

Bill VSC 1801

A local law to amend the Code of the Village of Sea Cliff, in relation to regulating the use of single-use carryout bags.

Section one. A new Chapter 52 is added to the Code of the Village of Sea Cliff, to read as follows:

“Chapter 52. CARRYOUT BAGS.

§52-1. Purpose and Legislative Intent.

The Board of Trustees of the Village of Sea Cliff enacts this Chapter to promote the use of reusable bags over single-use carryout bags, to reduce the negative environmental and economic impacts associated with single-use carryout bags. Most carryout bags made from either plastic, paper or other materials do not readily decompose, and contribute to problematic litter because of their light weight, allowing them to be blown into sidewalks, trees, the harbor, the ocean and onto the beach and other environmentally sensitive locations, as well as into the streets blocking storm drains. Production of paper bags is detrimental to the environment in that it requires cutting of trees and use of energy. Studies indicate that the imposition of fees on carryout bags is effective in reducing the proliferation of plastic bags, and protecting the environment. In lieu of a total ban on single-use carryout bags, the Village finds that imposing a bag fee on the customer can create a shift in consumer behavior toward the use of reusable bags and significantly reduce the amount of carryout bags within the Village. The adoption of this Chapter is intended to encourage consumers in the Village to use their own reusable bags for shopping.

§52-2. Definitions.

As used in this Chapter, the following terms shall be defined as follows:

**Business Establishment** – any retail business.

**Carryout Bag** – a bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases.

**Exempt Bag** – any of the following: (a) a bag without handles that is used to carry produce, meats, loose baked goods, loose dry goods, dry cleaning, newspaper delivery bags, liquor store sales, flowers or other non-prepackaged food items to the point of sale within a store or market, or to prevent such items from coming in direct contact with other purchased items, or (b) a bag provided by a doctor, pharmacist or veterinarian to carry prescription drugs.

**Retail Business** – a business or establishment engaged in the retail sale of personal, consumer or household items, including but not limited to, grocery stores,

supermarkets, conveniences stores, home center, apparel stores, office supply stores, personal service stores and food service establishments, whether such sale is made inside or outside a store or at a sidewalk or street fair or farmers market.

**Reusable Carryout Bag** – a carryout bag with handles that is specifically designed and manufactured for multiple reuse and is either (a) made of cloth or other machine washable fabric or (b) made of durable plastic that is at least 2.25 millimeters thick and is specifically designed and manufactured for multiple reuse.

#### §52-3. Fee and Fee Exemptions.

- A. Business establishments shall charge a fee of not less than five (5) cents for each carryout bag provided to any person. Monies collected by a business establishment shall be retained by the business establishment.
- B. No business establishment shall charge a fee for an exempt bag.
- C. All business establishments that provide carryout bags to customers shall provide such bags free of charge for items purchased by any person using the New York State Supplemental Nutrition Assistance Program (SNAP) or New York State Special Supplemental Nutrition Program for Women, Infants and Children (WIC), as full or partial payment.
- D. No business establishment shall charge a fee or prevent a customer from using a bag of any kind that they have brought for the purpose of carrying goods from such business establishment.

#### §52-4. Posting of Fee Requirement.

All business establishments shall post one or more signs at or near points of sale located in such establishments to notify customers of the provisions of this Chapter.

#### §52-5. Regulations.

The Director of Public Works is hereby authorized to promulgate rules and regulations to administer and enforce the provisions of this Chapter.

#### §52-6. Effectiveness.

Beginning on April 1, 2020, and annually thereafter, the Director of Public Works, or any other person designated by the Board of Trustees, shall prepare an annual recycling report that includes information on the progress of single-use carryout bag reduction, which shall include: (a) information provided by business establishments as to the effectiveness of this law in reducing the use of single-use carryout bags, (b) violations issued, and (c) any measurable cost or environmental benefits attributable to single-use carryout bag reduction.

§52-7. Penalties.

- A. It shall be a violation of this law for any business establishment to provide a carryout bag to a customer in violation of any provision of this Chapter.
- B. For the first offense of this Chapter, the Village may issue a notice of violation.
- C. The second violation of this Chapter shall be punishable by a fine not to exceed one hundred dollars (\$100.00).
- D. The third or subsequent violation of this Chapter shall be punishable by a fine not to exceed two hundred dollars (\$200.00) for each such violation. Any local law or provision of the Code of the Village of Sea Cliff in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section two. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section three. This local law shall take effect on April 22, 2018 (Earth Day).