

Chapter 132:

§ 132-1 Title.

This chapter shall be known and may be cited as the "Ordinance Regulating Plastic Checkout Bags" or "Bring Your Own Bag Ordinance."

§ 132-2 Legislative authority.

This chapter is enacted pursuant to the provisions of C.G.S. § 7-148 et seq., as amended.

§ 132-3 Purpose.

The purpose of this ordinance is to improve the environment in and around the Town of Mansfield, Connecticut, and the health, safety, and welfare of its residents and visitors by reducing the number of plastic bags used, encouraging the use and sale of reusable checkout bags and banning the use of plastic checkout bags.

§ 132-4 Definitions.

As used in this ordinance the following terms have the meanings indicated:

CHECKOUT BAG

A bag provided by a business to a customer, typically at the point of sale, for the purpose of transporting purchases.

PLASTIC CHECKOUT BAG

Any plastic bag that is provided by a business to a customer, typically at the point of sale, for the purpose of transporting purchases. "Plastic Checkout Bag" does not include:

- A.** Bags used by customers inside stores, including but not limited to bags used to: Package bulk items, such as fruit, vegetables, nuts, grains, candy, or small hardware items; Contain or wrap frozen food, meat, or fish, whether prepackaged or not; Contain or wrap flowers, potted plants, or other items where dampness may be a problem; Segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a bag; or Contain unwrapped prepared foods or bakery goods; or
- B.** Newspaper bags; door-hanger bags; laundry dry-cleaning or garment bags; or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags; or
- C.** Reusable bags as defined below.

BUSINESS

Any entity that sells merchandise, goods, or materials, including, but not limited to: clothing; food; or personal items of any kind, directly to consumers and includes, by way of example and not limitation: grocery stores; department stores; hardware stores; pharmacies; liquor stores; restaurants; catering trucks; and convenience stores. Business for purposes of this ordinance shall not include nonprofit organizations with 501(c) designations.

ENFORCEMENT OFFICER

One or more employees of the town, designated by the Town Manager to enforce the provisions of this ordinance.

REUSABLE BAG

A bag specifically designed and manufactured for multiple re-use.

§ 132-5 Prohibited act.

- A.** Businesses shall not provide or make available any plastic checkout bag.
- B.** Nothing in this section precludes businesses from making reusable bags or 100% recyclable paper bags available to customers, by sale or otherwise.

§ 132-6 Effective date.

The prohibition set forth in this ordinance will take effect six months after its passage.

§ 132-7 Waiver.

If, due to economic hardship, a business is not able to comply with the effective date of the ordinance, the business may apply for a waiver. Upon a finding of facts to support the waiver, the Enforcement Officer may issue a time-limited waiver, not to exceed six months.

§ 132-8 Enforcement.

- A.** Written warning.
If the Enforcement Officer determines that a business' practice is in violation of this ordinance, the Enforcement Officer will issue a written warning. The written warning will be sent via certified mail to the business, describe the violation by listing specific findings of fact, stating that the practice must be corrected within fourteen days of the date the letter was received, and shall include a copy of this ordinance. The written warning shall only be issued once to any business. Subsequent violations of this ordinance by the same business will not be eligible for a written warning, but will instead result in the immediate issuance of a citation as set forth below.
- B.** Citation.
 - (1)** Fourteen days after receiving a written warning via certified mail, any business that fails to correct its business practice and thus continues to act in violation of the ordinance, shall be issued a citation via certified mail.

- (2) If after fourteen days from the date of mailing, a business fails to sign for the written warning sent via certified mail, a citation will be issued via certified mail.
- (3) Any business that previously received a written warning and is later found to be noncompliant with this ordinance will be issued a citation via certified mail.
- (4) Citations will be dated, describe the violation by listing specific findings of fact, state the amount of the fine, and indicate the date on which the fine is due, which will be fourteen days from the date of the citation, describe the process for appeal, and describe the daily fine resulting from continued noncompliance.

C. Fine.

- (1) The fine for noncompliance with this ordinance is ninety dollars.
- (2) Businesses found to be noncompliant with this ordinance after the fine due date indicated in the citation will be subject to an additional ninety dollar fine for each day of noncompliance without the issuance of a separate citation.

§ 132-9 Collections.

If any fine issued pursuant to the provision of this ordinance is unpaid beyond the due date, the Town may initiate proceedings under the authority of C.G. S. s 7-152(c) and Chapter 129 of the Town of Mansfield, Hearing Procedure for Citations, to collect such fine.

§ 132-10 Appeals.

Any business fined for noncompliance with this ordinance may appeal pursuant to the provisions of the Town of Mansfield Hearing Procedure for Citations set forth in Chapter 129 of the General Code of the Town of Mansfield.