

PROPOSED LOCAL LAW J – 2019

A Proposed Local Law to amend Chapter 281 of the Code of the Village of Mamaroneck (Retail Checkout Bags) regarding the banning of plastic bags for retail checkout of purchased goods

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK AS FOLLOWS:

*(Language in strike-through ~~abcedefghijk~~ to be deleted; language in **bold** is to be added)*

Section 1.

Section 281 of the Code of the Village of Mamaroneck is amended as follows:

Chapter 281 Retail Checkout Bags **and Other Required Recyclable Materials**

§ 281-1 Purpose.

- A. The intent of this chapter is to improve the environment in the Village of Mamaroneck by encouraging the use of reusable checkout bags, ~~and~~ **banning the use of plastic straws by businesses or stores throughout the Village of Mamaroneck**. Retail establishments are encouraged to make reusable bags available for sale.

§ 281-2 Justification.

Plastic bags **and plastic straws** often are discarded into the environment and end up polluting our waterways, clogging our sewers, endangering our marine life and causing unsightly litter. These ~~bags~~ **items** 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 chapter, 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 inches by 36 inches or larger in size.

GARMENT BAG

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

FOOD SERVICE ESTABLISHMENT

Any use which includes the serving of food and/or beverages that requires an eating place permit, or is otherwise required by either county or state law to be licensed, including, but not limited to, restaurants, carry-out restaurants, delicatessens and fast-food restaurants.

PLASTIC PRODUCE BAG

A bag made of very thin plastic used to transport produce, meats or other items selected by customers.

PLASTIC STRAW

A tube, intended for one-time use that is made predominantly of plastic derived from either petroleum or a biologically-based polymer, including polymers derived from corn or other plant sources, for stirring a beverage or transferring a beverage from its container to the mouth of the drinker.

RECYCLABLE PAPER BAG

A paper bag that should have the following characteristics:

- A. Contains no old growth fiber;
- B. Is one-hundred-percent-recyclable overall and contains a minimum of 40% post-consumer recycled content; and
- C. Displays the words “Reusable” and “Recyclable” on the outside of the bag.

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.

REUSABLE BAG

A bag with handles that is specifically designed and manufactured for multiple reuse and is:

- A. Made of cloth or other fabric; and/or
- B. Made of durable plastic that is at least 2.25 mils thick.

§ 281-4 Restriction on checkout bags **and plastic straws.**

- A. Any person engaged in retail sales shall only provide reusable bags and/or recyclable bags as checkout bags to customers.
- B. No food service establishment may provide a plastic straw to any customer, except that, upon request, a food service establishment may provide a plastic straw to a person with a medical condition or disability requiring the use of a plastic straw.**

§ 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.
- 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 When effective.

A. The restriction imposed by Section 281-4(A) ~~This chapter shall become~~ **became** effective six months following its adoption **on July 16, 2012** to allow retail establishments to dispose of their existing inventory of plastic checkout bags and convert to alternative packaging materials.

B. The restriction imposed by Section 281-4(B) will become effective on July 1, 2020.

§ 281-7 Severability.

If any section, subsection, clause, phrase or other portion of this chapter 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.

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, the portion of the law declared to be invalid will be deemed a separate, distinct and independent portion and the declaration will not affect the validity of the remaining portions hereof, which will continue in full force and effect.

Section 3.

This law is adopted pursuant to the authority granted by Municipal Home Rule Law § 10(1)(e)(3). It supersedes the provisions of the Village Law to the extent that they are inconsistent with this local law.

Section 4.

This local law will take effect immediately upon its filing in the office of the Secretary of State in accordance with Municipal Home Rule Law § 27.