

E-16

LOCAL LAW NO. ____ OF 2020

TOWN BOARD
TOWN OF HARRISON
PROPOSED LOCAL LAW TO CREATE
CHAPTER ____ OF THE
CODE OF THE TOWN OF HARRISON

A LOCAL LAW to create
Chapter ____ of the Town Code
of the Town of Harrison
concerning Retail Single-use
Paper Bags.

BE IT ENACTED by the Town Board of the Town of Harrison as follows:

Section 1. Chapter ____ of the Town of Harrison entitled “Retail Single-Use Paper Carryout Bags” is hereby adopted as follows:

Chapter ____: Retail Single-Use Carryout Bags

§ ____ Legislative intent.

A. The intent and purpose of this local law is to encourage consumers in the Town of Harrison to use their own reusable bags for shopping by requiring not less than a \$0.10 fee on single-use carryout paper bags that are provided at retail stores.

B. The Town Board further finds that Americans consume more than ten billion single-use paper bags each year (Northwest Region, Waste Management, Waste by the Numbers, 2004).

C. The production, transportation, disposal and littering of single-use bags have serious environmental, communal and financial concern. (Environment Agency, Government United Kingdom, Evidence: A life cycle assessment of supermarket carrier bags, 2006).

D. The Town Board further finds that studies indicate that fees for single-use paper are effective in reducing the proliferation of paper and plastic single-use carryout bags and protecting the environment (Government of the District of Columbia, District Department of the Environment, 2012-2013, DDOE; United Kingdom Department for Environment, Food and Rural Affairs).

E. The Town Board concludes that in lieu of enacting a total ban on single use paper bags, the Town of Harrison should instead require retail stores to charge a fee of not less than \$0.10 on single-use paper carryout bags. date.

§ ____ Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COVERED STORE

An establishment that is engaged in the retail sale of personal, consumer or household items, including but not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience stores, food marts, apparel stores, home center and hardware stores, stationery and office supply stores, and food service establishments located within grocery stores, supermarkets, convenience stores or food marts, that provide carryout bags to customers in which to place purchased items. This term does not include food service establishments located outside of grocery stores, supermarkets, convenience stores or food marts.

FOOD SERVICE ESTABLISHMENT

A place where prepared food is provided for individual portion service directly to a consumer, whether consumption occurs on or off the premises.

PERSON

Any natural person, firm, corporation, partnership or other organization or group however organized.

RECYCLABLE PAPER BAG:

A paper bag that should have the following characteristics:

- A. Contains no old-growth fiber;
- B. Is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content.

RETAIL SALES

The transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmers' markets and flea markets. The term "retail sales" does not include sales of goods at yard sales, tag sales, and other sales by residents at their homes.

REUSABLE BAG

A bag with handles that is specifically designed and manufactured for multiple reuse and is either: 1) made of cloth or other machine-washable material, but not film plastic; or 2) made of durable plastic that is at least 2.25 mils thick. Reusable carryout bags provided to customers pursuant to this chapter shall be conspicuously labeled as reusable.

SINGLE-USE PAPER CARRYOUT BAG

A single use paper bag provided by a covered store to a customer at the point of sale and is used to carry goods from such store; provided, however, that such term shall not include any of the following:

- A. A bag without handles used to carry produce, meats, poultry, fish, dairy, dry goods or other non-prepackaged food items to the point of sale within a covered store or to prevent such food items from coming into direct contact with other purchased items;
- B. A bag provided by a pharmacy to carry prescription drugs;
- C. A garment bag;
- D. A reusable bag; or
- E. Any other bag exempted from the provisions of this chapter.

§ ____ Regulation of single-use paper carryout bags.

- A. Covered stores shall charge a fee of not less than \$0.10 for each single-use paper carryout bag provided to any customer. All fees collected by a covered store under this chapter shall be retained by the store. Covered stores shall separately itemize the fee charged pursuant to this chapter on the standard receipt provided to customers.
- B. No covered store shall charge a fee for, or prevent a customer from using, bags of any type brought by the customer to such store to carry purchased goods from such store.
- C. Nothing in this chapter shall prohibit customers from carrying away goods that are not placed in a bag.

§ ____ Additional obligations of covered stores.

- A. Paper carryout bags provided by covered stores to customers shall contain a minimum of 40% post-consumer recycled content and be conspicuously labeled with the amount of post-consumer recycled content.

§ ____ Reporting. [THIS SECTION IS DISCRETIONARY]

The Harrison Sustainability Committee shall prepare and submit on _____, 2020 and each April 1 thereafter through April 1, 2023, an annual report for review by the Town Board that includes information on the progress of single-use carryout bag reduction, including, but not limited to:

- A. The general effectiveness of this chapter in reducing the use of single-use paper carryout bags in the Town and increasing the use of reusable carryout bags;

- B. The waste- and litter-reduction benefits of this chapter, including, where practicable, the amount of single-use plastic bags in the waste stream;
- C. Paper single-use carryout bag usage trends since implementation of this local law;
- D. The number of notices of violation issued pursuant to this chapter; and
- E. Any cost savings for the Town attributable to single-use carryout bag reduction, such as reduced contamination of local waterways or reduction in flooding or combined sewer overflows.
- F. While this law exempts delicatessens and restaurants, it is further recommended that a pilot program be instituted by the Harrison Sustainability Committee, which pilot program will include 5-7 delicatessens and restaurants that will voluntarily decrease plastic/Styrofoam containers and single-use carryout bags in these locations as part of an effort to decrease litter in Town. If the pilot program is successful, the Town Board may consider including delicatessens and restaurants as covered stores as defined in this chapter.
- G. The Harrison Sustainability Committee will evaluate and recommend whether it is appropriate for other stores to be included as covered stores as defined in this chapter.
- H. If the Harrison Sustainability Committee finds that single-use carryout bag use has not decreased among the covered stores by 50% or more during the 12-month period beginning with the effective date of this chapter, then the Town Board may consider one or more of the following revisions to this chapter: an increase in the fee, an outright ban on single-use plastic bags and expansion of the definition of covered stores to include additional establishments.

§ ____ Deduction from employee wages prohibited.

Covered stores are prohibited from making a charge against, or deduction from, the wages of an employee to offset any penalty addressed against the covered store pursuant to this chapter.

§ ____ Enforcement.

The provisions of this chapter shall be enforced by the Police Department of the Town of Harrison, the Town Code Enforcement Officer or other officials designated by the Town Board.

§ ____ Penalties for offenses.

Any person violating any provision of this chapter shall be subject to a fine not exceeding \$250 for the first violation, \$500 for the second violation and \$1000 for the third violation, or

each violation thereafter. The continuation of a violation of the provisions of this chapter shall constitute, for each day the violation continues, a separate and distinct violation hereunder.

§ ____ Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

§ ____ Effective date.

This chapter shall take effect immediately upon filing with the New York Secretary of State.

Section 2. Numbering for Codification.

It is the intention of the Town of Harrison and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Harrison; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 3. Severability.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.