

Introduced by:

Councilwoman Maly Rosado  
Councilman John Q. Gale  
Councilwoman rJo Winch  
Councilman T.J. Clarke II  
Majority Leader James Sanchez  
Council President Glendowlyn L.H. Thames

09-19

HEADING  
AND  
PURPOSE

**AN ORDINANCE ENACTING ARTICLE VII OF CHAPTER 17 ("Environmental Stewardship - Plastic Bags") OF THE MUNICIPAL CODE OF HARTFORD**

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD

April 22, 2019

Be It Ordained by the Court of Common Council of the City of Hartford:

That Chapter 17 of the Municipal code of Hartford be amended to include the following:

**ARTICLE VII - ENVIRONMENTAL STEWARDSHIP - PLASTIC BAGS**

**Sec. 17-167. - Generally.**

This Article shall be known and referred to as the "City of Hartford Plastic Bag Ordinance."

**Sec. 17-168. - Background.**

The City of Hartford (the "City") has shown leadership in initiatives that result in a positive impact on our environment. Consequently, the City now seeks to protect its and other waterways, including, but not limited to, the Connecticut River, local streams, Long Island Sound and ultimately the oceans, and reduce the volume and toxicity of waste materials in the solid waste stream that are directed to resource recovery and sanitary landfill facilities.

Single-use plastic carryout bags pollute, among other places, our local streams and rivers, disintegrate into smaller bits that contaminate soil and waterways, and enter into the food supply of humans, animals and aquatic life. In the United States alone, the production of single-use plastic carryout bags requires the use of more than twelve million barrels of crude oil per year, which, in and of itself, has a significant negative environmental impact.

**Sec. 17-169. - Purpose.**

The intent of this Article is to advance the environmental stewardship of the City through the Climate Action Plan, by improving and protecting the built and natural environment in Hartford, Connecticut, by encouraging the use of reusable bags and banning the use of certain plastic bags.

**Sec. 17-170. - Findings.**

Single-use plastic carryout bags have a significant negative impact on the environment. Their use

contributes to: the potential death of wildlife and livestock through ingestion and entanglement; pollution of both land and marine environments; increased burdens for solid waste collection and recycling facilities; clogging of storm drainage and sewer systems; and the creation of unsightly litter. Production of single-use plastic carryout bags requires the use of oil, a non-renewable resource. Many chemicals in plastic products are now known to cause harm. Plastic bags also last hundreds of years in landfills and are not biodegradable. Across the globe, many countries have taken steps in recent years to address the growing problem of plastic waste -- including plastic bags. In the United States, single-use plastic bags have been banned entirely in California, New York, Hawaii, Puerto Rico and over two hundred municipalities in twenty states. Creating such a ban in Hartford would reduce waste and environmental impact.

Sec. 17-171. -- Definitions.

Terms used in this Article shall be construed as follows, unless another meaning is expressed or is clearly apparent from the language or context:

Biodegradable paper bag means a paper bag that can be broken down by bacteria into carbon dioxide, water, and biomass within a reasonable amount of time in a natural environment.

Checkout bag means a carryout bag that is provided to the customer at the point of sale.

Covered sales means the transfer to a customer of goods, merchandise, materials, and/or services in exchange for payment occurring at a retail facility or food establishment.

Food Establishment means those establishments, in Hartford, defined in section 14-2 of this Code.

Gross floor area has the same meaning as the definition in the zoning regulations, or if the zoning regulations do not define gross floor area, then the sum of all gross horizontal areas of a building under the roof, measured from the exterior faces of the exterior walls (and from the center lines of party walls), including basement space where 1/2 of the basement height is above the finished lot grade average along the exterior walls of the building; elevators and stairwells on each floor; attic space with headroom of more than seven (7) feet; and enclosed porches, interior balconies and mezzanines, and penthouses; and excluding floor space using mechanical equipment used in the operation and maintenance of a building and floor space devoted to parking space(s) or parking facilities.

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

Produce bag means a flexible bag made of very thin plastic material, with a maximum thickness of .75 mils, with a single opening that is used to contain produce, meats, or other items selected by the customer at the point of sale.

Recyclable paper bag means a paper bag that has the following characteristics: contains no old growth fiber; is one hundred (100) percent recyclable overall and contains a minimum of forty

(40) percent post-consumer recycled content; and displays the words "reusable" and "recyclable" on the outside of the bag.

