

## **PLASTIC BAGS AND STRAWS ORDINANCE**

### **1. BACKGROUND:**

In July 2018 residents requested that the Stonington Board of Selectmen created a committee to best determine how to deal with the problem of plastic pollution in town waters. In response, the Board of Selectmen voted to create an ad-hoc committee to look into banning plastic bags used by retail stores and plastic straws. This Plastic Bags and Straws Ad Hoc Committee was established in August 2018 with the following mission statements:

- A. Consider banning the use of plastic carryout bags for retail checkout of goods;
- B. Consider banning the use of single-use plastic straws and single-use plastic carryout bags in restaurants and food service establishments;
- C. Encouraging the use of reusable bags and biodegradable straws;
- D. Consider any other recommendations aimed at reducing the number of single-use plastic carryout bags and single-use plastic straws that enter our environment; and
- E. Make recommendations for an ordinance or other action to this effect, as well as for enforcement mechanisms for non-compliance.

### **2. PURPOSE:**

The intent of this ordinance is to improve the environment in and around Stonington by encouraging the use of reusable checkout bags and banning the use of single-use plastic carryout bags for retail checkout of purchased goods. Retail establishments are encouraged to make reusable bags available for sale.

### **3. JUSTIFICATION:**

Single-use plastic carryout bags and single-use plastic straws often are discarded into the environment and end up polluting our waterways, clogging sewers, endangering marine life and causing unsightly litter. These bags last hundreds of years in landfills and are a potential source of harmful chemicals when they do break down.

### **4. DEFINITIONS:**

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section:

**SINGLE USE PLASTIC CARRYOUT BAG:** A single use plastic carryout bag is a thin film plastic bag of a thickness less than 3 mil with handles provided to a customer by an establishment and is used to transport merchandise from the establishment. Single use plastic carryout bags do not include bags typically without handles used to contain dry cleaning, newspaper, small bags to contain fish, meats, produce or other products selected by the consumer to deliver items to the point of sale.

**PLASTIC BARRIER BAG:** A flexible container made of very thin plastic material with a single opening that is used to:

- A. Transport fruit, vegetables, nuts, grains.
- B. Contain or wrap fresh or frozen foods, meat, or fish, whether prepackaged or not.
- C. Contain or wrap flowers, potted plants, or other items where damage to a good or contamination of other goods placed together in the same bag may be a problem.
- D. Contain unwrapped prepared foods or bakery goods.
- E. Deliver newspapers.

**REUSABLE BAG:** A Reusable bag meets all of the following requirements: [1] Is made solely of or in a combination of natural cloths, synthetic fibers, other washable material; or of a non-toxic plastic as defined by applicable state and federal regulations that is no less than 3 mil thick and has the word "Reusable" or "Reuse" printed on the outside of the bag in a visible manner. [2] Is specifically designed for multiple reuse and has handles.

**RECYCLABLE PAPER BAG:** A paper bag that [1] is 100% recyclable and [2] contains at least 40% post-consumer recycled paper content (3) displays the words "Reusable" and "Recyclable" on the outside of the bag

**DOUBLE OPENING PLASTIC BAG:** Any thin plastic bag with a double opening (top and bottom) to protect clothing or other items for transport.

**ESTABLISHMENT:** An Establishment means any business selling goods, articles, or personal services to the public, including restaurants.

**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.

**SINGLE USE PLASTIC STRAW:** A single use plastic straw means a single use, disposable tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to the mouth of the person drinking the beverage. Single use plastic straw does not include a straw made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, or bamboo.

**FULL SERVICE ESTABLISHMENT:** Means an establishment with the primary business purpose of serving food, where food may be consumed on the premises, and where all of the following actions are taken by an employee of the establishment:

- A. The consumer is escorted or assigned to an assigned eating area. The employee may choose the assigned eating area or may seat the consumer according to the consumer's need for accommodation or other request.

- B. The consumer's food and beverage orders are taken after the consumer has been seated at the assigned seating area.
- C. The food and beverage orders are delivered directly to the consumer.
- D. Any requested items associated with the consumer's food or beverage order are brought to the consumer.
- E. The check is delivered directly to the consumer at the assigned eating area.

5. PROHIBITED ACTS: REGULATIONS: RESTRICTIONS:

- A. Any person engaged in retail sales shall provide only reusable bags and/or recyclable paper bags as checkout bags to customers.
- B. No retail sales establishment shall make available any single-use plastic carryout bags at the point-of-sale, not including plastic barrier bags or double opening plastic bags.
- C. Nothing in this section shall preclude persons engaged in retail sales from making reusable bags available for sale to customers.
- D. No business establishment shall provide or sell a single-use plastic carryout bag.
- E. A full-service establishment shall not provide a single-use plastic straw to a consumer unless requested by the consumer.

6. EXEMPTIONS:

The draft ordinance provides exemptions for:

- A. laundry dry cleaning bags
- B. door-hanger bags
- C. newspaper bags
- D. pet waste bags
- E. garbage bags
- F. yard waste bags
- G. prescription drug bags
- H. bags to carry fruits, meats or plants
- I. double-opening bags to protect clothing

Retailers that provide such bags must also provide onsite recycling receptacles.

7. ENFORCEMENT: The intent of this ordinance is to improve the environment in and around Stonington for residents, businesses and wildlife. Self-enforced ordinances banning single use plastic carryout bags and single use plastic straws appear to work well for communities. Keeping a positive spin on this effort will benefit the community by creating a healthier environment.

- A. The Town will inform the general public about the initiatives encouraging the use of reusable checkout bags with a support program and education.
- B. From the date of enactment of these regulations, there will be a six-month period of public education and information. After the six-month period, those persons or establishments found to be in violation of these regulations for plastic bags and straws will be notified by the Town's Representative in writing and given 14 days to gain compliance.
- C. For each subsequent offense of the provisions of this ordinance, the Establishment shall be provided a written notice ordering cessation of the violation. Notice shall be given to the Establishment owner or manager or may be served to the establishment's agent for service and will be accompanied by a \$150.00 fine for each offense.
- D. These monies will be earmarked for further initiatives to create a culture of plastic waste reduction.
- E. The Town may not renew any municipally issued license to any Establishment found to be in violation of this ordinance.
- F. The Town hereby establishes a citation hearing procedure pursuant to General Statute Section 7-152c, as may be amended, to enforce any fines issued under this ordinance.

8. EFFECTIVE DATE:

This ordinance shall become operative six months following its effective date to allow retail establishments to dispose of their existing inventory of single-use plastic carryout bags, single-use plastic straws and convert to alternative packaging materials.

Those establishments in compliance will be rewarded with a Stonington seal of approval as determined by the Plastic Bags and Straws Ad Hoc Committee.

Adopted – April 11, 2019

Effective – May 2, 2019