

Town of Norwich, Vermont



CHARTERED 1761

CIVIL ORDINANCE REGULATING SINGLE-USE PLASTIC BAGS WITHIN THE TOWN OF NORWICH, VERMONT

ARTICLE I. AUTHORITY & PURPOSE

This Ordinance is adopted pursuant to 24 VSA §2291(12). A violation of this Ordinance shall be a civil matter enforced according to 24 VSA §2297a. The Norwich Selectboard may issue and enforce solid waste orders.

This Ordinance is intended to promote the general public health, safety, welfare, and the responsible use of resources and protection of people, animals and the environment. It seeks to reduce the number of plastic bags entering the waste stream from commercial activities within Norwich and to encourage the use of reusable bags in the Town.

ARTICLE II. DEFINITIONS

Definitions. As used in this Ordinance, the following terms shall be defined as follows:

ASTM D6400 standard specification means the standard specification for labeling of plastics designed to be aerobically composted in municipal or industrial facilities set by the American Society for Testing and Materials.

Plastic Bag means any bag made of plastic derived from either petroleum, ethylene derived from natural gas, polyethylene, polypropylene, or nylon.

Retail Establishment means all sales outlets, stores, shops, pharmacies, or other places of business located within the Town of Norwich which sell or convey merchandise directly to the ultimate consumer, including Retail Food Establishments and Retail Service Establishments.

Retail Food Establishment means all sales outlets, stores, shops, restaurants, markets, supermarkets, clubs or other places of business which sell, serve or convey foods directly to the ultimate consumer. This definition shall include but is not limited to any place where food is commercially prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured, sold or offered to the public.

Retail Service Establishments means all places of business located within the Town of Norwich where any retail service is offered to the public.

ARTICLE III. GENERAL PROHIBITION AND REGULATION

No Retail Establishment, Retail Food Establishment, or Retail Service Establishment shall sell or convey merchandise in Plastic Bags, and said establishments shall only use such bags that are either:

- (1) Bags of any nature provided by the consumer; or

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Adopted: April 10, 2019, Effective September 1, 2019**

- (2) Paper bags, if they are charged separately at a cost of no less than \$0.10 per bag, which charge may be kept by the Retail Establishment.

ARTICLE IV. EXEMPTIONS TO GENERAL PROHIBITION

Exemptions. Article III of this regulation shall not apply to the following items:

- (1) Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise;
- (2) Any flexible transparent covering for covering uncooked raw meat, poultry, raw fish, hard cheese, cold cuts, fruit, and vegetable products, baked goods, or bread; and
- (3) Any Plastic Bags that are provided with a product when the product is purchased by the Retail Establishment.

ARTICLE V. PENALTIES AND ENFORCEMENT

- (1) If it is determined that a violation of any subsection of this section has occurred, the Selectboard may issue a notice of alleged violation. With any such notice, the Selectboard shall strictly adhere to the provisions of 24 VSA §2297a, including provisions for notice, preliminary hearing, proposed order and its content, hearing on proposed order, continuing violations, effect of imposition of penalty, payment to the Town, and enforcement.
- (2) If applicable, any proposed order could include a civil penalty of not more than \$10.00 for each violation and in the case of a continuing violation, not more than \$25.00 for each succeeding day.
- (3) The Selectboard may seek enforcement of a final order before the Environmental Division (VT Environmental Court). If a penalty is imposed and the respondent fails to pay the penalty within the time prescribed, the Selectboard may bring a collection action in the Superior Court.
- (4) A Retail Establishment receiving a notice of alleged violation has the opportunity of a pre-hearing provided the Town Clerk receives a written request for such pre-hearing no later than 10 days after the notice of alleged violation is received. Further, a Retail Establishment receiving a proposed order has the opportunity of a hearing provided the Town Clerk receives written request for such hearing no later than 15 days after the date of receipt of the proposed order.


ARTICLE VI. EFFECTIVE DATE

The Ordinance contained herein is duly adopted by the Norwich Selectboard on April 10, 2019 and shall take effect on September 1, 2019.


BY:




John Pepper, Chair



Claudette Brochu, Vice-Chair



Roger Arnold



John Langhus



Mary Layton