

Total Ban on use of Single Use Carry Out Plastic Bags Ordinance

Chapter 14 “Businesses “ of the Code of Ordinances, City of Belfast, Maine, is hereby amended to add an additional Article VII and to read as follows:

Section 14-329 to 350 Reserved

Article VII. Ban on the use of Plastic Single- Use Carryout Shopping Bags

Section 351. Purpose of the Article

The City Council finds as follows:

- (1) The Council has a duty to protect the natural environment and the health of its citizens and visitors; and
- (2) Plastic Single-use carryout bags have a harsh environmental impact on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife and solid waste generation; and
- (3) It is in the best interest of the citizens of Belfast to reduce the cost of City solid waste disposal and to protect the environment and natural resources by discouraging the distribution and use of disposable, Plastic Single-Use, Carryout shopping Bags and encouraging the use of reusable shopping bags in Stores, as defined in this section; and
- (4) The City through its policies, programs and laws supports efforts to reduce the amount of waste that must be disposed of by supporting the State waste management hierarchy to reduce, reuse, recycle, compost and landfill.

Section 352. Definitions

As used in this Ordinance the following terms have the following meanings:

Plastic Single- Use Carryout Bag means a plastic bag other than a reusable bag, as defined below provided at the check stand, cash register, point of sale or other point of departure for purposes of transporting food, food related merchandise and all non -food related merchandise out of the Store. The term Plastic Single- Use Carryout Bag does not include reusable bags, produce bags or product bags.

Produce Bag or Product Bag means any bag without handles used exclusively to carry produce, meats, or other food items of merchandise to the point of sale inside a store or to prevent such items from coming in direct contact with other purchased items.

Reusable bag means a bag that meets all of the following criteria:

- (a) Designed and manufactured to withstand 50 repeated uses over a period of time;
- (b) Is machine washable or, made from a material that can be cleaned and disinfected regularly;
- (c) Is at least four mils thick, if made from plastic; and
- (d) Has the capability of carrying a minimum of 18 pounds.

Store means all retail establishments, including but not limited to convenience stores, restaurants, sellers of merchandise and dry goods sold to the ultimate consumer for direct use or consumption and not for resale.

Section 353. Restrictions on Plastic Single-Use Carryout Bags.

- (a) Except as provided in this Section, no store (as defined above) shall provide a Plastic Single- Use Carryout Bag to a customer at a checkout stand, cash register, point-of-sale or other point of departure for the purpose of transporting any goods or merchandise out of the establishment.

Section 354. Violations and Enforcement

The City Manager or his/her designee(s) shall have the primary responsibility for the enforcement of this Ordinance. If the City Manager or his/her designee(s) determines that a violation of this article has occurred, he/she shall issue a written warning notice to the Store that the violation has occurred and

request compliance with this Ordinance. Subsequent violations of this Ordinance shall be subject to the legal fees and penalties set forth below.

Violations of this Ordinance shall be punishable by fines and reimbursement of legal fees and costs as follows:

- (i) A fine not exceeding \$100 for the first violation in a one year period;
- (ii) A fine not exceeding \$250 for the second and each subsequent violation in a one year period; and,
- (iii) Reimbursement of the City's legal fees and costs for prosecution of each violation.

Section 355. Permitted bags

Nothing in this Article shall be construed to prohibit customers from using bags of any type that the customer brings into the Store for their own use or from carrying away from the store goods that are not placed in a bag provided by the Store.

Section 356 If any part or provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end , provisions in this Article are severable.

Section 357. Effective Date

The provisions of this Ordinance shall become effective on January 1, 2018.