

Legislation Text

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Amending Chapter 9-600 of The Philadelphia Code, entitled “Service and Other Businesses,” by adding a new Section 9-614, entitled “Mandatory Use of Recyclable and Compostable Checkout 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.

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§ 9-614. [Reserved.] *Mandatory Use of Recyclable and Compostable Checkout Bags.*

(1) *Definitions.*

(a) *ASTM Standard.* The American Society for Testing and Materials (ASTM) International standard D6400 for compostable plastic, as that standard may be amended from time to time.

(b) *Compostable Plastic Bag.* A plastic bag that is certified and labeled as meeting the current ASTM Standard by a recognized verification entity such as the Biodegradable Product Institute.

(c) *Checkout bag.* A carryout bag that is provided by a store to a customer at the point of sale.

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

(e) *Pharmacy.* A retail establishment where the profession of pharmacy is practiced by a pharmacist licensed by the Commonwealth of Pennsylvania and where prescriptions are offered for sale, excluding retail establishments located inside a hospital.

(f) *Recyclable.* Material that can be sorted, cleansed and reconstituted for the purpose of using the altered form in the manufacture of a new product, and which the City has agreed to collect through its curbside recycling collection program. Recycling does not include burning, incinerating, converting or otherwise thermally destroying solid waste.

(g) *Recyclable Paper Bag.* A paper bag that contains no old growth fiber and is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content.

(h) *Reusable Bag.* A bag with handles that is specifically designed and manufactured for

multiple reuse and is either made of cloth or other machine washable fabric and/or durable plastic that is at least 2.25 mils thick.

(i) Supermarket. A self-service retail establishment which sells a line of dry grocery or canned goods.

(2) Mandatory Use of Recyclable and Compostable Checkout Bags.

(a) No supermarket or pharmacy shall provide checkout bags other than:

(i) recyclable paper bags;

(ii) compostable plastic bags; and/or

(iii) reusable bags.

(b) The Department may adopt regulations to implement this Section.

(3) 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 July 1, 2011, 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.