

**CITY OF SACO CODES**  
**Chapter 171: Plastic Bags, Single-Use**

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**§ 171-1 Purpose.**

It is in the best interest of the residents of the City of Saco ("City") to protect the environment and natural resources of Maine by prohibiting the distribution and use of single-use plastic bags. This chapter intends to encourage the use of degradable resin bags and/or reusable shopping bags in businesses.

**§ 171-2 Findings.**

Single-use plastic bags have an adverse effect on the environment. Because the City is an oceanside community with a river as a natural border, both aquatic and wild life are affected by the environmentally hazardous plastic bags. Research has shown that production and disposal of petroleum-based products can injure or poison animals, disrupt habitats, and leach into groundwater. Additionally, chemical byproducts can cause harm to humans, pets, and livestock.

**§ 171-3 Authority.**

This proposed chapter to be adopted pursuant to the City's home rule authority pursuant to 30-A M.R.S.A. § 3001 et seq.

**§ 171-4 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ASTM INTERNATIONAL**

The former American Society for Testing and Materials. It is now called ASTM International.

**ASTM STANDARDS**

The standards related to single or reusable bags.

A. ASTM 5208 is the standard for UV exposure of photodegradable plastics.

B. ASTM 5272 is the standard practice for outdoor exposure testing of photodegradable plastics.

C. ASTM 5338 is the standard for determining aerobic biodegradation of plastic materials (requiring oxygen).

D. ASTM 5511 is the standard for determining anaerobic biodegradation of plastic materials (does not require oxygen).

E. ASTM 6400 is the standard for labeling of plastics designed to be aerobically composted.

**BUSINESS**

Any business that has or requires a business license with the City.

**DEGRADABLE**

A compound that breaks down into simpler compounds by stages.

## DEGRADABLE RESIN

A solid or highly viscous substance that is typically convertible into polymers.

## EMERGENCY FOOD OR OTHER GOODS PROVIDER

A facility operated by a nonprofit or governmental agency that provides goods to residents for no charge.

## PLASTIC

An organic or petroleum-derived synthetic organic solid that is moldable.

## RETAIL BUSINESS

Any business that sells consumers goods and has or requires a retail business license with the City.

## REUSABLE BAG

A bag with consumer carrying handles that is specifically designed and manufactured for multiple reuse and is made of cloth, fiber or other machine-washable fabric, but not plastic film.

*On April 17, 2018 the Saco City Council approved an amendment to Chapter 171 Single Use Bags, Section #4. The definition of "Reusable Bag" was amended as follows with underlining indicating new language: **Reusable bag** means a bag with consumer carrying handles that is specifically designed and manufactured for multiple reuse and is made of cloth, fiber or other machine washable fabric or regularly disinfected but not plastic film less than 1 mil in thickness.*

*This amendment becomes effective on May 18, 2018.*

## SINGLE-USE PLASTIC BAG

A bag with consumer carrying handles made from plastic, which also may or may not be intended for a one-time use. These bags fall under the category of plastic film.

### **§ 171-5 Regulations.**

A. A business, as defined above, may not provide single-use bags made of plastic for any purpose. A business may provide a non-petroleum-based bag that meets one or more of the aforementioned ASTM standards, such as:

- (1) A paper bag;
- (2) A reusable bag, as defined;
- (3) A bag made from degradable resin compounds.

B. If a retail business chooses to not provide a bag of any kind, a sign that measures at least three inches by five inches near the point of sale and at least 10 inches by 14 inches at the entrance door must be posted stating bags will not be provided.

C. Customers are allowed to bring into a business and use their own bags, including plastic bags, without the business being in violation hereof.

### **§ 171-6 Exemptions.**

- A. Exemption from these limitations herein is made for emergency food or goods providers.
- B. The City Administrator may exempt other businesses during major City emergencies or disasters. The exemption will end when the emergency or disaster has ended per the City Administrator.

### **§ 171-7 Violations and enforcement.**

- A. The City Administrator, or his/her designee(s), shall have the primary responsibility for enforcement of this chapter. If the City Administrator or his/her designee(s) determines that a violation of this chapter has occurred, he or she shall issue a written warning to the business that a violation was found. Subsequent violations of this chapter shall be subject to the penalties set forth below.
- B. A violation of this chapter is based on the availability of plastic bags in a business.
- C. Violations of this chapter shall be punishable by fines as follows:
  - (1) A fine not exceeding \$250 for the first violation in a one-year period;
  - (2) A fine not exceeding \$500 for the second and each subsequent violation in a one-year period.
- D. Each day that a violation occurs will be considered a subsequent violation.

### **§ 171-8 When effective.**

The provisions of this chapter shall become effective 30 days after its enactment. Notwithstanding the preceding, the City Administrator is authorized to delay any enforcement of these provisions for up to a period of six months so that local businesses may cost-effectively eliminate existing inventory of plastic bags, and secure replacement of an acceptable biodegradable alternative.

### **§ 171-9 Severability.**

If any part or provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter, 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 of this chapter are severable.