

ENROLLED ORDINANCE

PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED ORDINANCES OF THE CITY OF EVERETT AND IN COMPLIANCE WITH MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.

ENROLLED: 09/26/2022

DATE OF PROPOSED ORDAINMENT: 10/11/2022



CITY COUNCILNo. C0414-22

IN THE YEAR TWO THOUSAND AND TWENTY-TWO

**AN ORDINANCE AMENDING SECTION D, EFFECTIVE DATE ON THE
ORDINANCE BANNING PLASTIC BAGS IN THE CITY OF EVERETT**

Councilor /s/ Stephanie Martins

Whereas: The recently passed ordinance banning businesses from using single use plastic bags at check-out has not been enforced by the city.

Now, therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make ordinances:

Be it Ordained by the City Council of the City of Everett, Massachusetts that the Revised Ordinances of the City of Everett, Chapter 12, Section 2007 – Prohibition of disposable plastic shopping bags is hereby amended as follows:

Section 12-2007(d) is hereby amended by replacing the phrase “April 1, 2022” with the phrase “January 1, 2023”.

This ordinance shall take effect upon passage by the City Council and subsequent approval by His Honor the Mayor.

September 26, 2022

Enrolled in the City Council

8 yeas: 0 nays

October 11, 2022

Ordained in the City Council

8 yeas: 0 nays

October 24, 2022

Signed: Mayor Carlo DeMaria Jr.

A true copy attest

Sergio Cornelio, City Clerk



ENROLLED ORDINANCE

PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED ORDINANCES OF THE CITY OF EVERETT AND IN COMPLIANCE WITH MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.

ENROLLED: 11/22/2021

DATE OF PROPOSED ORDAINMENT: 12/13/ 2021



No. C0365-21

IN THE YEAR TWO THOUSAND AND TWENTY-ONE

AN ORDINANCE BANNING PLASTIC BAGS IN THE CITY OF EVERETT

Councilor /s/ Stephanie Martins, Richard Dellisola, Anthony DiPierro, Fred Capone and Rosa DiFlorio

Whereas: The reduction in the use of single-use disposable checkout 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; and

Whereas: 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;

Now, therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make ordinances:

Be it Ordained by the City Council of the City of Everett, Massachusetts, as follows:

A. Definitions:

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

1. *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:

- a. 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;
- b. Laundry or dry cleaner bags;
- c. Newspaper bags; or
- d. Bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture and/or prevent contamination.

2. *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.

a. The term, "*disposable plastic shopping bag*" includes:

i. Degradable plastic bags, and

ii. Biodegradable plastic bags that are not commercially compostable as well as commercially compostable plastic bags.

b. The term "*disposable plastic shopping bag*" shall not include:

- i. Reusable bags;
- ii. Produce bags; or
- iii. Product bags.

c. 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.

3. *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.

4. *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.

5. *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:

- a. Has a minimum lifetime capability of 125 or more uses carrying 22 or more pounds; and

- b. Is machine washable or is made of a material that can be cleaned or disinfected 125 times.
- c. Has a thickness of greater than four mil.

B. Prohibition of 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.

C. Penalties and Enforcement

- 1. Each Retail Establishment shall comply with the Ordinance
- 2. If it is determined that a violation has occurred, Inspectional Services shall issue a warning notice to the retail establishment for the initial violation.
- 3. If an additional violation of this ordinance has occurred within one year after a warning notice has been issued for an initial violation, Inspectional Services shall issue a notice of violation and shall impose a penalty against the retail establishment.
- 4. The penalty for each violation that occurs after the issuance of the warning notice shall be in accordance with Section 1-8 of these Revised Ordinances.

D. Effective Date

This ordinance shall take effect on April 1, 2022.

November 22, 2021

December 13, 2021

December 15, 2021

Enrolled in the City Council

10 years: 0 nays

Ordained in the City Council

9 years: 0 nays

Signed: Mayor Carlo DeMaria Jr.

A true copy attest



A handwritten signature in black ink that reads "Sergio Cornelio".

Sergio Cornelio, City Clerk