



TOWN OF MANSFIELD
Ordinance Development and Review Subcommittee
Thursday, October 11, 2018
7:00 P.M.
Mansfield Town Hall
Community Center Conference Room
Special Meeting Agenda

1. Call to Order/Roll Call
2. Public Comment
3. Approval of September 17, 2018 Minutes
4. Review draft Bring Your Own Bag Ordinance
5. Adjournment

SPECIAL MEETING – ORDINANCE DEVELOPMENT AND REVIEW SUBCOMMITTEE
September 17, 2018

1. CALL TO ORDER

Chairperson Terry Berthelot called the meeting to order at 7:02 p.m.

2. ROLL CALL

Present: Terry Berthelot (Chair), Ben Shaiken, Caitlin Briody

Staff Present: Assistant Town Manager Joshua Putman, Recycling Coordinator Virginia Walton

3. PUBLIC COMMENT

Kelly Rafferty, UConn student and member of UConn PIRG (Public Interest Research Group) reported that she met with the person in charge of the Student Union to discuss eliminating plastic bags. Student Union staff responded favorably to the idea of eliminating plastic bags. Rafferty will continue to communicate with them.

4. STATUS OF PROPOSED BRING YOUR OWN BAG ORDINANCE

Members discussed the ordinance as submitted by the Solid Waste Advisory Committee and suggested edits to be made for review at the next meeting. Members asked for a copy of the Newtown bag ordinance and the enforcement, violations, citations and fines section of the Mansfield rental ordinance. Members would like the Town Attorney to check whether businesses on the UConn campus can be included in the ordinance.

5. FUTURE MEETING DATES

By consensus members agreed to meet in 2 or 3 weeks to review draft changes.

6. ADJOURNMENT

The meeting was adjourned at 8:27 p.m. on a motion by Shaiken/Briody. The motion passed by all members present.

Respectfully submitted,

Virginia Walton

Mansfield 1

WHEREAS, the Town Council of the Town of Mansfield seeks to reduce the volume and toxicity of waste materials in the solid waste stream that are directed to resource recovery facilities; and

WHEREAS, plastic checkout bags pollute our local streams and rivers, disintegrate into smaller bits that contaminate soil and waterways, and enter into the food supply of humans, animals and aquatic life; and

WHEREAS, the Town of Mansfield has shown leadership in waste reduction initiatives; and

WHEREAS, the Town of Mansfield seeks to protect its waterways, including the local streams that feed into the Thames River watershed and ultimately the oceans, and

WHEREAS, retail establishments are encouraged to purchase recyclable paper bags that contain no old-growth fiber and a minimum of 40% post-consumer recycled content, and

WHEREAS, retail establishments are encouraged to make available for sale to customers recyclable paper bags and reusable checkout bags, and

WHEREAS, customers are encouraged to bring their own reusable checkout bags to retail establishments;

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MANSFIELD:

The Municipal Code of Mansfield is hereby amended by inserting a new ordinance as follows:

BRING YOUR OWN BAG ORDINANCE

Section 1- Purpose & Intent.

The purpose of this ordinance is to eliminate from our waste stream plastic materials which harm marine and terrestrial animals, which pollute our waterways and litter our landscape, which are made from fossil fuels, and which do not ever biodegrade. The intent of this ordinance is ~~not to facilitate a shift to paper bags, but to encourage consumers to use reusable bags.~~

Section 2 – Definitions.

For the purpose of this Ordinance, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

Checkout Bag shall mean a carryout bag provided by a store to a customer at the point of sale.

The term checkout bags shall not include (i) recyclable paper bags, (ii) reusable bags, (iii) laundry or dry cleaner bags, (iv) newspaper bags, (v) produce bags, or (vi) products bags. As used in this definition, the term “produce bag” or “product bag” means any bag ~~without handles used~~ exclusively to carry produce, meats or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

Enforcement Officer shall mean one or more employees or agents of the town, designated by the Town Manager to enforce the provisions of this Ordinance.

Recyclable Paper Bag shall mean a 100% paper bag provided at checkout or other point of departure for the purpose of transporting food or merchandise out of the establishment. ~~Retail establishments are encouraged to purchase recyclable paper bags that contain no old-growth fiber and a minimum of 40% post-consumer recycled content.~~

Reusable Checkout Bag shall mean a sewn bag with stitched handles that (1) can carry 25 pounds over a distance of 300 feet, and (2) is either (a) made of cloth or other machine washable fabric, or (b) made of plastic that is durable, non-toxic and more than 6 mils thick.

