

New Commercial Single-Use Plastic Bag Ordinance

Adopted by the Weston Board of Selectmen on December 6, 2018

Town Clerk Serial Number: TM Vol 9, pg 653

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SELECTMEN THAT: The Town of Weston Code of Ordinances is hereby amended to prohibit the commercial use of single-use plastic bags as follows:

ORDINANCE REGARDING RETAIL CHECKOUT BAGS

1. Purpose

The Town of Weston is committed to protecting the environment and the public health, safety, and welfare of its citizens. The goal of this ordinance is to reduce the common use of plastic checkout bags and to encourage the use of reusable bags by consumers, thereby reducing local land and marine pollution, advancing solid waste reduction, protecting the Town's unique natural beauty and irreplaceable natural resources, and improving the quality of life for the citizens of the Town.

2. Findings

2.1 Single-use plastic bags are an environmental nuisance; adversely affect public health; are a detriment to tourism; and impair the overall quality of life of the Town's residents and visitors.

- a. Because plastic bags are lightweight, they easily become airborne even when properly disposed of, littering beaches, roadsides and sidewalks. They clog storm drainage systems, contribute to marine and terrestrial pollution, and detract from the natural beauty of the Town for visitors and residents alike.
- b. Plastic bags photo-degrade, disintegrating into minute particles which adsorb toxins and pose a threat to riparian and marine environments, contaminating the food chain, water and soil. They are also a menace to marine life, killing birds, marine mammals, sea turtles and fish each year through ingestion and entanglement.
- c. The vast majority of plastic bags are not recycled, and recycling of plastic bags is not available in The Town of Weston. Their disposal adds to the Town's waste management expense, both through the cost of transporting waste to landfills and due to their contamination of the single-stream recycling system.

2.2 Single-use plastic bag ordinances have proven to be effective in reducing plastic bag consumption and litter and are part of a growing global movement towards sustainability.

3. Definitions

3.1 “Checkout Bag” means a carryout bag with or without handles provided by a Store to a customer at the point of sale that is intended for the purpose of transporting food or merchandise out of the Store. The term “checkout bag” does not include Product Bags.

3.2 “Code Enforcement Officer” means the Compliance Officer for the Town of Weston.

3.3 “Product Bag” - means a flexible container made of very thin plastic material with a single opening that is used to transport clothing from a dry cleaner, produce, meats, small unpackaged products (e.g. beads and nails or other small hardware items) or other items selected by customers to the point of sale.

3.4 “Recyclable Paper Bag” means a paper bag with or without handles that is 100 percent recyclable and contains at least 40% post-consumer recycled content (except that an eight pound or smaller paper bag shall contain a minimum of 20% post-consumer recycled content) and visibly displays both the word “recyclable” and “reusable” on the outside of the bag and the percentage of post-consumer recycled content. Bag must contain no old growth fiber and must be FSC certified.

3.5 “Reusable Bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and is (1) made of cloth or other washable fabric, and/or (2) made of durable plastic that is at least 4.0 mils thick.

3.6 “Retail Sales” - means the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmer’s 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 and governmental organizations.

3.7 “Store” means any commercial enterprise engaging in Retail Sales.

4. Use Regulations; Exception

4.1 Any person engaged in retail sales shall provide only Reusable Bags and/or Recyclable Paper Bags as Checkout Bags to customers. No Store in the Town shall provide plastic Checkout Bags to any customer.

4.2 If a Store provides Checkout Bags, they shall only provide Recyclable Paper Bags or Reusable Bags.

4.3 This ordinance shall not apply to Product Bags.

5. Recyclable Paper and Reusable Bag Fees; Exceptions

5.1 Stores shall charge and retain a fee of not less than \$0.10 for each Recyclable Paper Bag or Reusable Bag provided to a customer.

5.2 Nothing in this ordinance shall prohibit a Store from encouraging and providing incentives for the use of Reusable Bags. Stores may use credits or rebates for customers that bring their own Reusable Bags for the purpose of carrying away goods.

5.3 The fee for Recyclable Paper Bags shall not apply to customers making purchases using supplemental nutrition assistance program (SNAP) and supplemental nutrition program for women, infants, and children (WIC) or “food stamps.” These customers will receive Recyclable Paper Bags free of charge.

6. Penalty Amount

Any violation of this ordinance shall be punishable by a civil fine of \$150 per incident.

7. Enforcement

7.1 The Code Enforcement Officer shall be authorized to enforce violations of this ordinance.

7.2 The Code Enforcement Officer shall provide written notice to any person who violates this ordinance. Upon subsequent violation by the same person, the Code Enforcement Officer shall issue a citation as provided for in Chapter 39 of the Code. Repeat offenders shall be issued additional citations without first receiving a notice of violation.

8. Effective Date

This ordinance shall take effect three (3) months from the date of adoption.