

Town of Manchester

SINGLE USE PLASTIC CARRY-OUT BAGS ORDINANCE

Enacted:

Attested Copy: _____

SINGLE USE PLASTIC CARRY-OUT BAGS

IDENTIFICATION AND DEFINITION OF ORDINANCE

1. **Identification.** This ordinance shall be known as the Single Use, Carry-Out Plastic Bag Ordinance.
2. **Purpose.** It is in the best interest of the citizens and visitors of Manchester to protect the environment and natural resources of Maine by discouraging the distribution and use of disposable, single use, carry-out paper shopping bags and by the prohibition of single use carry-out plastic bags, and encouraging the use of reusable shopping bags in stores, as defined below. NOTE: This prohibition does not apply to paper bags.
3. **Findings.** Single use Carry-Out Bags have a negative impact on the environment and wildlife; and
 - a. It is in the public interest to keep the Town of Manchester as litter free as possible to enhance the quality of life for Manchester's residents and visitors; and
 - b. Manchester is a rural community with a vested interest in protecting the environment from plastic debris.
 - c. The best alternative to Single Use Carry-Out Bags is the use of Reusable Bags for shopping, which is accomplished through prohibiting the distribution of plastic Single Use Carry-Out Bags by stores, as defined in this Section.
4. **Authority.** This proposed Ordinance to be adopted pursuant to the Town's home rule authority pursuant to M.R.S.A. 30-A § 3001 et seq.
5. **Definitions.** Except as provided below, any word not otherwise defined shall have its ordinary meaning.
 - a. **Single Use Carry-Out Bag.** A 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 the purpose of transporting food or merchandise out of the establishment. The term Single Use Carry-Out Bag includes compostable and biodegradable bags, including paper bags, but does not include Reusable Bags, Produce Bags, Product Bags required for special handling, or bags provided by pharmacists to contain prescription drugs.
 - b. **Produce Bag or Product Bag.** The terms mean any bag without handles used exclusively to carry produce, meats, other food items or merchandise within the store to the point of sale inside such store, or to prevent such items from coming into direct contact with other purchased items.
 - c. **Reusable Bag.** A bag that meets all of the following criteria:
 - i. Designed and manufactured to withstand repeated uses over a period of time;
 - ii. Is machine washable or, made from a material that can be cleaned and disinfected regularly;
 - iii. Has a minimum lifetime of 75 uses; and
 - iv. Has the capability of carrying a minimum of 18 pounds.
 - d. **Store.** Any of the following retail establishments located within the Town of Manchester engaged in the sale of perishable or non-perishable goods to the ultimate consumer for direct use or consumption and not for resale:
 - i. A full line, self service market located in a permanent building, operating year round, and which sells at retail a line of staple foodstuffs, meats, produce, household supplies, dairy products or other perishable items.
 - ii. A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, restaurant, engaged in retail sales.

6. **Single Use Carry-Out Bag:**
- a. No store, as defined above, shall provide a Single Use Carry-Out Bag made of plastic or similar materials that does not meet all the criteria as a Reusable Bag, as defined above, to a customer 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 establishment.
 - b. Nothing in this Section shall be construed to prohibit customers from using bags of any type that the customer brings to the Store for their own use or from carrying away from the Store goods that are not placed in a bag provided by the Store.
7. **Exemptions:** A Store shall be exempt from the provisions of this Ordinance in a situation deemed by the Town Manager to be an emergency for the immediate preservation of the public health or safety.
8. **Violations and Enforcement:** The Town Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Ordinance. If the Town Manager or his/her designee(s) determines that a violation of this Ordinance has occurred, he/she shall issue a written warning notice to the Store that a violation has occurred. Subsequent violations of the Ordinance shall be subject to the penalties set forth in 30-A M.R.S.A. § 4452(3).
- Violations of this Ordinance shall be punishable by fines as follows:
1. A fine not exceeding \$250 for the first violation in a one (1) year period;
 2. A fine not exceeding \$500 for the second and each subsequent violation in a one (1) year period. Each day that a violation occurs will be considered a subsequent violation.
9. **Effective Date:** The provisions of this Ordinance shall become effective on July 1, 2018 following adoption at town meeting.
10. **Severability:** If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance, including the application of such part or provision of other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.