Retail Establishment shall mean any for profit commercial enterprise, defined as the following: including but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, food trucks and household goods stores.

Section 3 – Prohibition on Checkout Bags.

- A. If any retail establishment as defined in section 2 provides a checkout bag to customers, the bag shall comply with the requirements of being either a recyclable paper bag or a reusable checkout bag. ~~Retail establishments are strongly encouraged to make available for sale to customers recyclable paper bags and reusable checkout bags.~~
- B. ~~Customers are encouraged to bring their own reusable checkout bags to retail establishments.~~

Section 4 – Exemptions.

- A. The provisions of this chapter do not apply to bags used by non-profit corporations or other charities to distribute food, grocery products, clothing or other household items to clients.

Section 5 - Effective Date.

All of the requirements set forth in this ordinance shall take effect within six months of passage.

Section 6 – Waivers.

In the event that compliance with the effective date of this ordinance is not feasible for a ~~small~~ retail establishment, because of economic hardship, the Town may grant a waiver of ~~not more than six months~~ upon application of the owner or the owner's representative.

Section 6-7 – Enforcement, Violations and Penalties.

Enforcement of this Ordinance shall be as follows:

- A. The Town Manager shall designate one or more Enforcement Officers, who are empowered to take such enforcement actions as authorized in this Ordinance.
- B. Any retail establishment violating the provisions of this Ordinance shall be deemed to have committed an infraction and may be issued a citation. Said citation shall inform the person named therein of the allegations against him or her, the amount of the fine due, and the date on which payment of the fine is due, which shall be no later than ten (10) days after the date of the citation. Said citation shall be hand delivered or mailed by certified mail, return receipt requested, addressed to the owner, manager or person in control of the retail establishment at the last known address. Citations shall be punishable with a fine of ninety (\$90) dollars for

each violation. Each separate day that a violation exists after the issuance of a citation shall be subject to a separate additional fine without the issuance of a separate citation.

- C. In lieu of issuing a citation per Section 5(B) of this Ordinance, the Enforcement Officer may serve written notice of the violation(s) of this Ordinance to the owner, agent, tenant or person in control of any retail establishment within the town. Such notice shall be hand delivered or mailed by certified mail, return receipt requested, addressed to said owner, agent, tenant or person in control of the retail establishment at the last known address.

Such notice shall state the violation(s) as outlined hereinafter, demand its correction within ten (10) calendar days, and state that if the retail establishment cited fails to correct the violation before the deadline, the Town may issue a citation to the owner, manager or person in control of the retail establishment per Section 5(B) of this Ordinance.

- D. In addition to any other remedy authorized by this Ordinance, if any such fine issued pursuant to the provisions of this Ordinance is unpaid beyond the due date, the Town may initiate proceedings under the authority of *Connecticut General Statutes* §7-152c and the Town of Mansfield "Hearing Procedure for Citations Ordinance" to collect such fine.

Stamford 1

Stamford Passed 10/1/18

LR30.019_7/31/18

**PROPOSED ORDINANCE NO. _____
CONCERNING NON-BIODEGRADABLE DISPOSABLE
CARRYOUT BAGS**

WHEREAS, non-biodegradable disposable carryout bags often are discarded into the environment and end up polluting our waterways, clogging sewers, endangering marine life and causing unsightly litter; and

WHEREAS, the physical breakdown of non-biodegradable disposable carryout bags results in micro plastics that enter the food chain and ultimately accumulate in the human body leading to adverse health effects; and

WHEREAS, non-biodegradable plastic carryout bags are not considered recyclable; and

WHEREAS, it is beneficial to the land and aquatic environment and to human health to prohibit the use of non-biodegradable disposable carryout bags and encourage the use of reusable carryout bags.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STAMFORD THAT:
to protect the land and the aquatic environment and human health in the City of Stamford, Chapter _____, Stamford Disposable Carryout Bag Ordinance, prohibiting the use of non-biodegradable disposable carryout bags is hereby adopted:

Sec. _____-1. – Purpose

The intent of this ordinance is to improve the environment in the City of Stamford by prohibiting the use of disposable carryout bags made of plastic and further prohibiting the use of disposable carryout bags made of non-recyclable paper, thereby encouraging the use of reusable carryout bags and deterring the use of 100% recyclable carryout paper bags for the retail sale of purchased goods. Retail establishments are encouraged to make reusable bags available for sale.

Sec. _____-2. – Justification

Non-biodegradable bags often are discarded into the environment and end up polluting our waterways, clogging sewers, endangering marine life and causing unsightly litter. These bags last hundreds of years in landfills and are a potential source of harmful chemicals when they do break down.

