

## ARTICLE V. - SINGLE-USE CARRYOUT BAGS

### Sec. 6.1-101. - Definitions.

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

*Produce bag* or *product bag* means 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.

*Restaurant* means any lunchroom, cafe, 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.

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

*Reusable bag* means a bag that is:

- (1) Designed and manufactured to withstand repeated uses over a period of time;
- (2) Is machine washable or made from a material that can be cleaned and disinfected regularly;
- (3) At least 4.0 mil thick if made from plastic;
- (4) Has a minimum lifetime of seventy-five (75) uses; and
- (5) Capable of carrying a minimum of eighteen (18) pounds.

*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:

- (1) Produce bags or product bags, as defined herein;
- (2) Reusable bags, as defined herein;
- (3) Bags provided by pharmacists that contain prescription drugs;
- (4) Newspaper bag or dry cleaning bag;
- (5) A bag that a restaurant gives a customer to take prepared, carryout, or leftover food or drink from the restaurant; or
- (6) A once-used or re-used bag, such as those given out at thrift and antique stores.

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

(Amend. of 3-20-17)

### Sec. 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 purpose of transporting food or merchandise out of the establishment except as provided in this article.

(Amend. of 3-20-17)

Sec. 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.

(Amend. of 3-20-17)

Sec. 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.

(Amend. of 3-20-17)

Sec. 6.1-105. - Effective date.

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

(Amend. of 3-20-17)

Sec. 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.

(Amend. of 3-20-17)