

## Bring Your Own Bag Ordinance

### 1. LEGISLATIVE FINDINGS

- (a) The production, use, and disposal of plastic checkout bags has a significant detrimental impact on the environment, including but not limited to contributing to pollution of the terrestrial and coastal environment, clogging storm water drainage systems, and contributing to the death of terrestrial and marine life through ingestion and entanglement.
- (b) The manufacture, transport, and recycling of plastic checkout bag requires substantial energy consumption and contributes to greenhouse gases.
- (c) Plastic checkout bags create a burden to solid waste collection and recycling facilities.
- (d) Prohibiting the use of plastic checkout bags is necessary to protect the environment and the public health, safety, and welfare of all residents of and visitors to the Town of Mansfield.

### 2. PURPOSE

The purpose of this ordinance is to improve the environment in and around the Town of Mansfield, Connecticut, and the health, safety, and welfare of its residents and visitors by reducing the number of plastic bags used, encouraging the use and sale of reusable checkout bags and banning the use of plastic check out bags.

### 3. DEFINITIONS

As used in this ordinance the following terms have the meanings indicated:

- (a) **Checkout Bag** is a bag provided by a business to a customer, typically at the point of sale, for the purpose of transporting purchases.
- (b) **Plastic Checkout Bag** is any plastic bag that is provided by a business to a customer, typically at the point of sale, for the purpose of transporting purchases. “Plastic Checkout Bag” does not include:
  - (i) Bags used by customers inside stores to: Package bulk items, such as fruit, vegetables, nuts, grains, candy, or small hardware items; Contain or wrap frozen food, meat, or fish, whether prepackaged or not; Contain or wrap flowers, potted plants, or other items where

dampness may be a problem; Segregate food or merchandise that could damage or contaminate other food or merchandise when place together in a bag; or Contain unwrapped prepared foods or bakery goods.

- (ii) Newspaper bags; door-hanger bags; laundry dry-cleaning or garment bags; or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.
  - (iii) Reuseable bags as defined below.
- (c) **Business** means any entity that sells merchandise, goods, or materials, including, but not limited to: clothing; food; or personal items of any kind, directly to consumers and includes, by way of example and not limitation: grocery stores; department stores; hardware stores; pharmacies; liquor stores; restaurants; catering trucks; and convenience stores. Business for purposes of this ordinance shall not include nonprofit organizations with 501(c) designations.
- (d) **Enforcement Officer** means one or more employees of the town, designated by the Town Manager to enforce the provisions of this ordinance.
- (e) **Reusable Bag** is a bag specifically designed and manufactured for multiple re-use.

#### 4. PROHIBITED ACT

- (a) Businesses shall not provide or make available any plastic check out bag at the point of sale.
- (b) Nothing in this section precludes businesses from making reusable bags or easily recyclable bags available to customers, by sale or otherwise.

#### 5. EFFECTIVE DATE

The prohibition set forth in this prohibition will take effect six months after its passage.

#### 6. WAIVER

If, due to economic hardship, a business is not able to comply with the effective date of the ordinance, the business may apply for a waiver. Upon a finding of facts to support the waiver, the Enforcement Officer may issue a time-limited waiver, not to exceed six months.

## 7. ENFORCEMENT

### (a) Written Warning

If the Enforcement Officer determines that a business' practice is in violation of this ordinance, the Enforcement Officer will issue a written warning. The written warning will be sent via certified mail to the business, describe the violation by listing specific findings of fact, explain that the practice must be corrected within fourteen days of the date the letter was received, and shall include a copy of this ordinance. The written warning will only be issued once to any business. Subsequent violations of this ordinance by the same business will not allow time for correction, but will instead result in an immediate fine.

### (b) Citation

- i. Fourteen days after receiving a written warning via certified mail, any business that fails to correct its business practice and thus continues to act in violation of the ordinance, shall be issued a citation via certified mail.
- ii. If after fourteen days from the date of mailing, a business fails to sign for the written warning sent via certified mail, a citation will be issued via certified mail.
- ii. Any business that previously received a written warning and is later found to be noncompliant with this ordinance will be issued a citation via certified mail.
- iii. Citations will be dated, describe the violation by listing specific findings of fact, state the amount of the fine, and indicate the date on which the fine is due, which will be fourteen days from the date of the citation, describe the process for appeal, and describe daily fine resulting from continued noncompliance.

### (c) Fine

- i. The fine for noncompliance with this ordinance is ninety dollars.
- ii. Businesses found to be noncompliant with this ordinance after the fine due date indicated in the citation will be subject to an additional ninety dollar fine for each day of noncompliance without the issuance of a separate citation.

## 8. COLLECTIONS

If any fine issued pursuant to the provision of this ordinance is unpaid beyond the due date, the Town may initiate proceedings under the authority of C.G. S. s 7-152(c) and Chapter 129 of the Town of Mansfield, Hearing Procedure for Citations, to collect such fine.

9. APPEALS

Any business fined for noncompliance with this ordinance may appeal pursuant to the provisions of the Town of Mansfield Hearing Procedure for Citations set forth in Chapter 129 of the General Code of the Town of Mansfield.