

Single Use Carryout Bag Ordinance

Town of Tremont

An Ordinance to Regulate the use of Single-Use Carryout Bags.

The Town of Tremont hereby ordains that the Single Use Carryout Bag Ordinance is adopted as follows:

Article I, Purpose and Authority

§ I-I. Purpose

- A. The use of single-use carryout plastic bags has negative environmental impacts on a local and global scale, including littering the environment, blocking storm drains, and endangering wildlife, and the taxpayers of the Town of Tremont bear the costs associated with the effects of single-use carryout plastic bags on the solid waste stream.
- B. Studies document that the majority of single-use carryout plastic bags are used for the bagging and carryout of products purchased from stores, as those businesses are defined in this ordinance, and that municipalities that regulate the distribution of single-use carryout plastic bags have dramatically reduced the use of those types of bags.
- C. It is in the best interests of the citizens of and visitors to the Town of Tremont to protect the environment and natural resources of the Town and the State of Maine and the bodies of water within and adjacent to the Town by; regulating the use and distribution of single-use plastic carryout bags and encouraging the use of reusable shopping bags.
- D. Therefore, the purpose of this Ordinance is to reduce the use of single-use plastic carryout bags and encourage the use of reusable shopping bags within the Town of Tremont in order to reduce litter, waste, harm to the environment, and associated costs to the taxpayers of Tremont.

§ I-II. Authority

- A. This Ordinance is enacted under the Home Rule Authority of municipalities pursuant to the Constitution of the State of Maine, Article VIII, Part 2, Section 1, the provisions of Title 30-A MRS Chapter 141, and the general power of municipalities to enact an ordinance.

ARTICLE II, Terminology

§ II-I. Definitions and word usage.

- A. For the purposes of this chapter, the following terms shall have the meanings indicated:
- i. CUSTOMER: An individual who purchases or accepts food, beverage, or merchandise for consumption or use.
 - ii. PRODUCT BAG AND PRODUCE BAGS: Bags without handles used exclusively to carry produce, meats, seafood, and bulk items for the purpose of containing those items or preventing direct contact between those items and other items. These bags are used to carry items to the point of sale inside a Store or to prevent such items from coming into direct contact with other purchased items.
 - iii. REUSABLE BAG: A bag specifically designed and manufactured for the repeated uses over time of carrying food, beverage, or merchandise whether made of cloth, fiber, or plastic; is machine washable or made from a material that can be cleaned and disinfected regularly; has the capability of carrying 18 pounds or more; and, if plastic, is at least 4.0 mil thick.
 - iv. SINGLE-USE CARRYOUT BAG: A bag other than a Reusable Bag, as defined above, provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the Store. The term Single Use Carry-Out Bag includes compostable and biodegradable bags, including paper bags, but does not include Reusable Bags, Produce Bags, or Product Bags.
 - v. SINGLE-USE PLASTIC CARRYOUT BAG: A Single-Use Carryout Bag that is made of plastic.
 - vi. STORE: Any commercial enterprise within the Town of Tremont engaged in the sale of food and merchandise, including – but not limited to – grocery and convenience stores, markets, restaurants, take-out food, and other merchant retailers that sell goods to the public for consumption and not for resale. This definition applies to such enterprises that are temporary and/or seasonal
- B. "Shall" is mandatory, and "may" is permissive.

Article III, Restriction on Single-Use Carryout Bags

§ III-I. Restriction

- A. No Store, as defined above, shall provide or sell a Single-Use Plastic Carryout Bag to a customer at a checkout stand, cash register, point-of-sale or other point of departure for the purpose of transporting goods or merchandise out of the establishment.

§ III-II. Permitted Bags

- A. A Store may, at its discretion, make a Reusable Bag or a paper bag available to the customer either for free or for a fee at the checkout stand, cash register, point of sale or other point of departure for the purposes of transporting food or merchandise out of the establishment. Businesses shall keep any proceeds from the sale of Reusable Bags and paper bags at point of sale.
- B. Customers are encouraged to bring Reusable Bags to Stores, which may choose to provide a rebate for such.
- C. Customers may use bags of any type that they bring into the Store for their own use.

§ III-III. Exemptions

- A. A Store may be temporarily exempt from the provisions of this Ordinance in a situation deemed to be necessary by the Town Selectboard for public health or safety.

Article IV, Violations and Enforcement

§ IV-I. Violations and Enforcement

- A. The Code Enforcement Officer or his/her designee(s) shall have the primary responsibility for the enforcement of this Ordinance. If the Code Enforcement Officer or his/her designee(s) determines that a violation of the Ordinance has occurred, a written warning notice shall be issued to the Store. If an additional violation occurs after a written warning has been issued, the Code Enforcement Officer or his/her designee shall issue a written Notice of Violation (NOV) and shall impose a penalty as set forth below.
- B. Violations of this Ordinance shall be punishable by fines as follows:
 - i. A fine not exceeding \$100 for the first written NOV violation in a one-year period.
 - ii. A fine not exceeding \$200 for the second and each subsequent written NOV in a one-year period. Each day that a violation occurs shall be considered a subsequent violation.
- C. Fines are payable within 15 days of receipt of written notice of violation.

Article V, Severability

§ V-I. Severability

- A. In the event any portion of this Ordinance shall be found to be invalid by a court of competent jurisdiction, the remaining portions of the Ordinance shall remain in effect.

Article VI, Effective Date

§ VI-1. Effective Date.

- A. The provisions of this ordinance shall become effective on October 1, 2019.

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[end of ordinance]

I attest this to be a true copy of this ordinance.

Katie A. Dandurand
Town Clerk

LEGISLATIVE HISTORY:

12-20-18 Drafted by town Manager
01-03-19 Selectboard reviewed and provided input
03-15-19 Town Attorney Reviewed
03-25-19 Certified by Board of Selectmen for Secret Ballot at Town Election
04-16-19 Public Hearing
05-13-19 Approved by Secret Ballot at Town Election