

Hardship Deferments Related to the Ordinance that Bans the Use of Thin-Film, Single Use Plastic Bags

Pittsfield businesses may apply for a Hardship Deferment by submitting a request for a waiver of up to one year to achieve compliance because of undue hardship. The request for deferment must be submitted on the form 'Request for Hardship Deferment Related to Check Out Bags'.

Procedure

Upon written application from a retail establishment to the Board of Health, approval by the Board may temporarily defer application of this section for a period of up to one year upon showing by the retail establishment that the conditions of this section would cause:

- (a) Circumstances or situations unique to the particular retail establishment such that there are no reasonable alternatives to bags that are not recyclable paper bags, compostable plastic bags or reusable bags;
- (b) Circumstances or situations unique to the retail establishment such that compliance with the requirements would deprive a person of a legally protected right;
- (c) Circumstances or situations where a retail establishment requires additional time in order to draw down an existing inventory of single-use plastic check-out bags;
- (d) Circumstances or situations where compliance with the ordinance would cause significant economic difficulty and/or undue hardship.

All applications for Hardship Deferment must be received by the Pittsfield Board of Health by Tuesday December 31, 2019.

Decision Making

A review committee has been established to receive and review deferment request applications and to request and obtain supporting information before referring the request to the Board of Health. The review committee consists of a member of the Board of Health, a member of the City Council, and a member of the Green Commission. The Board of Health may approve the deferment application, in whole or in part, with or without conditions that it deems necessary to protect the environment and public health and further the interests of this ordinance. Deferment decisions are effective immediately and final.

Extensions

A deferment granted in accordance with the ordinance may be extended for an additional period, upon written application to the Board of Health at least two months prior to the expiration of the prior deferment period and upon a showing that the circumstances justifying the deferment continue to exist.