

ROCKLAND PLASTIC-BAG ORDINANCE

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Section 14-106: Ban on the use of Plastic Single-Use Carryout Shopping Bags

1. Purpose

It is in the best interests of the City of Rockland to protect the environment and our natural resources by prohibiting the distribution and use of disposable, single-use, carryout plastic bags, by discouraging the distribution and use of disposable, single-use, carryout paper bags, and by encouraging the use of reusable shopping bags.

The purpose of this Section is to:

- a. Reduce litter arising from Single-use shopping bags,
- b. Reduce taxpayer expense to clean-up or manage litter,
- c. Reduce the environmental impact or their manufacture, transportation and disposal,
- d. Create an informed citizenry about the impact or plastic in the environment
- e. Encourage a culture of sustainability and discourage one of disposability.

2. Authority

This Section is enacted under the Home Rule Authority of municipalities pursuant to the Constitution of the State of Maine, Article VIII, Part2, Section1, the provisions of title 30-A MRS. Section 3001 et. seq, as well as the general powers of municipalities to enact other ordinances.

3. Words and Phrases Defined:

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

A. 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.

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

C. Single-use Carryout Paper Bag means a paper bag 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.

[Note: this term is not used in the ordinance, presumably because the city council stripped out the language covering charges for paper bags.]

D. 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.

E. 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.

4. Restrictions on Single-use Carryout Bags

A. Except as provided below, 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.

B. Customers are encouraged to bring Reusable Bags to Stores, which may choose to provide a rebate for such.

5. Violations and Enforcement

The City Manager or designee(s) shall have the primary responsibility for the enforcement of this Section. If the City Manager or designee(s) determines that a violation of this Section has occurred, the City Manager or designee shall issue a written warning notice to the Store that the violation has occurred and request compliance with this Section. Subsequent violations of this Section shall be subject to the legal fees and penalties set forth in Sec. 14-115.

6. 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 the store goods that are not placed in a bag provided by the store.

(NOTE: The provisions of the preceding Section will go into effect January 1, 2019) Eff: 04/11/18

Note: Section 14-115: Fees; Enforcement; Violations; Penalties

...Whoever violates the provisions of Sec. 14-106 or Sec. 14-107 specifically, shall be punishable by penalties and reimbursement of legal fees and costs as follows:

- (i) A penalty not exceeding \$100 for the first violation in a one year period;
- (ii) A penalty 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.

(NOTE: The provisions of the preceding paragraph will become effective January 1, 2019) Eff: 04/11/18