Sec. _____-3. – Definitions

For the purposes of this act, the term:

LR30.019_7/31/18

A. "Disposable carryout bag" means a bag of any material, commonly plastic or kraft paper, which is provided to a consumer at the point of sale to carry purchases out of the store. The term "disposable carryout bag" shall not include:

1. Bags used by consumers inside stores to:

- i. Package bulk items, such as fruit, vegetables, nuts, grains, candy, or small hardware items;
- ii. Contain or wrap frozen foods, meat, or fish, whether prepackaged or not;
- iii. Contain or wrap flowers, potted plants, or other items where dampness may be a problem;
- iv. Segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a bag; or
- v. Contain unwrapped prepared foods or bakery goods;

2. Newspaper bags, door-hanger bags, laundry-dry cleaning or garment bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;

3. Bags of any type that customers bring to a retail establishment for their own use; or

4. Plastic liners that are permanently affixed, or designed and intended to be permanently affixed, to the inside of a particular bag.

B. "Retail establishment" shall mean any retail store, food truck, sidewalk vendor, farmers' market, flea market and/or restaurant. The term "retail store" does not include yard sales, tag sales, and/or other sales by residents at their home.

C. "Retail sales" shall mean the transfer to a customer of goods in exchange for payment occurring in retail establishments. The term "retail sales" does not include the sale of goods at yard sales, tag sales, other sales by residents at their home, and/or sales by nonprofit organizations.

D. "Reusable carryout bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of cloth, fiber, other machine washable fabric, or durable plastic that is at least 2.25 mils thick.

Sec. ____-4. – Restrictions and Requirements for Disposable Carryout Bags Made Available to Customers by Retail Establishments.

A. Disposable carryout bags made of plastic shall not be sold or distributed by a retail establishment in the City of Stamford.

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B. Disposable carryout bags made of paper shall:

1. Be 100% recyclable;
2. Contain a minimum of 40% post-consumer recycled content; and
3. Conspicuously Display the phrase "Please Recycle This Bag", or a substantially similar phrase.

Sec. ____-5. – Establishment of Charge.

- A. Any person and/or retail establishment engaged in retail sales that elects to lawfully provide disposable carryout bags made of paper consistent with Section 4(B) of this Chapter shall charge the consumer at the point of purchase \$.10 for each disposable carryout bag made of paper.
- B. The charge imposed by any person and/or retail establishment as reflected in Paragraph A of this Section shall be retained solely by the person and/or retail establishment.
- C. All retail establishments shall indicate on the consumer transaction receipt the number of disposable carryout bags provided and the total amount of charge imposed. It shall be a violation of this Chapter for the retail establishment to fail to separately itemize the charge upon a customer's purchase of such bag.

Sec. ____-6. – Exemptions.

- A. The charge reflected in Section 5 of this Chapter shall not apply to the extent it would violate the laws of the United States or the State of Connecticut.
- B. The charge reflected in Section 5 of this Chapter shall not apply to the retail sale or use of disposable carryout bags that are used to carry items purchased pursuant to the Supplemental Nutritional Assistance Program or a similar governmental food assistance program.
- C. It shall be presumed that disposable carryout bags sold or used by retail establishments are subject to the charge imposed under Section 5 of this Chapter until the contrary is established. The burden of proving that such carryout bags are not chargeable hereunder shall be upon the person so claiming.

Sec. ____-7. – Operative date.

This ordinance shall become operative six months following its effective date to allow retail establishments to dispose of their existing inventory of plastic carryout bags and convert to alternative packaging materials compliant with this ordinance.

Sec. ____-8. – Enforcement and penalties for violation.

- A. This Article shall be enforced by the Civil Citation process as set forth in Section 97 of the Code of Ordinances..
- B. If a Civil Citation Officer determines that any violation has occurred, the person and/or retail establishment shall be liable for the following:
 - 1. Upon the 1st violation, written warning notice that a violation has occurred shall be issued to the person and/or retail establishment. No penalty shall be imposed for the 1st violation.
 - 2. Upon subsequent violations of any kind, the Civil Citation Officer shall impose a penalty of \$250 on the person and/or retail establishment.
- C. No more than one penalty shall be imposed upon a person and/or retail establishment within a 7-day period.
- D. Revenues collected through citations for violation of this act shall be used solely for enforcement costs, including hiring inspectors and other staff, and administrative costs associated with enforcement of this act.

Sec. ____-9. – Severability.

