



# City of Chicago



O2020-154

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	1/15/2020
<b>Sponsor(s):</b>	Cardenas (12)
<b>Type:</b>	Ordinance
<b>Title:</b>	Amendment of Municipal Code Chapter 11-4, Article XXIII to prohibit single-use plastic carryout bags and polystyrene containers
<b>Committee(s) Assignment:</b>	Committee on Enviromental Protection and Energy

## **ORDINANCE**

**SECTION 1.** Chapter 11-4 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through and inserting the language underscored, as follows:

### **ARTICLE XXIII. RESERVED SINGLE-USE PLASTICS AND POLYSTYRENE BAN**

**11-4-4000 Reserved Definitions.** As used in this Article XXIII:

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

"Commissioner" means the Commissioner of Health of the City of Chicago.

"Common ownership or control" means a business owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member, as that term is defined in Section 4-284-020, of an investor of the entity owns ten percent (10%) or more of the interest in the property.

"Compostable" means a product that has been certified 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".

"Compostable plastic bag" means any bio-plastic 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) is 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 chain store organization, which may include, but is not limited to, the owner of the chain store organization.

"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.

"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" 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 compostable, 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 Cook County; (5) has printed on the bag the name of the manufacturer, the 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.

"Single-use plastic carryout bag" means any bag designed for one time use and made predominantly of plastic derived from either petroleum or a biologically-based source, which is provided to a customer at the point of sale. The term "single-use plastic carryout bag" includes degradable plastic bags and biodegradable plastic bags that are not compostable plastic bags. The term "single-use plastic carryout bag" does not include (1) compostable plastic bags; (2) reusable bags; (3) newspaper bags; (4) dry cleaning or garment bags; (5) bags provided by a pharmacist to contain prescription drugs; (6) bags sold in packages containing multiple bags intended for use as garbage bags, pet waste bags, or yard waste bags; (7) bags of any type that customers bring to a store for their own use or to carry away from the store goods that are not placed in a bag provided by the store; (8) plastic liners that are permanently affixed, or designed and intended to be permanently affixed, to the inside of a particular bag; (9) bags with a retail price of at least fifty cents (\$0.50) each; or (10) bags provided to a customer to: (A) package loose bulk items, such as fruit, vegetables, nuts, grains, candy, cookies, or small hardware items; (B) contain or wrap frozen foods, meat, or fish, whether prepackaged or not; (C) contain or wrap flowers, potted plants, or other damp items; (D) segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a bag; or (E) contain unwrapped prepared foods or bakery goods.

"Single-use polystyrene container" means a disposable food service container designed for one time use and made from polystyrene. The term "single-use polystyrene container" includes service ware for take-out foods, drinks, bakery products, and leftovers from partially consumed meals prepared by food vendors. The term "single-use polystyrene container" does not include any packaging or container for medical devices or prescription drugs or the packaging of any items, including eggs and raw meat, packaged in polystyrene containers before the point of sale.

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

**11-4-4010 Reserved Single-use plastic carryout bags and polystyrene containers prohibited.** No chain store organization shall provide a single-use plastic carryout bag or a single-use polystyrene container to any customer.

**11-4-4020 Reserved Types of carryout bags required.** Each operator that provides carryout bags of any type to its customers shall only provide reusable bags, recyclable paper bags, or compostable plastic bags, or any combination thereof.

Operators that provide [newspaper bags; dry cleaning or garment bags; bags provided by a pharmacist to contain prescription drugs or bags provided to a customer to: (A) package loose bulk items, such as fruit, vegetables, nuts, grains, candy, cookies, or small hardware items; (B) contain or wrap frozen foods, meat, or fish, whether prepackaged or not; (C) contain or wrap flowers, potted plants, or other damp items; (D) segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a bag; or (E) contain unwrapped prepared foods or bakery goods] may only provide the bags if the customer requests them.

*(Omitted text is unaffected by this ordinance)*

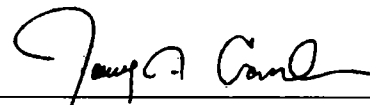
**11-4-4050 Reserved Penalties - Enforcement.**

(a) Any person who violates Section 11-4-4010 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 11-4-4020 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) The Department of Public Health and the Department of Business Affairs and Consumer Protection are authorized to enforce this section.

**SECTION 2.** This ordinance shall take effect 6 months after the passage and publication.



GEORGE A. CARDENAS  
Alderman, 12th Ward