

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Board of Trustees of the Village of East Hampton will hold a public hearing on the 29th day of July, 2011, at 11:00 a.m. at the Emergency Services Building, One Cedar Street, East Hampton, New York, at which time all persons interested will be heard with respect to "A Local Law adding Chapter 231 (Retail Checkout Bags) to add a prohibition against the provision of plastic checkout bags to customers by establishments engaged in retail sales."

INTRODUCTORY #FOUR-2011 LOCAL LAW NO. __/2011

A Local Law adding Chapter 231 (Retail Checkout Bags) to add a prohibition against the provision of plastic checkout bags to customers by establishments engaged in retail sales.

BE IT ENACTED by the Board of Trustees of the Village of East Hampton as follows:

SECTION I. Legislative Intent. The purpose of this Chapter is to improve the environment in the Village of East Hampton by encouraging the use of reusable checkout bags and banning the use of plastic bags for retail checkout of purchased goods. Discarded disposable bags pollute our open spaces and our beaches, harm and kill wildlife and aquatic species, clog storm drains resulting in localized flooding, and end up as debris in our ocean and ponds. Retail establishments are encouraged to make reusable bags available for sale.

SECTION II. The Code of the Village of East Hampton is hereby amended to add Chapter 231 as follows:

Chapter 231

RETAIL CHECKOUT BAGS

§231-1. Definitions.

As used in this article, the following terms shall have the indicated meanings:

CHECKOUT BAG – means a carryout bag that is provided to a customer at the point of sale. The term "checkout bag" does not include plastic produce bags measuring 28" by 36" or larger in size.

PLASTIC PRODUCE BAG – means a flexible container made of very thin plastic material with a single opening that is used to transport produce, meats or other items selected by the customers to the point of sale.

RETAIL SALES – means the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmers' markets, flea markets and restaurants. The term "retail sales" does not include sales of goods at yard sales, tag sales, other sales by residents at their home, and sales by non-profit organizations.

RECYCLABLE PAPER BAG – means a paper bag that should have the following characteristics: (1) contains no old growth fiber, (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content, and (3) displays the words "Reusable" or "Recyclable" on the outside of the bag.

REUSABLE BAG – means a bag with handles that is specifically designed and manufactured for multiple reuse and is (1) made of cloth or other fabric, and/or (2) made of durable plastic that is at least 2.25 mils thick.

§231-2. Restriction on Checkout Bags.

A. Any person engaged in retail sales shall provide only reusable bags and/or recyclable paper bags as checkout bags to customers. The provision of “checkout bags” to customers by persons engaged in retail sales is prohibited.

B. Nothing in this section shall preclude persons engaged in retail sales from making reusable bags available for sale to customers.

§231-3. Operative Date.

The restriction set forth in §231-2 shall become operative six months following the date of enactment of the local law adding this article to this chapter, so as to allow retail establishments a period of time within which to dispose of their existing inventory of plastic checkout bags and convert to alternative packaging materials.

§231-4. Penalties for Offenses.

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$1,000.00 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Section IV. SEVERABILITY.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION V. EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

Dated:

BY ORDER OF THE BOARD OF
TRUSTEES OF THE VILLAGE OF
EAST HAMPTON
By: Larry Cantwell,
Village Administrator