It is the intention of the Board of Representatives that each separate provision of this Chapter shall be deemed independent of all of the provisions herein, and it is further the intention of the Board of Representatives that if any provision of this Chapter be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain valid and enforceable.

Sec. 9-31. - Purpose.

This Ordinance [Article] is intended to reduce bag waste to protect and preserve the environment of Greenwich for the benefit and welfare of its residents by encouraging the use of reusable checkout bags, by prohibiting plastic checkout bags, prohibiting paper checkout bags that are not one hundred percent (100%) recyclable.

(RTM 3/12/2018.)

Sec. 9-32. - Definitions.

The following words, terms and phrases, when used in this Ordinance [Article], shall have the meanings ascribed to them as follows:

- (1) *Business establishment* means any person, business or non-profit entity that sells or provides merchandise, goods or materials, including, without limitation, clothing, food, or personal items of any kind, directly to a consumer, and includes, by way of example and not limitation, any grocery store, grocery delivery service, department store, hardware store, pharmacy, liquor store, restaurant, catering truck, convenience store, hospital, library, school, including temporary vendors at farmers' markets, street fairs and school or Town sponsored events and facilities.
- (2) *Checkout bag* means a carryout bag used by consumers at checkout for the purpose of removing products purchased from or provided by a business establishment. Checkout bag does not mean product bag.
- (3) *Recycled paper checkout bag* means a bag that contains no old growth fiber and a minimum of forty percent (40%) post-consumer recycled content, is one hundred percent (100%) recyclable, and has printed in a highly visible manner on the bag the words "Reusable" and "Recyclable", the name and location of the manufacturer, and the percentage of post-consumer recycled content.
- (4) *Product bag* means a single-use plastic or paper non-checkout bag to include, but not limited to, newspaper bags, door-hanger bags, laundry dry cleaning bags, bags sold in packages containing multiple bags intended for use as garbage, pet waste bags, yard waste bags, and bags that are used by consumers inside stores to: Package bulk items such as fruit, vegetables, mushrooms, nuts, grains, candy; contain or wrap foods, meat, or fish,

whether packaged or not; contain or wrap flowers, potted plants or other items where dampness may be a problem; contain unwrapped prepared foods or bakery goods; contain pharmacy prescriptions; or safeguard public health during the transportation of hospital waste.

- (5) *Reusable checkout bag* means a bag that is provided by a business establishment, that is designed and manufactured for multiple reuses and meets all of the following requirements:
- a. Can be cleaned or disinfected;
 - b. Does not contain lead, cadmium, or any other toxic material that may pose a threat to public health;
 - c. Has a minimum lifetime of one hundred twenty-five (125) uses, which for purposes of this Ordinance [Article] means the capacity of carrying a minimum of twenty-two (22) pounds one hundred twenty-five (125) times over a distance of at least one hundred seventy-five (175) feet, or if it is made from plastic, has a minimum thickness of twelve (12) mil.
- (6) *Plastic checkout bag* means a bag that is less than twelve (12) mil thick that is made of plastic derived from fossil fuels or from a genetically modified organism bio-based source (such as corn or other plant sources), which is provided at checkout to transport items purchased from or provided by a business establishment.

(RTM 3/12/2018.)

Sec. 9-33. - Prohibition on the distribution of a plastic checkout bag.

No business establishment shall provide or sell a plastic checkout bag to a consumer in the Town of Greenwich.

No business establishment shall provide or sell a plastic checkout bag at any Town facility, Town-managed concession, Town-sponsored or Town-permitted event unless otherwise permitted by the Conservation Commission.

(RTM 3/12/2018.)

Sec. 9-34. - Prohibition on the distribution of a paper checkout bag.

No business establishment shall provide or sell a paper checkout bag that does not meet or exceed the specifications of a recycled paper checkout bag as defined in subsection 9-32(3) above.

(RTM 3/12/2018.)

Sec. 9-35. - Acceptable checkout bags.

- (1) A business establishment may provide consumers with a recycled paper checkout bag.
- (2) A business establishment may sell consumers a reusable checkout bag, but for not less than the cost of a recycled paper checkout bag.
- (3) Nothing in this Ordinance [Article] shall prohibit a business establishment from encouraging and providing incentives for the use of reusable checkout bags. A business establishment may use credits or rebates for consumers that bring their own checkout bags for the purpose of carrying away goods.
- (4) Nothing in this Ordinance [Article] shall prohibit consumers from using bags or containers, of any type, at the point of checkout that they have brought to a business establishment for the purpose of carrying away goods.

(RTM 3/12/2018.)

Sec. 9-36. - Violations, penalties and enforcement.

