

**CITY OF ROCKLAND MAINE**

**ORDINANCE AMENDMENT #6  
(As Amended 02/12/18)**

**IN CITY COUNCIL**

February 12, 2018

**ORDINANCE AMENDMENT** Ban on Use of Single Use Carry Out Plastic Bags and Styrofoam Containers, and Fee for Paper Bags

**THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 14, Sewer Drains and Solid Waste, ARTICLE I Municipal Solid Waste Facility, Collection and Recycling , BE AMENDED AS FOLLOWS:**

**CHAPTER 14 Sewers, Drains & Solid Waste**

**ARTICLE I Municipal Solid Waste Facility, Collection, and Recycling**

\* \* \* \*

**Sec. 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 of their manufacture, transportation and disposal,
- d. Create an informed citizenry about the impact of 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 M.R.S. 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 of 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.

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. A store may make available for sale to a customer a Single-use Carryout Paper Bag for a mandatory minimum charge of five cents (\$0.05) per bag. The charge will increase to ten cents (\$0.10) per bag one year after the effective date of this Section. The charge will increase to fifteen cents (\$0.15) per bag two years after the effective date of this Section.

C. All monies collected by a Store for Single-Use Carryout Paper Bags under this Section shall be retained by the Store and used by the Store for any lawful purpose.

D. All Stores shall post signage at each point of sale clearly indicating the per bag charge for Single-Use Carryout Paper Bags. This requirement shall not apply to restaurants.

E. Notwithstanding this section, no Store may make available for sale a Single-Use Carryout Paper Bag unless the amount of the sale of the Single-Use Carryout Paper Bag is separately itemized on the sale receipt.

F. No store shall rebate or otherwise reimburse a customer any portion of the minimum charge for any Single-Use Carryout Paper Bag.

G. 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.

### **Sec. 14-107 Ban on use of Expanded Polystyrene Foam for all takeout food and beverage businesses.**

**1. Purpose**

It is in the best interests of the City of Rockland to protect the environment and our natural resources by discouraging the distribution and use of disposable, Expanded Polystyrene Foam cups, bowls, plates, and food containers and to encourage use of other biodegradable food containers associated with all take out foods. Expanded Polystyrene Foam packaging has harsh environmental impacts on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife, and solid waste generation

The purpose of this Section is to:

- a. Reduce litter arising from Expanded Polystyrene Foam,
- b. Reduce taxpayer expense to clean-up or manage litter,
- c. Reduce the environmental impact of their manufacture, transportation and disposal,
- d. Create an informed citizenry about the impact of Expanded Polystyrene Foam 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 M.R.S. 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. Expanded Polystyrene Foam container means any container that is made of Expanded Polystyrene Foam and used to package either food or beverage for onsite or offsite consumption. It does not include Expanded Polystyrene Foam meat trays used to transport raw and/or uncured meats, poultry and fish from all Stores.
- b. Store means all retail establishments, including but not limited to convenience stores, restaurants, sellers of food merchandise sold to the ultimate consumer for direct use or consumption and not for resale.

**4. Restrictions on Takeout Food and Beverage Containers.**

No store as defined above shall sell, give or provide an Expanded Polystyrene Foam food container to a customer.

**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, he/she shall issue a written warning Notice to the Store that the violation has occurred and request compliance with this Section within 7 days of the date of the Notice. Subsequent violations of this Section after an initial warning Notice shall be subject to the penalties set forth in Sec. 14-115

**6. Permitted Expanded Polystyrene Foam**

Nothing in this Section shall be construed to prohibit customers from using containers of any type that the customer owns and brings into the Store for their own use in carrying away food or beverage from the Store.

**7. Effective Date.**

The provisions of this Ordinance shall become effective January 1, 2019.

\* \* \* \*

**Sec. 14-~~113~~ 115 Fees; Enforcement; Violations; Penalties**

The City Council shall establish appropriate fees for disposals and other uses of the Rockland Solid Waste Facility, and penalties for violations of this Article.

Rockland Solid Waste Facility Attendants shall enforce the provisions of this Ordinance including, without limitation, by verifying each user's permission to use the Facility, inspecting materials received at the Facility and their placement at the proper location and/or in the proper receptacle, ensuring that applicable permit, disposal, and/or processing fees, if any, have been paid, and by directing the handling and placement of all materials.

There shall be a penalty for a person's failure to separate recyclable from wastes, which shall be imposed by the Director on the person or business that brought the unseparated waste to the Facility for disposal. Such violator may appeal the Director's finding of the violation and/or imposition of a penalty to City Manager, whose decision shall constitute the final administrative decision in the matter.

Whoever violates any other provision of this Article shall be subject to the suspension or revocation of his permit and/or right to use the Rockland Solid Waste Facility; fines, penalties, and other remedies under applicable law; and/or a fine of not more than one thousand (\$1,000) per violation to be recovered, on complaint, to the use of the City of Rockland.

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.

The City Council may, from time to time, establish further administrative requirements by Order relating to the disposal of solid waste at the Rockland Solid Waste Facility.

[Re-Number Article I Appropriately]

Sponsor: Councilor Glaser  
Originator: Councilor Glaser