most harmful. This is doable. It's time. Need date that's far enough out for the community.

C. Dibble - changes to 6 months.

C. Lovely - we're bigger than Manchester-by-Sea. Pick date of Jan 1 2018. Gives us time to educate the public. Work w/ local groups to promote this.

Susan Yachelson - 5 Eden St - concerned that nothing goes into effect until after retail season

C. Lovely - campaign to reward businesses that remove plastic bags sooner. Public Relations campaign.

Torikawa - Mass Green Network through Sierra Club.

Rinus - larger retailers will be impacted heavier than smaller retailer

Barbara Warren - ~~need~~ millimeters for plastic bags?

V. Caldwell - looked at multiple ordinances, intent to ban point of sale checkout bag. State left it up to cities.

~~Barbara~~ C. Dibble - thinks wording is sufficient.

~~Rinus~~ Rinus - Higher definition leads to higher costs for retailers.

V. Caldwell - forms of reusable bags should be allowed.

C. Lovely - need gauge of size of bags

C. Dibble - address penalties: Section 9-10(b) should be noted and make two different timelines based on size of store.

Rinus - marketing message on point asap. to go into effect 1/1/18

* C. Dibble moved to approve the draft ordinance w/ amendments re: effective date + penalties, and send to full Council w/ positive recommendation 2nd by C. Furey; Approved 4-0.

Sec. 14-500. Purpose.

The reduction in the use of disposable plastic shopping bags by retail establishments in the city is a public purpose that protects the marine environment, advances solid waste reduction, reduces greenhouse gas emissions, 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 and recyclable paper bags by retail establishments located in the city.

Sec. 14-501. Definitions.

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

Disposable plastic shopping bag means any checkout bag made predominately of plastic derived from either petroleum, natural gas, or a biologically based source, such as corn or other plant sources, which is provided to a customer at the point of sale. The term, "disposable plastic shopping bag" includes:

- (1) Degradable plastic bags; and
- (2) Biodegradable plastic bags that are not commercially compostable as well as commercially compostable plastic bags.

The term "disposable plastic shopping bag" shall not include:

- (1) Reusable bags;
- (2) Produce bags; or
- (3) Product bags.

As used in this definition, the term "produce bag" or "product bag" means any bag without handles used exclusively to carry produce, meats or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

Checkout bag means a carry-out bag provided by a retail establishment to a customer at the point of sale. Checkout bags shall not include:

- (1) Bags, whether plastic or not, in which loose produce or bulk products are placed by the consumer to deliver such items to the point of sale or check out area of the retail establishment;
- (2) Laundry or dry cleaner bags;
- (3) Newspaper bags; or
- (4) Bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture and/or prevent contamination.

Reusable bag means a bag that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, and meets the following requirements:

- (1) Has a minimum lifetime capability of 125 or more uses carrying 22 or more pounds; and
- (2) Is machine washable or is made of a material that can be cleaned or disinfected 125 times.

Recyclable paper bag means a paper bag that is 100 percent recyclable and contains at least 40 percent post-consumer recycled content, and displays the words "Recyclable" and "made from 40% post-consumer recyclable content" in a visible manner on the outside of the bag.

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, jewelry stores, and household goods stores.

Sec. 14-502. Prohibition on disposable plastic shopping bags.

No retail establishment shall provide a disposable plastic shopping bag to any customer for the purpose of enabling the customer to carry away goods from the point of sale. Nothing in this section shall be read to preclude any establishment from making reusable bags available for sale to customers or utilizing recyclable paper bags at checkout.

Sec. 14-503. Penalties and enforcement.

Subsection (b)
The penalty for each violation that occurs after the issuance of the warning notice shall be in accordance with section 1-10 of the Code of Ordinances. The warning notice issued for the first offense shall provide at least 14 days to correct the violation. No fine for the second offense shall be issued until at least 14 days after the warning is issued. This ordinance may be enforced by any police officer, enforcement officer or agent of the Board of Health or Licensing Department.

Sec. 14-504. Effective date.

This ordinance shall take effect Jan 1, 2018 months after passage for retail establishments with a floor area equal to or exceeding 10,000 square feet. This ordinance shall take effect months after passage for retail establishments less than 10,000 square feet.