Violation of any of the requirements of this Ordinance [Article] shall be subject to the penalties set forth in this Section.

If the Conservation Commission or its designee determines that a violation of this Ordinance [Article] has occurred, the Conservation Commission or its designee shall issue a written warning notice to the business establishment for the initial violation.

If the Conservation Commission or its designee determines that an additional violation of this Ordinance [Article] has occurred after a written warning notice has been issued for an initial violation, the Conservation Commission or its designee shall issue a notice of infraction and shall impose a penalty against the business establishment.

The penalty imposed by the Conservation Commission or its designee shall be as follows for each violation that occurs after the issuance of the written warning notice for an initial violation:

- (a) One hundred fifty (\$150.00) dollars for the second violation;
- (b) Two hundred fifty (\$250.00) dollars for the third violation and each subsequent violation.
- (c) If the business establishment who is sent notice of an infraction pursuant this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by such municipality. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such business establishment or other business establishment making the payment. Any business establishment who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice provided for in subsection (c) of this Section shall be deemed to have admitted liability, and the designated municipal official shall certify such business establishment's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in this section.
- (d) Any business establishment who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of Section 52-180 [of the Connecticut General Statutes] and evidence of the facts contained therein. The presence of the issuing official shall be required at the hearing if such business establishment so requests. A business establishment wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. A designated municipal official, other than the hearing officer, may present evidence on behalf of the municipality. If such business establishment fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability. The hearing officer may accept from such business

establishment copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such business establishment is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If he determines that the business establishment is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the business establishment is liable for the violation, he shall forthwith enter and assess the penalties, costs or fees against such business establishment as provided in this section.

- (e) If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the business establishment found liable and shall file, not less than thirty (30) days or more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with an entry fee of eight dollars (48.00). The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same business establishment may be accrued and filed as one (1) record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of eight dollars (\$8.00), against such business establishment in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such business establishment.

A business establishment against whom a penalty has been entered pursuant to this Ordinance [Article] is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in the amount equal to the entry fee for a small claims

case pursuant to Connecticut General Statutes section 52-259, at the Superior Court facility designated by the Chief Court Administrator, which shall entitle such business establishment to a hearing in accordance with the rules of the judges of the Superior Court.

(RTM 3/12/2018.)

Sec. 9-37. - Effective date.

This Ordinance [Article] shall become effective six (6) months after its approval by the RTM to allow business establishments time to work through their existing inventory of plastic checkout bags and convert to alternative checkout bag materials that comply with this Ordinance [Article].

(RTM 3/12/2018.)

Sec. 9-38. - Expiration.

This Ordinance [Article] shall cease to be effective on September 12, 2021, unless sooner extended by action of the Representative Town Meeting.

(RTM 3/12/2018.)

Rental Ordinance – Off Street Parking

§ 152-18 Enforcement; violations; citations and fines.

A.

The Town Manager shall designate in writing one or more Town officials empowered to take enforcement or other action authorized by this article.

B.

Any person violating the provisions of this article by failing to file or gain approval of a parking space site plan, by failing to complete site work required by an approved parking space site plan within the time period required or authorized by this article, failing to post and maintain a copy of the approved site plan within the dwelling unit, or by parking in an area on residential rental property not designated for parking in a Town-approved parking space site plan shall be deemed to have committed an infraction and may be issued a citation. Said citation shall inform the person named therein of the allegations against him or her, the amount of the fine due, and the date on which payment of the fine is due. Said citation shall be hand delivered, affixed to the vehicle or property, or mailed by certified mail, return receipt requested, addressed to the person named therein at his or her last known address. Citations shall be punishable with a fine of \$90 for each violation. The amount of any fine not paid within 10 days shall be doubled. Any initial violation or infrequent violation may be addressed through the issuance of a warning rather than a citation, unless a significant safety or neighborhood impact problem is observed or significant damage has been done to a lawn or other landscape area due to parking in an unauthorized area.

[Amended 11-12-2013, effective 12-11-2013]

C.

In addition to any other remedy authorized by this article, if any such fine issued pursuant to the provisions of this article is unpaid beyond the due date, the Town may initiate proceedings under the authority of C.G.S. § 7-152c and Chapter 129 of the General Code of the Town of Mansfield, Hearing Procedure for Citations, to collect any such fine.

§ 152-19 Appeals procedure.

Any person fined pursuant to this article may appeal such fine pursuant to the provisions of the Town of Mansfield Hearing Procedure for Citations set forth in Chapter 129 of the General Code of the Town of Mansfield

