



TOWN OF MANSFIELD
Ordinance Development and Review Subcommittee
Tuesday, December 4, 2018
7:00 P.M.
Mansfield Town Hall
Conference Room B
Special Meeting Agenda

1. Call to Order/Roll Call
2. Public Comment
3. Approval of November 13, 2018 Minutes
4. Review draft Bring Your Own Bag Ordinance – Town Attorney edited version
5. Adjournment

SPECIAL MEETING – ORDINANCE DEVELOPMENT AND REVIEW SUBCOMMITTEE

November 13, 2018

1. CALL TO ORDER

Chairperson Terry Berthelot called the meeting to order at 5:37 p.m.

2. ROLL CALL

Present: Terry Berthelot (Chair), Ben Shaiken

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

3. PUBLIC COMMENT

No public comment.

4. MINUTES

The October 11, 2018 meeting minutes were approved on a motion by Shaiken/Berthelot.

5. STATUS OF PROPOSED BRING YOUR OWN BAG ORDINANCE

A revised ordinance, created by Councilor Berthelot, was reviewed and discussed. Berthelot made some more changes to the ordinance during the meeting. Because of the extent of the revisions, Walton was directed to ask the Town Attorney to review the draft ordinance again before the next meeting.

6. FUTURE MEETING DATES

Walton will poll the subcommittee for a mid-December meeting date.

7. ADJOURNMENT

The meeting was adjourned at 6:41 p.m. on a motion by Shaiken/Berthelot.

Respectfully submitted,

Virginia Walton

Bring Your Own Bag Ordinance

1. PURPOSE

The purpose of this ordinance is to improve the environment in and around the Town of Mansfield, Connecticut, and the health, safety, and welfare of its residents and visitors by reducing the number of plastic bags used, encouraging the use and sale of reusable checkout bags and banning the use of plastic check-out bags.

2. ~~RATIONALE~~^[KMD1]:

~~The production, use, and disposal of plastic checkout bags has a significant detrimental impact on:~~

- ~~i. The Environment. The resulting pollution of the terrestrial and marine environment contributes to widespread death of wildlife through ingestion and entanglement.~~
- ~~ii. Global Warming. The manufacture, transport, and recycling of plastic bags requires substantial energy consumption and contributes to greenhouse gasses.~~
- ~~iii. The Municipal Budget. Fees for solid waste collection and disposal at recycling facilities are an ever-increasing burden to town finances.~~

~~Therefore, prohibiting the use of plastic checkout bags is necessary to protecting the health and well-being of Town of Mansfield residents and visitors, and to achieving the stated town goal of Near Zero Waste.~~

3.2. DEFINITIONS

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

- (a) **Checkout Bag** is a bag provided by a business to a customer, typically at the point of sale, for the purpose of transporting purchases.
- (b) **Plastic Checkout Bag** is any plastic bag that is provided by a business to a customer, typically at the point of sale, for the purpose of transporting purchases. "Plastic Checkout Bag" does not include:
 - (i) Bags used by customers inside stores, including but not limited to bags used to: Package bulk items, such as fruit, vegetables, nuts, grains, candy, or small hardware items; Contain or wrap frozen food, meat, or fish, whether prepackaged or not; Contain or wrap flowers,

potted plants, or other items where dampness may be a problem;
Segregate food or merchandise that could damage or contaminate
other food or merchandise when placed together in a bag; or Contain
unwrapped prepared foods or bakery goods; or

- (ii) 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; or
- (iii) Reusable bags as defined below.

(c) **Business** means any entity that sells merchandise, goods, or materials, including, but not limited to: clothing; food; or personal items of any kind, directly to consumers and includes, by way of example and not limitation: grocery stores; department stores; hardware stores; pharmacies; liquor stores; restaurants; catering trucks; and convenience stores. Business for purposes of this ordinance shall not include nonprofit organizations with 501(c) designations.

(d) **Enforcement Officer** means one or more employees of the town, designated by the Town Manager to enforce the provisions of this ordinance.

(e) **Reusable Bag** is a bag specifically designed and manufactured for multiple re-use.

4.3. _____ PROHIBITED ACT

- (a) Businesses shall not provide or make available any plastic check-out bag at the point of sale.
- (b) Nothing in this section precludes businesses from making reusable bags or 100% recyclable paper bags available to customers, by sale or otherwise.

5.4. _____ EFFECTIVE DATE

The prohibition set forth in this prohibition will take effect six months after its passage.

6.5. _____ WAIVER

If, due to economic hardship, a business is not able to comply with the effective date of the ordinance, the business may apply for a waiver. Upon a finding of facts to support the waiver, the Enforcement Officer may issue a time-limited waiver, not to exceed six months^[KMD2].

7.6. _____ ENFORCEMENT

(a) Written Warning

If the Enforcement Officer determines that a business' practice is in violation of this ordinance, the Enforcement Officer will issue a written warning. The written warning will be sent via certified mail to the business, describe the violation by listing specific findings of fact, ~~explain stating that~~ the practice must be corrected within fourteen days of the date the letter was received, and shall include a copy of this ordinance. The written warning ~~will shall~~ only be issued once to any business. Subsequent violations of this ordinance by the same business will not ~~allow time for correction~~ be eligible for a written warning, but will instead result in ~~an immediate fine~~ the immediate issuance of a citation as set forth below.

(b) Citation

- i. Fourteen days after receiving a written warning via certified mail, any business that fails to correct its business practice and thus continues to act in violation of the ordinance, shall be issued a citation via certified mail. [KMD3]
- ii. If after fourteen days from the date of mailing, a business fails to sign for the written warning sent via certified mail, a citation will be issued via certified mail.
- iii. Any business that previously received a written warning and is later found to be noncompliant with this ordinance will be issued a citation via certified mail.
- iv. Citations will be dated, describe the violation by listing specific findings of fact, state the amount of the fine, and indicate the date on which the fine is due, which will be fourteen days from the date of the citation, describe the process for appeal, and describe the daily fine resulting from continued noncompliance.

(c) Fine

- i. The fine for noncompliance with this ordinance is ninety dollars.
- ii. Businesses found to be noncompliant with this ordinance after the fine due date indicated in the citation will be subject to an additional ninety dollar fine for each day of noncompliance without the issuance of a separate citation.

8.7. _____ COLLECTIONS

If any fine issued pursuant to the provision of this ordinance is unpaid beyond the due date, the Town may initiate proceedings under the authority of C.G. S. s 7-152(c) and Chapter 129 of the Town of Mansfield, Hearing Procedure for Citations, to collect such fine.

9.8. _____ APPEALS

Any business fined for noncompliance with this ordinance may appeal 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.