

City of Waterville
(PROPOSED) ORDINANCE REGULATING CARRYOUT PLASTIC SHOPPING BAGS
(to be voted on November 6, 2018)

Sec. 1-1. Purpose and authority.

It is in the best interests of the citizens and visitors of the City of Waterville to reduce the cost to the City of solid waste disposal and to protect the environment and natural resources by discouraging the distribution and use of Carryout Plastic Shopping Bags and encouraging the use of reusable shopping bags in Large Stores, as defined in this Section.

Sec. 1-2. Compliance required.

Businesses and retailers operating in the City of Waterville with retail or commercial space at or exceeding 10,000 square feet are required to comply with this ordinance.

Sec.1-3.Title and Authority

This Section shall be titled and referred to as the “Ordinance Regulating Carryout Plastic Shopping Bags.” This ordinance is enacted in accordance with the home rule authority granted to the City within State law under 30-A M.R.S. § 3001 et seq.

Sec. 1-4. Definitions

As used in this Ordinance the following terms have the following meanings:

Carryout Plastic Shopping Bag means a plastic film bag of any mil or thickness with two handles 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.

Plastic Produce Bag or Plastic Product Bag means any thin plastic film bag used exclusively to carry fruit, vegetables, meat, seafood, bulk items, prepared foods, bakery goods, or other food at stores to prevent cross contamination or touching other items;

Reusable Bag means a bag that meets all of the following criteria:

- Is made from fabric, cloth, nylon, woven or non-woven polypropylene, or RPET
- Is at least 4 mils thick
- Is machine washable and can be cleaned and disinfected regularly
- Designed and manufactured to withstand at least 60 uses
- Has handles with which to carry the bag
- Has the capability of carrying a minimum of 18 pounds

Large Store means any retail or commercial establishment located within the City of Waterville engaged in the sale, rental and/or lease of perishable or non-perishable goods to the ultimate

consumer for direct use or consumption and not for resale, with a retail or commercial space at or exceeding 10,000 square feet.

Section 1-5. Restrictions on Carryout Plastic Shopping Bags.

- No Large Store (as defined above) shall provide a free Carryout Plastic Shopping Bag to a customer at the check stand, cash register, point of sale or other point of departure for the purposes of transporting food or merchandise out of the establishment.
- No Large Store may make available for sale a Carryout Plastic Shopping Bag to a customer at the check stand, cash register, point of sale or other point of departure for the purposes of transporting food or merchandise out of the establishment.
- A Large Store, at their discretion, may provide a paper bag either for free or for a fee to a customer at the check stand, cash register, point of sale or other point of departure for the purposes of transporting food or merchandise out of the establishment. Large Stores shall keep the proceeds from the sale of paper bags at point of sale.
- Large Stores, at their discretion, may make a Reusable Bag available to the customer either for free or for a fee at the check stand, cash register, point of sale or other point of departure for the purposes of transporting food or merchandise out of the establishment.

Section 1-6. Exemptions.

This Ordinance shall not apply to any retail or commercial establishment located in the City of Waterville with a retail space less than 10,000 square feet. Furthermore, this ordinance does not apply to:

- Plastic Produce Bag or Plastic Product Bag not given at checkout used to store fruit, vegetables, meat, seafood, bulk items, prepared foods, bakery goods, or other food at stores to prevent cross contamination or touching other items
- Dine-in or take-out restaurants, cafes, or bakeries in the City of Waterville
- Plastic sleeves used to protect newspapers from the elements
- Nonprofit organizations operating in the City of Waterville to distribute food, grocery products, clothing, or other household items
- The Waterville Farmers Market

Section 1-7. Permitted Bags.

Nothing in this Section shall be construed to prohibit customers from using bags of any type (reusable, plastic, or paper) that the customer brings with them to the Large Store for their own use. Furthermore, nothing in this Section shall be construed to prohibit customers from carrying away goods from the Large Store that are not placed in a bag provided by the Large Store.

Sec. 1-8. Violations, Enforcement, Penalties.

The Code Enforcement Officer shall have the primary responsibility for enforcement of this Ordinance. If the Code Enforcement Officer determines that a violation of this section has

occurred, he/she shall issue a written warning notice to the Large Store that the violation has occurred. Subsequent violations of this section shall be subject to the penalties set forth below.

Violations of this section shall be punishable by fines as follows:

(a) A fine not exceeding \$250 for the first violation in a one-year period;

(b) A fine not exceeding \$500 for the second and each subsequent violation in a one year period.

If the city is the prevailing party in a prosecution for violating this ordinance, it shall be awarded its reasonable attorney's fees.

Sec. 1-9. Effective Date

The provisions of this ordinance shall become effective on April 22, 2019

Sec. 1-10. Severability

If any part or provision of this Section or the application thereof to any person or circumstances is held invalid, the remainder of this Section, 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 Section are severable.