



City of Chicago



O2014-1521

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	3/5/2014
Sponsor(s):	Moreno (1)
Type:	Ordinance
Title:	Amendment of Municipal Code Chapter 11-4 by inserting new Article XXIII to reduce toxicity of plastic carryout bags from sanitary landfill facilities
Committee(s) Assignment:	Committee on Health and Environmental Protection



Health

ORDINANCE

WHEREAS, The City Council of the City of Chicago seeks to reduce the toxicity of waste materials in the solid waste stream that are directed to resource recovery and sanitary landfill facilities, and to maximize the removal of plastic carryout bags from the waste stream; and

WHEREAS, The City Council finds that plastic carryout bags are not biodegradable, which means that these bags ultimately break down into smaller bits that contaminate soil and waterways and enter into the food supply that animals and marine life ingest; and

WHEREAS, The production of plastic bags worldwide requires the use of more than 12 million barrels of oil per year, which also has a significant environmental impact; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 11-4 of the Municipal Code of Chicago is hereby amended by inserting a new Article XXIII, as follows:

ARTICLE XXIII. RETAIL BAG USE

11-4-4000 Definitions.

As used in this Article XXIII:

“Compostable” means any product which, when placed with other biodegradable or decaying natural materials, will be broken down into simple organic components by biological processes.

“Compostable bag(s)” means bags that meet (1) American Society of Testing and Materials (ASTM) D6400 standards for composting and are labeled as “compostable”; and (2) the safety requirement of the ASTM D6400 standard for having no impact on plants, using OECD Guide 208. Bags marked “biodegradable” or “degradable” are not considered “compostable.”

"Customer" means any person purchasing goods from a store.

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

"Plastic carryout bag" means any bag made predominantly of plastic derived from either petroleum 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 "plastic carryout bag" includes biodegradable bags. The term "plastic carryout bag" does not include compostable bags, reusable bags, produce bags, or product bags.

"Post-consumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. The term "post-consumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

"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.

"Recyclable" means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

"Recyclable paper carryout bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber, (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; (4) is accepted for recycling in curbside programs in the county; (5) has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the percentage of post-consumer recycled material used; and (6) displays the word "Recyclable" in a highly visible manner on the outside of the bag.

"Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses which, for purposes of this definition, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) has a minimum volume of 15 liters; (3) is machine washable or is made from a material that can be cleaned or disinfected; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts; (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the country where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and (6) if made of plastic, is a minimum of at least 2.25 mils thick.

“Store” means a retail establishment that sells perishable or non-perishable goods, including, but not limited to, clothing, food and personal items sold directly to the customer.

11-4-4010 Plastic carryout bags prohibited.

No store shall provide a plastic carryout bag to any customer for the purpose of enabling the customer to carry away goods from the point of sale.

11-4-4020 Reusable bags.

Each operator shall provide reusable bags to customers for the purpose of enabling the customer to carry away goods from the point of sale. Such reusable bags shall either be sold to the customer or provided to the customer at no charge.

11-4-4030 Permitted bags.

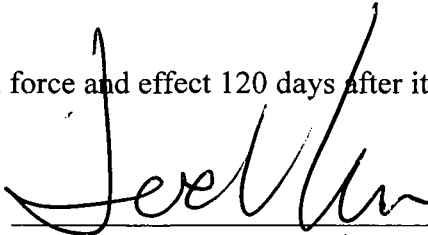
Nothing in this Article XXIII shall be construed to prohibit customers from using bags of any type that the customer brings to the store for their own use or from carrying away from the store goods that are not placed in a bag provided by the store.

11-4-4040 Penalties.

(a) Any person who violates Section 11-4-4010 shall be subject to a fine of not less than \$300 nor more than \$500 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(b) Any person who violates Section 11-4-4020 shall be subject to a fine of not less than \$100 nor more than \$300 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 2. This ordinance shall take full force and effect 120 days after its passage and publication.



Alderman Joe Moreno, 1st Ward