



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 090909

Introduced December 10, 2009

Councilmembers DiCicco and Kenney

**Referred to the
Committee on the Environment**

AN ORDINANCE

Amending Chapter 9-600 of The Philadelphia Code, entitled "Service and Other Businesses," by adding a new Section 9-614, entitled "Mandatory Recycling of Disposable Shopping Bags," all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-600 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-600. SERVICE AND OTHER BUSINESSES.

* * *

§ 9-614. [Reserved.] *Mandatory Recycling of Disposable Shopping Bags.*

(1) *Definitions.*

(a) *Department.* The department designated by the Mayor to administer the provisions of this Section.

(b) *Disposable shopping bag.* A bag of any material, commonly kraft paper or plastic film, designed for one-time use to carry customer purchases from a store. "Disposable shopping bag" does not include: bags used by customers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, or small hardware items, such as nails and bolts; bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, flowers or potted plants, or other items where dampness may be a problem; bags used to protect prepared foods or bakery goods; bags provided by pharmacists to contain prescription drugs; recyclable paper bags, compostable plastic

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bags, or newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.

(2) *Mandatory Recycling. No retail establishment shall provide disposable shopping bags unless such establishment implements a program, approved by the Department, that permits customers to return disposable shopping bags to the retail establishment for recycling. The Department may adopt regulations to implement this Section.*

(3) *Exemptions. Retail establishments charging not less than ten cents (\$.10) but not more than twenty-five cents (\$.25) per disposable bag shall be exempt from this Section.*

(4) *Penalties. The penalty for violating any provision of this Section shall be a fine of one hundred (100) dollars for the first offense, three hundred (300) dollars for the second offense within a year of an earlier offense and five hundred (500) dollars for each subsequent offense within a year of an earlier offense.*

SECTION 2. This Ordinance shall take effect one hundred eighty (180) days after it becomes law, provided that the Department is authorized to promulgate any regulations and take any other actions needed to prepare for implementation of this Ordinance immediately after this Ordinance becomes law including, but not limited to, undertaking educational programs, after consulting with retailers and environmental advocacy groups, to explain the requirements of this Ordinance to affected businesses and consumers.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.