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The Town of Pound Ridge

Local Law No. 1 of the Year 2019
Chapter 90 – Retail Single-Use Carryout Bags

**A LOCAL LAW TO BAN THE USE OF RETAIL SINGLE-USE CARRYOUT
BAGS**

Be it enacted by the Town of Pound Ridge of the County of Westchester as follows:

Section 1. The Code of the Town of Pound Ridge is hereby adding a new Article III to Chapter 90, entitled “Retail Single-Use Carryout Bags” to read as follows:

ARTICLE III

§90-5. Legislative Intent:

- A. The purpose of this chapter is to protect the environment in the Town of Pound Ridge (the "Town") and to protect the health, safety and general welfare of its residents by encouraging the use of reusable cloth or heavy plastic bags and banning single-use plastic bags for retail checkout of purchased goods. Retail establishments are encouraged to make cloth reusable bags available for sale and to encourage shoppers to bring their own reusable bags.
- B. Data released by the United States Environmental Protection Agency shows that between 500 billion and 1 trillion plastic bags are consumed worldwide each year. Most plastic bags do not biodegrade; over time, the bags break down into smaller, more toxic petro-polymers which eventually contaminate soils and waterways. It is estimated that plastic bags account for over 10% of debris that washes up on our nation's coastlines and that plastic bags can have a devastating effect on wildlife; birds can become entangled in the bags and different species of sea life can die from ingesting plastic bags which they mistake for food. Only 5 to 7% of single use bags are recycled, in part, due to

the fact that it costs more to recycle a bag than to produce a new one. Further, Americans consume more than ten billion paper bags each year and fourteen million trees are cut down yearly for the manufacturing of paper and that paper production requires large amounts of water, energy, and chemicals and can emit toxic and hazardous chemicals into the air and water.

§90-6 Definitions:

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

CHECKOUT BAG

- A. A carry-out bag that is provided to a customer at the point of sale. The term "checkout bag" does not include plastic produce bags or plastic bags measuring 28 inches by 36 inches or larger in size.

PLASTIC PRODUCE BAG

- B. A flexible container bag made of very thin plastic material with a single opening used to transport produce, meats or other items selected by customers to carry said items to the point of sale.

RECYCLABLE PAPER BAG

- C. A standard 12-inch-by-17-inch-by-seven-inch paper grocery bag, with or without handles, that contains no old growth fiber, is 100% recyclable, contains a minimum of 40% post-consumer recycled content, and displays the words "recyclable" on the exterior of the bag.

RETAIL SALES

- D. The transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmer's markets, flea markets and sales by nonprofit organizations.

RETAILER

- E. Any person or entity engaged in retail sales.

REUSABLE BAG

- F. A bag with handles made of cloth or other fabric and/or made of durable plastic that is at least 2.25 mils thick.

§90-7 Restriction on Checkout Bags

- A. Retailers shall only provide reusable bags and recyclable paper bags as checkout bags to customers. Retailers shall charge customers a fee of not less than \$0.15 for each paper bag. All fees collected by a retailer under this chapter shall be retained by the retailer. Nothing in this section shall prohibit retailers from making reusable cloth bags available for sale to customers at a price determined by the retailer. Plastic produce bags, newspaper plastic bags and dry cleaner plastic bags shall not be considered checkout bags for the purposes of this chapter and shall be exempt

from the provisions of this chapter.

§90-8 Effective Date

- A. This chapter shall become effective on September 1, 2019. This provision is intended to provide retail establishments with the ability to dispose of their existing inventory of plastic checkout bags.

§90-9 Penalties for Offenses

- A. Any person or entity who violates the provisions of this chapter shall be guilty of a violation, punishable by a fine not exceeding \$250 for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$500 nor more than \$700; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations, but the charge itself shall be a violation level offense as a violation of the Town Code. Each day's continued violation shall constitute a separate additional violation as may be cited.

§90-10 Severability

- A. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.