



# City of Pittsfield

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To the City Council of the City of Pittsfield:-

The undersigned respectfully

I, Rinaldo Del Gallo, III, hereby petition the Pittsfield City Council to ban the sale of alcoholic beverages in what is colloquially known as “nip bottles” in the City of Pittsfield because of the pollution they cause. A number of residents of the City of Pittsfield have asked me to petition the Council because of all the discarded waste seen on our streets, sidewalks, playgrounds and green areas caused by nip bottles. According to WAMC, “Pittsfield Leaders Want State To Cap Nip Bottle Pollution,” published May 29, 2019, former Pittsfield City Councilors Kevin Morandi and Nicholas Caccamo found serious problems with nip bottles. Former counselor Caccamo said: “I was on a recent walk around the Silver Lake walking path, and just from end to end was covered in nip bottles.” Councilor Morandi also saw much in the way of discarded nip bottles.

Chelsea, Massachusetts has implemented such a ban, as has the Massachusetts towns of Falmouth and Mashpee. The Newton, Massachusetts Licensing Commission banned liquor stores and other retail businesses from selling “nips,” alcoholic beverages less than or equal to 100 milliliters, after June 30, 2022. A ban on the sale of miniature liquor bottles, known as nips, will go into effect on May 11, 2022, following Massachusetts Attorney General Maura Healey’s approval of the restriction that Wareham voters passed at the June 12, 2021 Town Meeting.

I have presented a possible ordinance based upon House Bill 7064 filed in the Rhode Island Legislature in January of 2022, but I would be amenable to any suitable ordinance that works, perhaps one modeled on the ones used by these other Massachusetts Municipalities. Please find starting on the following page a possible ordinance.

Rinaldo Del Gallo, III

AN ORDINANCE TO BAN, IN THE CITY OF PITTSFIELD, THE SALE OF MINIATURE ALCOHOLIC BEVERAGE CONTAINERS, SOMETIMES COLLOQUIALLY REFERRED TO AS "NIP BOTTLES," FOR THE BETTERMENT OF THE ENVIRONMENT

SECTION 1. Prohibition on the sale of miniature alcoholic beverage containers.

(a) As used in this section, the term "miniature alcoholic beverage container" ("container") means any sealable bottle, can, jar, or carton, which is primarily composed of glass, metal, plastic, rigid plastic, or any combination of those materials that has a capacity of not more than one hundred milliliters (100 ml) and is produced for the purpose of containing an alcoholic beverage, which containers are sometimes colloquially referred to as "nips."

(b) No person shall purchase, obtain, sell, or otherwise distribute any miniature alcoholic beverage container in the City of Pittsfield. This prohibition shall not apply to the sale or distribution of miniature alcoholic beverage containers to passengers on commercial railroad trains or commercial aircraft while operating within Pittsfield, provided that any containers so distributed shall be collected prior to passengers disembarking off the train or aircraft, regardless of whether the contents of the container are consumed or not.

SECTION 2. The purpose of this ordinance is to reduce the waste and litter caused by "nip bottles."

SECTION 3. This act shall take effect three (3) months upon passage.

SECTION 4: The enforcement agency shall be the Pittsfield Police, the Pittsfield Licensing Commission, and/or the Board of Health.

SECTION 5: The first violation shall be a warning, the second violation \$50, the third violation shall be \$150, and any subsequent violation shall be \$250. A "violation" shall constitute one sale, no matter the number of "nip bottles" sold.

SECTION 6: In addition to implementing fines as stated in Section 5, the Pittsfield Licensing Commission shall also have the power to suspend or revoke a license to sell liquor in the City of Pittsfield (regardless of type of license) for non-compliance with this ordinance in addition to implementing fines. Lenity should be shown at first, but consequences should follow for willful non-compliance after fair warning.