Retail facility means any facility, in Hartford, that is in any way involved in the sale and/or provision of goods, merchandise, materials and/or services to the general public for personal and/or household consumption, including, but not limited to, retail stores, sidewalk sales, farmers' markets, flea markets, pharmacies, grocery stores, and convenience stores. It excludes residences where one or more resident(s) has/have organized yard sales, tag sales, political fundraisers, or similar activities.

Reusable bag means a bag with handles that is specifically designed and manufactured:

- a. For multiple reuses; and
- b. Is made of cloth or other fabric; and/or durable plastic at least 3 mils thick; and/or any other comparable material; and
- c. Has a minimum lifetime of one hundred twenty-five (125) uses.

Single-use plastic carryout bag means a checkout bag made predominantly or entirely of plastic, with a minimum thickness of 0.76 mils and a maximum thickness of 3.0 mils, that is provided to a customer at the point of sale and intended for the single-use transport of any purchased products and/or items. The term "single-use plastic carryout bag" does not include the following: produce bags; reusable bags; or plastic bags measuring twenty-eight (28) inches by thirty-six (36) inches or larger in size.

#### **Sec. 17-172. -- Restriction on Single-Use Plastic Carryout Bags.**

- (a) Beginning one hundred and eighty (180) days following the effective date of this Article, single-use plastic carryout bags shall not be distributed, used, or sold as checkout bags or for other purposes at food establishments or retail facilities with eight thousand (8,000) square feet of gross floor area or more.
- (b) Beginning three hundred and sixty-five (365) days following the effective date of this Article, single-use plastic carryout bags shall not be distributed, used, or sold as checkout bags or for other purposes at food establishments or retail facilities with less than eight thousand (8,000) square feet of gross floor area.
- (c) All recyclable paper bags and/or biodegradable paper bags provided to customers at the point of sale at retail facilities shall be sold at a cost of not less than ten (10) cents per bag. The foregoing requirement concerning a minimum charge shall not be applicable to the extent that it would violate any Federal or State law(s).
- (d) Nothing in this Article shall preclude persons engaged in covered sales from making available or selling reusable bags to customers.

#### **Sec. 17-173. -- Enforcement, Violations, Fines/Penalties, and Appeals.**

The City's Department of Health and Human Services (the "Department") is hereby empowered and authorized to enforce the provisions and requirements of this Article in accordance with the applicable provisions of Section 1-5 of this Code. Violation of the requirements in this Article may be subject to the fines/penalties set forth in this section.

- (a) If the Department determines that a violation of this Article has occurred, the Department may issue a written warning notice to the relevant food establishment or retail facility for

the violation with an order to cease and desist from the activity that is the basis of the violation within a reasonable amount of time, as determined by the Department.

- (b) If the Department subsequently determines that, despite the issuance of the written warning notice and cease and desist order, the violation continues, the Department may issue a citation to and impose a fine/penalty on and against the relevant food establishment or retail facility.
- (c) For each violation that occurs after the issuance of the written warning notice and cease and desist order, the fine/penalty imposed by the Department shall be two hundred and fifty dollars (\$250), and each day in which the violation continues shall constitute a separate and distinct violation for which the fine/penalty imposed shall be \$250 per day.
- (d) Appeals may be made pursuant to the applicable provisions of Section 1-5 of this Code.
- (e) Without limiting any of the foregoing, the Department is hereby empowered and authorized to request that the City take any legal action to enforce this Article, including, but not limited to, the collection of any fines/penalties, which legal action, prior to its initiation, must first be deemed to be appropriate and in the best interests of the City by the City's Office of the Corporation Counsel.

**Sec. 17-174. -- Severability.**


The provisions of this Article are hereby declared severable, and if any provision, clause, sentence, or paragraph in this Article, or the application thereof, to any person(s) or circumstance(s) is held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such a ruling shall not affect the other parts of this Article that can be given effect.

**Sec. 17-175. -- Effective Date.**

This Article shall take effect upon adoption.

The ordinance was adopted by the Court of Common Council at a regular meeting held June 10, 2019 by roll-call vote 8 to 0, and approved by the Mayor, June 18, 2019.

Attest:

  
John V. Bazzano,  
Town and City Clerk.

Copies to: Mayor, Chief Operating Officer, Corporation Counsel, Director of Finance, Director of Management and Budget, Director of Public Works, Director of Health & Human Services, and Municode.