

Plastic Ban.
All stores.

Adopted by the Town Council March 20, 2017
Effective April 30, 2017
Enforced beginning September 1, 2017

TOWN OF BRUNSWICK, MAINE
AMENDMENT TO MUNICIPAL CODE OF ORDINANCES
CHAPTER 6 – SINGLE-USE CARRYOUT PLASTIC BAGS

Whereas, the Town of Brunswick desires to protect the natural environment; and

Whereas, the use of single-use carryout plastic bags has negative environmental impacts on a local and global scale; and

Whereas, despite recycling and voluntary solutions to control pollution from single-use carryout plastic bags, few single-use carryout bags are recycled; and

Whereas, studies have documented that single-use carryout plastic bags litter the environment, block storm drains, and endanger wildlife; and

Whereas, the Town of Brunswick's taxpayers bear costs associated with the effects of single-use carryout plastic bags on the solid waste stream, litter, drainage and wildlife; and

Whereas, the Town, through its policies, programs, and laws, supports efforts to reduce the amount of waste that must be disposed of by supporting the waste management hierarchy (reduce, reuse, recycle, compost, waste-to-energy landfill) and supports efforts to achieve Maine's recycling goals; and

Whereas, evidence indicates that the vast majority of single-use carryout plastic bags are used for the bagging and carryout of products purchased from stores, as those business are defined in this ordinance; and

Whereas, studies document, and participating municipalities report, that prohibiting the distribution of single-use carryout plastic bags will dramatically reduce the use of those types of bags; and

Whereas, the Town Council of the Town of Brunswick believes that residents and visitors should be encouraged to use reusable bags and that prohibiting the distribution of single-use carryout bags is appropriate to incentivize the use of reusable bags; and

Whereas, it is in the best interests of the health, safety and welfare of citizens and visitors of Brunswick to reduce the cost to the Town of solid waste disposal, and to protect our environment and natural resources by reducing the distribution of single-use carryout plastic bags and incentivizing the use of reusable bags.

Now therefore, the Town Council of the Town of Brunswick adopts the following ordinance regulating the use of single-use carryout bags.

Article V. Single-Use Carryout Bags

6.1.101. Definitions.

As used in this article, the following terms have the following meanings:

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Single-use Carryout Plastic Bag. Single-use Carryout Plastic Bag means a plastic bag, other than a Reusable bag, provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. The term Single-Use Carryout Plastic Bag includes compostable and biodegradable bags but does not include:

- (a) Produce bags or Product bags, as defined herein;
- (b) Reusable bags, as defined herein;
- (c) bags provided by pharmacists that contain prescription drugs;
- (d) newspaper bag or dry cleaning bag;
- (e) a bag that a restaurant gives a customer to take prepared, carryout, or leftover food or drink from the restaurant; or
- (f) a once-used or re-used bag, such as those given out at thrift and antique stores.

Produce bag or Product bag. The terms produce bag or product bag mean any bag without handles used exclusively to carry produce, meats, other food items or merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items.

Reusable Bag means a bag that is:

- (a) designed and manufactured to withstand repeated uses over a period of time;
- (b) is machine washable or made from a material that can be cleaned and disinfected regularly;
- (c) at least 4.0 mil thick if made from plastic;
- (d) has a minimum lifetime of 75 uses; and
- (e) capable of carrying a minimum of 18 pounds.

Retail. Retail means the sale of goods to the public in relatively small quantities for use or consumption rather than for resale.

Store. Store means any retail establishment, located within the Town of Brunswick, that engages in the retail sale of goods, products, clothing, or merchandise.

Restaurant. Restaurant means any lunchroom, café, or other establishment located in a permanent building for the accommodation of the public, equipped with a kitchen containing facilities and utensils for preparing and serving meals to the public, and outfitted with a public dining area. A restaurant does not include any area of a supermarket, department store, or other retail establishment beyond the kitchen and public dining area.

6.1.102. **Single-Use Carryout Bag.**

No Store shall provide at a cost, or at no cost, a Single-Use Carryout Plastic Bag to a customer at the check stand, cash register, point of sale or other point of departure for the

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purpose of transporting food or merchandise out of the establishment except as provided in this Section.

6.1.103. Exemptions.

A Store shall be exempt from the provisions of this article, in a situation deemed by the town manager to be an emergency for the immediate preservation of the public health or safety.

6.1.104. Violations and enforcement.

The code enforcement officer or his/her designee(s), or other official designated by the town manager, shall have the primary responsibility for enforcement of this article. If the code enforcement officer or his/her designee(s), or other official designated by the town manager, determine(s) that a violation of this article has occurred, he/she shall issue a written warning notice to the Store that a violation has occurred. Penalties for violation of this article shall be as set forth in the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.¹

6.1.105. Effective Date.

Enforcement of this article shall begin on September 1, 2017.

6.1.106 Severability.

If any part or provision of this article or the application thereof to any person or circumstances is held invalid, the remainder of the article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this article are severable.

(a) ¹ A warning for the first violation in a one-year period;

(b) A fine not exceeding \$250 for the second violation in a one-year period.

(c) A fine not exceeding \$500 for each subsequent violation in a one-year period.

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APPENDIX B MASTER SCHEDULE OF REVENUES, CHARGES, FEES AND FINES

Chapter 6.1—Environment			
Sec. 6.1-104		First violation in a one-year period	Warning
		Second violation in a one-year period	\$250.00
		Each subsequent violation in a one-year period	\$500.00