

GENERAL BYLAW ARTICLE

ARTICLE 32

RE: **An Ordinance Regarding the Use of Recyclable and Reusable Bags in the Town of Burlington**

To see if the Town will vote to approve to include in the Town's General Bylaw's language as follows to create a new ordinance provision.

AN ORDINANCE REGARDING THE USE OF RECYCLABLE AND REUSABLE BAGS IN THE TOWN OF BURLINGTON

Purpose:

The reduction in the use of single-use plastic bags is a public purpose that protects the land and marine environment and waterways, minimizes litter, and reduces greenhouse gas emissions. Furthermore, single-use plastic bags create a burden for solid waste collection and recycling facilities, clog storm drainage systems, and require the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this ordinance is to reduce the number of single-use plastic bags that are being used, discarded, and/or littered, and to promote the use of Reusable Bags and Recyclable Paper Bags by Retail Establishments in the Town of Burlington.

Definitions: The following terms shall have the following meanings:

1. "The Administrator" means the Town of Burlington Town Administrator or any of his/her designees.
2. "Checkout Bag" means a carryout bag with handles provided by a Retail Establishment to a customer at the point of sale. A Checkout Bag shall not include:
 - a. bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a Retail Establishment;
 - b. laundry or dry-cleaner bags;
 - c. newspaper bags;
 - d. bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.
3. "Recyclable Paper Bag" means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words "Recyclable" and "made from 40% post-consumer recycled content" in a visible manner on the outside of the bag.
4. "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 3.0 mils in thickness.
5. "Single Use Plastic Bag" means a Checkout Bag composed of plastic, and typically has handles. These bags are intended for single-use transport of purchased products.

6. "Retail Establishment" means any commercial enterprise, defined as the following, whether for or not for profit, including, but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores; however, this does not include bazaars operated by nonprofit organizations or religious institutions.
7. "Small Business" means a Retail Establishment that is under 2500 square feet in size, and are privately owned.
8. "Effective Date" refers to the effective date of this Bring Your Own Bag Ordinance.

Requirements:

- A. If a Retail Establishment provides Checkout Bags to customers, these bags must either be a Recyclable Paper Bag or a Reusable Bag. Information regarding the proper sanitization of these Reusable Bags to prevent fungus and illness must also be displayed or communicated at the time of checkout.
- B. Single Use Plastic Bags shall not be distributed, used, or sold for checkout or other purposes at any Retail Establishment within the Town of Burlington.
- C. Customers are encouraged to bring their own Reusable Bags to stores. Retail Establishments are strongly encouraged to make Reusable Bags available for sale to customers.
- D. Each Retail Establishment as defined in "Definitions" above shall comply fully with this ordinance.
- E. The Town Administrator shall have the authority to promulgate the requirements of this ordinance.

Exemptions: The following are exempt and not subject to the Bring Your Own Bag Ordinance.

1. Bags used by customers to:
 - a. Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items.
 - b. Contain or wrap frozen foods, meat, or fish.
 - c. Contain or wrap flowers, potted plants, or other items where dampness may be a problem.
2. Laundry or dry-cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste.

Effective Date:

This ordinance shall go in effect December 1, 2018, six (6) months after being passed.

1. A Small Business may ask for an extension of up to three (3) months past the Effective Date upon written request to the Town Administrator. This exemption shall only apply to a Small Business facing an undue hardship. An "undue hardship" shall be found only in:
 - a. Circumstances or situations unique to the Small Business such that there are no alternatives to Single Use Plastic Bags present in their store by the Effective Date. There must be a plan as to obtain Reusable Bags or Paper Bags by the end of the extension filed to the Town Administrator's office; or

- b. Circumstances where a Small Business requires additional time in order to reduce an existing inventory of Single Use Plastic Bags. Any Small Business in receipt of an extension shall file inventory reduction and remaining stocks of Single Use Plastic Bags to the Town Administrator's office. No Single Use Plastic Bags shall be purchased during the time of this extension.

Education:

The Town of Burlington shall send a written notice detailing the requirements imposed by this ordinance to the Retail Establishments at least five (5) months prior to the effective date of this ordinance.

Enforcement:

1. Enforcement of this ordinance shall be the responsibility of the Town Administrator or his/her appointed designee.
2. Any Retail Establishment found to be in violation of this ordinance shall be subject to a non-criminal disposition fine by the Town Administrator. Fines shall go as follows:
 - a. A written warning on the first violation,
 - b. A \$100 fine upon the second violation,
 - c. A fine of \$100 compounded to each previous fine, should any further violations occur.
3. All fines shall be received by the Town of Burlington.

Or to act in other manner in relation thereto.