



City of Chicago



O2015-6464

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	9/24/2015
Sponsor(s):	Moreno (1)
Type:	Ordinance
Title:	Amendment of Municipal Code Chapter 11-4 regarding retail bag use
Committee(s) Assignment:	Committee on Health and Environmental Protection

HEALTH

ORDINANCE

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

SECTION 1. Sections 11-4-4000 and Sections 11-4-4030 and 11-4-4050 of the Municipal Code of Chicago are hereby amended by deleting the language struck through and by inserting the language underscored as follows:

11-4-4000 Definitions.

As used in this Article XXIII:

"Chain store organization" means (1) three or more stores having common ownership, or (2) any store, regardless of ownership, that is part of a franchise.

"Commissioner" means the commissioner of health of the City of Chicago.

"Compostable plastic bag" means any bag that (1) when placed with other biodegradable or decaying natural materials will be broken down into simple organic components by biological processes, and (2) meets the current American Society for Testing and Materials (ASTM) D6400 Standard Specification for Compostable Plastics, and (3) has been certified as a compostable product by the Biodegradable Products Institute ("BPI") or other independent, testing organization approved by the commissioner, as evidenced by the presence on the bag of the BPI Commercial Logo or other logo approved by the commissioner, indicating that the bag is "commercially compostable" or "compostable in an industrial composting facility."

"Customer(s)" 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(s)" 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 (1) degradable plastic bags, and (2) biodegradable plastic bags that are not commercially compostable. The term "plastic carryout bag" does not include (i) commercially compostable plastic bags, (ii) reusable bags, (iii) produce bags, or (iv) 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.

"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. As used in this definition, the term "recycling" does not include burning, incinerating, converting or otherwise thermally destroying solid waste.

"Recyclable paper bag(s)" 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 for Testing and Materials (ASTM) D6400 Standard Specification for Compostable Plastics; (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.

"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.

"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 extruded plastic, is a minimum of at least 10 mils thick.

"Store" means a retail establishment, other than an establishment set forth in Section 11-4-4010, that sells perishable or non-perishable goods, including, but not limited to, clothing, food and personal items, directly to the customer.

(Omitted text is unaffected by this ordinance)

Section 11-4-4030 Types of carryout bags required.

Each operator shall provide reusable bags or recyclable paper bags or commercially compostable plastic bags, or any combination thereof, to customers for the purpose of enabling the customer to carry away goods from the point of sale. At such a time that residents of the City of Chicago have access to curbside compost collection, each operator may also provide commercially compostable plastic bags.

11-4-4050 Reporting.

Every retailer affected by the ordinance will provide weekly data identifying bags used in each POS transaction. The format will be a text delimited file (.txt, .xls, .csv) and will be submitted via secure encrypted ftp or via email. Delimited data will include Company name, Store ID, Transaction ID, Total bags used by type by transaction (bag types: customer own, paper, purchased) – see Example (1). Reporting will be submitted by 11:59pm CT each Sunday.

Example (1)

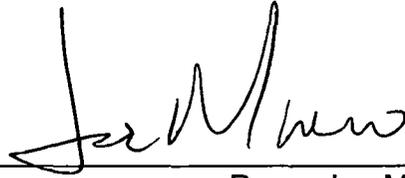
Chain	Store ID	Transaction ID	Customer bags	Paper bags	Purchased bags
ACME Inc.	1001	1000016	1	0	0
ACME Inc.	1002	1000017	0	1	0
ACME Inc.	1003	1000018	0	0	1
ACME Inc.	1004	1000019	1	0	0
ACME Inc.	1005	1000020	0	0	1

11-4-4060 Penalties – Enforcement.

(a) Any person who violates Section 11-4-4020 shall be subject to a fine of not less than \$300.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(b) Any person who violates Section 11-4-4030 shall be subject to a fine of not less than \$100.00 nor more than \$300.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(c) Any store that violates Section 11-4-4050 shall be subject to a fine of not less than \$1000.00 nor more than \$3000.00 for each offense. Each week that a violation occurs shall constitute a separate and distinct offense.

A handwritten signature in black ink, appearing to read "Joe Moreno", written over a horizontal line.

Proco Joe Moreno
Alderman, 1st Ward