

LOCAL LAW 6-2012

A Local Law to add Chapter 281 entitled, "Retail Checkout Bags" to the Village Code to encourage the use of reusable checkout bags and prohibit the use of plastic bags for retail checkout of purchased goods

BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck as follows:

Section 1. Chapter 281 – Retail Checkout Bags

§ 281-1 Purpose.

The intent of this ordinance is to improve the environment in the Village of Mamaroneck by encouraging the use of reusable checkout bags and banning the use of plastic bags for retail checkout of purchased goods. Retail establishments are encouraged to make reusable bags available for sale.

§ 281-2 Justification.

Plastic bags often are discarded into the environment and end up polluting our waterways, clogging sewers, endangering marine life and causing unsightly litter. These bags last hundreds of years in landfills and are a potential source of harmful chemicals when they do break down.

§ 281-3 Definitions.

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this section:

CHECKOUT BAG - a carryout bag that is provided to a customer at the point of sale. The term "checkout bag" does not include plastic produce bags, garment bags, or plastic bags measuring 28" by 36" or larger in size.

PLASTIC PRODUCE BAG - a bag made of very thin plastic used to transport produce, meats or other items selected by customers.

GARMENT BAG - a large plastic bag with two openings that is used to transport clothing from a dry cleaner.

RETAIL SALES - the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmers' markets, flea markets and restaurants. The term "retail sales" does not include sales of goods at yard sales, tag sales, and other sales by residents at their home.

RECYCLABLE PAPER BAG - a paper bag that should have the following characteristics: (1) contains no old growth fiber; (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content; and (3) displays the words "Reusable" and "Recyclable" on the outside of the bag.

REUSABLE BAG - a bag with handles that is specifically designed and manufactured for multiple reuse and is: (1) made of cloth or other fabric; and/or (2) made of durable plastic that is at least 2.25 mils thick.

§ 281-4 Restriction on checkout bags.

Any person engaged in retail sales shall provide only reusable bags and/or recyclable paper bags as checkout bags to customers.

§ 281-5 Penalties for offenses; continuing violations.

- A. In the event that there is noncompliance with this chapter, the owner of the property or the owner's agent or the person performing such violation shall be notified in writing with a first time warning and shall forthwith stop with the violating activity. Such notice shall be served upon a person to whom it is directed either by delivering it personally to him or her or by posting same upon a conspicuous portion of the property and sending a copy of same by certified mail. Such notice shall provide a period of 10 business days to cure such violation and come into compliance with this chapter, after which a violation and summons may be issued.
- B. The penalty for each violation thereafter shall be up to \$ 150.00.
- C. Each day that such violation continues, shall constitute a separate violation and shall be subject to a separate penalty and may be cited as such.

§ 281-6 Effective date.

This Chapter shall become effective six (6) months following its adoption to allow retail establishments to dispose of their existing inventory of plastic checkout bags and convert to alternative packaging materials.

§ 281-7. Severability

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 2. This local law will take effect six months upon filing in the Office of the Secretary of State.