# CITY OF SACO, MAINE

## CITY COUNCIL APPROVED CODE SUPPLEMENT

**Approved on April 17, 2018 with an effective date on May 18, 2018**

### AMENDMENT TO CHAPTER 171-SINGLE USE PLASTIC BAGS – (SECOND AND FINAL READING)

In April of 2017, the City Council added Chapter 171 – Single-Use Plastic Bags to the City of Saco's general code. Businesses was given six months to comply with the ordinance. During that time, it became apparent that clarity in the Reusable bags definition was required.

In September of 2017, the Council supported the Administrators decision to use section 106 and not enforce the ban on the reusable bags with plastic content until a revision to the ordinance was made by Council.

The revisions being proposed have been reviewed with businesses and business representatives and all agree that these changes will ensure compliance as the ordinance intended.

The Council reviewed this item at its March 5, 2018 workshop.

Councilor Minthorn moved, Councilor Doyle seconded the "Saco City Council hereby ordains and approves the Second and Final Reading of the document entitled 'Amendments to Chapter 171 - Single-Use Plastic Bags'". The motion passed with seven (7) yeas.

**"Amendments to Chapter 171 - Single-Use Plastic Bags"**
(changes are underlined in document)

**Chapter 171. Single-Use Plastic Bags**

**Section 171-101. Purpose:**

It is in the best interest of the residents of the City of Saco (City) to protect the environment and natural resources of Maine by prohibiting the distribution and use of single-use plastic bags. This ordinance intends to encourage the use of degradable resin bags and/or reusable shopping bags in businesses.

**Section 171-102. Findings:**

Single-use plastic bags have an adverse effect on the environment. Because the City is an oceanside community with a river as a natural border, both aquatic and wild life are affected by the environmentally hazardous plastic bags. Research has shown that production and disposal of petroleum based products can injure or poison animals, disrupt habitats, and leach into ground water. Additionally, chemical by products can cause harm to humans, pets, and livestock.

**Sec. 171-103. Authority:**

This proposed Ordinance to be adopted pursuant to the City's home rule authority pursuant to 30-A MRS Section 3001, et seq.

**Section 171-104. Definitions:**

**ASTM International** means the former American Society for Testing and Materials. It is now called ASTM International.
**ASTM Standards** means the standards related to single or reusable bags.

- ASTM 5208 is the standard for UV exposure of photodegradable plastics

- ASTM 5272 is the standard practice for outdoor exposure testing of photodegradable plastics
- ASTM 5338 is the standard for determining aerobic biodegradation of plastic materials (requiring oxygen)
- ASTM 5511 is the standard for determining anaerobic biodegradation of plastic materials (does not require oxygen)
- ASTM 6400 is the standard for labeling of plastics designed to be aerobically composted

**Business** means any business that has or requires a business license with the City.

**Degradable** means a compound that breaks down into simpler compounds by stages.

**Emergency food or other goods provider** means a facility operated by a non-profit or governmental agency that provides goods to residents for no charge

**Degradable resin** means a solid or highly viscous substance that is typically convertible into polymers.

**Plastic** means an organic or petroleum derived synthetic organic solid that is moldable.

**Plastic film** means any organic or petrochemical film less than 1 mil in thickness.

**Retail business** means any business that sells consumers goods and has or requires a retail business license with the City.

**Reusable bag** means a bag with consumer carrying handles that is specifically designed and manufactured for multiple reuse and is made of cloth, fiber or other machine washable fabric or regularly disinfected but not plastic film less than 1 mil in thickness.

**Single-use plastic bag** means a bag with consumer carrying handles made from plastic, which also may or may not be intended for a one time use. These bags fall under the category of plastic film.

**Section 171-105. Single-Use Plastic Bag:**

A business, as defined above, may not provide single use bags made of plastic for any purpose. A business may provide a non-petroleum based bag that meets one or more of the aforementioned ASTM standards, such as:

- a paper bag
- a reusable bag as defined
- a bag made from degradable resin compounds

If a retail business chooses to not provide a bag of any kind, a sign that measures at least 3 inches by 5 inches near the point of sale and at least 10 inches by 14 inches at entrance door must be posted stating bags will not be provided.

Customers are allowed to bring into a business and use their own bags, including plastic bags, without the business being in violation hereof.

**Section 171-106. Exemptions:**

Exemption from these limitations herein is made for emergency food or goods providers.

The City Administrator may exempt other businesses during major City emergencies or disasters. The exemption will end when the emergency or disaster has ended per the City Administrator.

**Section 171-107. Violations and Enforcement:**

The City Administrator, or his/her designee(s), shall have the primary responsibility for enforcement of this Ordinance. If the City Administrator or his/her designee(s) determines that a violation of this Ordinance has occurred, he or she shall issue a written warning to the business that a violation was found. Subsequent violations of the Ordinance shall be subject to the penalties set forth below.

A violation of the ordinance is based on the availability of plastic bags in a business.

Violations of this Ordinance shall be punishable by fines as follows:

- A fine not exceeding $250 for the first violation in a one-year period;
- A fine not exceeding $500 for the second and each subsequent violation in a one-year period.

Each day that a violation occurs will be considered a subsequent violation.

**Section 171-108. Effective Date:**

The provision of this ordinance shall become effective 30 days after its enactment. Notwithstanding the preceding, the City Administrator is authorized to delay any enforcement of these provisions for up to a period of six (6) months so that local businesses may cost-effectively eliminate existing inventory of plastic bags, and secure replacement of an acceptable biodegradable alternative.

**Section 171-109. Severability:**

If any part or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to 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.