

SINGLE USE PLASTIC BAG ORDINANCE

1. PURPOSE:

It is in the best interests of the citizens of and visitors to the Town of Blue Hill 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 prohibiting the use and distribution of single use plastic bags.

Therefore the purpose of this Ordinance is to ban the use of single use plastic bags to reduce litters and to reduce the environmental impact caused by the use of single use plastic bags.

2. AUTHORITY:

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 police power ordinances.

3. DEFINITIONS:

CONSUMER: An individual who purchases or accepts food, beverage or merchandise for use or consumption.

ESTABLISHMENT: A person or entity engaging in the sale or distribution of perishable or non-perishable goods to consumers. This includes retail vendors of food, beverages or merchandise, restaurants, producers, schools, hospitals, religious institutions, governmental institutions, granges, community centers, markets, temporary and/or seasonal vendors and on-site events.

SINGLE-USE PLASTIC BAG: A plastic bag with or without consumer carrying handles provided at check stand, cash register, point of sale or other point of departure for the purpose of transporting food, beverage or merchandise out of the establishment. The term Single-Use Plastic Bag does not include Reusable Bags, Produce Bags, Product Bags, or newspaper or once-used or re-used bags such as those given out or used at thrift or vintage stores.

PRODUCT AND PRODUCE BAGS: Bags without handles used exclusively to carry produce, meats, seafood and bulk items, for the purpose of preventing direct contact between those items and other items. These bags are used to carry items to the point of sale or distribution of the Establishment.

REUSEABLE BAG: A bag specifically designed and manufactured for the repeated use of carrying food, beverage or merchandise, whether made of cloth, fiber or plastic, and has the capability of carrying a 18 pounds or more and, if plastic, is at least 4.0 mil thick.

4. RESTRICTION ON SINGLE-USE PLASTIC BAGS

No Establishment shall sell or provide Single-Use Plastic Bags to Consumers at the check stand, cash register, point of sale or other point of departure.

5. PERMITTED BAGS

- A. Establishments may provide Consumers with paper bags or Reusable Bags, with or without a charge.
- B. Nothing in this ordinance shall be construed to prohibit Consumers from using bags of any type that the Consumer brings into the Establishment for their own use.

6. EXEMPTIONS

An Establishment shall be exempt from the provisions of this Ordinance in a situation deemed to be an emergency by the Town Select Board, for the immediate preservation of the public health and safety.

7. VIOLATIONS AND ENFORCEMENT

- A. The Code Enforcement Officer or his/her designee shall have the primary responsibility of the enforcement of this Ordinance. If the CEO determines that a violation of the Ordinance has occurred, a written warning notice shall be issued to the Establishment. Subsequent violations shall be subject to the penalties set forth below.
- B. Violations of this Ordinance shall be punishable by fines as follows:
 - 1. A fine not exceeding \$100 for the first violation in a one year period.
 - 2. A fine not exceeding \$200 for the second and each subsequent violation in a one year period. Each day that a violation occurs shall be considered a subsequent violation.
 - 3. Fines are payable within 15 days of receipt of written notice of violation.

8. APPEALS

Any decision, action, or inaction pertaining to this Ordinance may be appealed to the Maine Superior Court (Hancock County) within 30 days of the decision, action or inaction.

9. SEVERABILITY

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.

10. EFFECTIVE DATE

This ordinance shall take effect two (2) months following its adoption by vote of a Town Meeting to allow Establishments time to make necessary adjustments to bring their operation into compliance with this Ordinance.