

Single-Use Bag Ordinance

Purpose: It is in the best interest of the citizens and visitors of Camden to protect the environment and natural resources of Maine and our Penobscot Bay region by encouraging the use of re-usable bags and discouraging the use of disposable single-use carry out bags. The town through its policies, programs and laws supports efforts to reduce the amount of waste that must be disposed of by supporting the State waste management hierarchy to reduce, reuse, recycle. The intent is also to reduce the environmental impact of the manufacture and transportation of single-use bags.

Definitions

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

Single-Use Carryout Bag means a bag other than a reusable bag, as defined below, 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 bag* includes plastic, compostable and biodegradable bags, paper bags, dry cleaning bags, but does not include reusable bags, produce bags, product bags provided by pharmacists to contain prescription drugs.

Reusable Bag means a bag that meets the following criteria:

- (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) Has a minimum lifetime of 75 uses; and
- (d) Is at least four mils thick, if made from plastic and
- (e) Has the capability of carrying a minimum of 18 pounds

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

Retail Establishment means any business of any size which sells goods directly to the public.

Store means any of the following retail establishments, excluding restaurants, located within the town of Camden:

- (a) A full-line, self-service market located in a permanent building, operating year-round, and which sells at retail a line of staple foodstuffs or at least one of on the following: household supplies, meats, produce, dairy products or other perishable items.
- (b) A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that include milk, bread, soda and snack foods.

Plastic Single-Use Carryout Bags

- (a) Except as provided in this section, no Retail Establishment as defined above shall provide a single-use carryout plastic bag of any size to a customer at the check stand, cash register or point of sale or other point of departure for the purposes of transporting food or merchandise out of the establishment.
- (b) A Retail Establishment may make available for sale to a customer a single-use carryout plastic bag for a mandatory, uniform charge of ten cents (\$.10) per bag.
- (c) All monies collected by a Retail Establishment for the sale of single-use carryout plastic bags under this section may be used by the Retail Establishment for any lawful purpose.
- (d) All Retail Establishments must post signage clearly indicating the per bag charge for single-use carry out plastic bags.
- (e) Notwithstanding this section, no Retail Establishment may make available for sale a single-use carry out plastic bag unless the amount of the sale of the single-use carry out plastic bag is separately itemized on the sale receipt.
- (f) No Retail Establishment shall rebate or otherwise reimburse a customer any portion of the charge required in subsection (b).

Other (paper, biodegradable, compostable) Single-Use Carryout Bags

- (a) Except as provided in this section, no Store as defined above shall provide a single-use carryout bag to a customer at the check stand, cash register or point of sale or other point of departure for the purposes of transporting food or merchandise out of the establishment.
- (b) A Store may make available for sale to a customer a single-use carryout bag for a mandatory, uniform charge of ten cents (\$.10) per bag.
- (c) All monies collected by a Store for the sale of single-use carryout bags under this section may be used by the store for any lawful purpose.
- (d) All Stores must post signage clearly indicating the per bag charge for single-use carry out bags.
- (e) Notwithstanding this section, no Store may make available for sale a single-use carry out bag unless the amount of the sale of the single-use carry out bag is separately itemized on the sale receipt.
- (f) No Store shall rebate or otherwise reimburse a customer any portion of the charge required in subsection (b).

Permitted Bags

Nothing in this section shall be construed to prohibit customers from using bags of any type that customers bring to the store for their own use or from carrying away from the store goods that are not placed in a bag provided by the store.

Violations and Enforcements

The Town Police Department or their designee shall have the primary responsibility for enforcement of this ordinance. If the Town Police Department or its designee(s) determine that a violation of this ordinance has occurred, a written warning notice will be issued to the

store that the violation has occurred. Subsequent violations of this ordinance shall be subject to the penalties as set forth below.

Violations of this ordinance shall be punishable as follows:

- (a) A fine not exceeding \$100 for the first violation after a warning in a one year period;
- (b) A fine not exceeding \$250 for the second and each subsequent violation in a one year period.
- (c) Reimbursement of the town's legal fees and costs for prosecution of each violation.

Effective Date: January 1, 2019 *(or 6 months after the ordinance is passed)*