

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

FILED
STATE RECORDS

APR 27 2015

DEPARTMENT OF STATE

- County
- City of Sag Harbor
- Town
- Village

Local Law No. 7 of the year 20 15

A local law enacting Chapter 212 (Retail Checkout Bags) of the
(Insert Title)
Sag Harbor Village Code in relation to prohibiting
retail establishments from using certain plastic bags
for retail checkout of goods.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

- County
- City of Sag Harbor as follows:
- Town
- Village

(Delete this line of text and enter text of local law here)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

PLEASE TAKE NOTICE: THAT THE BOARD OF TRUSTEES OF THE VILLAGE OF SAG HARBOR, AT A MEETING THEREOF DULY HELD ON APRIL 14, 2015 DULY ADOPTED LOCAL LAW # 7 OF 2015 AS FOLLOWS:

LOCAL LAW# 7 OF 2015

A LOCAL LAW enacting Chapter 212 (Retail Checkout Bags) of the Sag Harbor Village Code in relation to prohibiting retail establishments from using certain plastic bags for retail checkout of goods.

BE IT ENACTED by the Village Board of the Village of Sag Harbor as follows:

SECTION 1. Purpose.

The purpose of this Chapter is to improve the environment in the Village of Sag Harbor by encouraging the use of reusable checkout bags and banning the use of certain plastic bags for retail checkout of purchased goods. As the economic vitality of the East End is inextricably linked with our natural resources, it is of utmost importance that the Village of Sag Harbor provide ample protections to preserving the natural beauty and resources of our environment. The proliferation and dissemination of plastic shopping bags at retail establishments has resulted in the Village's natural resources being impacted and blemished when discarded bags find their way into our waters, dunes, woods and other natural environments and litter our roads, trails, fields and playgrounds. Further, these bags last hundreds of years and are a potential source of harmful chemicals when they break down. As a result of the damage that these bags have caused and the threat of future damage they pose to environmental conditions, the Village finds it necessary to restrict retail establishments from providing certain plastic bags to customers for the carrying of goods taken from their establishments and encourage the use of reusable bags.

SECTION 2. Amendment.

The Code of the Village of Sag Harbor is hereby amended by adding the underlined words in a new Chapter 212 (Retail Checkout Bags).

Chapter 212
Retail Checkout Bags

§212-1. Definitions.

As used in this chapter, the following terms shall have the indicated meanings:

CHECKOUT BAG - A carryout bag that is provided to a customer at the point of sale. The term "checkout bag" does not include plastic produce bags or plastic bags measuring 28 inches by 36 inches or larger in size.

PLASTIC PRODUCE BAG - A flexible container made of very thin plastic material with a single opening that is used to transport produce, meats or other items selected by the customers to the point of sale.

RECYCLABLE PAPER BAG - A paper bag should have the following characteristics:

A. Is 100% recyclable overall; and

B. Displays the word "Reusable" or "Recyclable" on the outside of the bag.

RETAIL SALES - The transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmer's markets, flea markets and restaurants. The term "retail sales" does not include sales of goods at yard sales, tag sales, other sales by residents at their home and sales by nonprofit organizations.

REUSABLE BAG - A bag with handles that is specifically designed and manufactured for multiple reuse and is:

- A. Made of cloth or other fabric; and/or
- B. Made of durable plastic that is at least 2.25 mils thick.

§212-2. Restriction on Checkout Bags.

- A. Any person engaged in retail sales shall provide only reusable bags and/or recyclable paper bags as checkout bags to customers.
- B. Nothing in this section shall preclude persons engaged in retail sales from making reusable bags available for sale to customers.

§212-3. Operative Date.

The restriction set forth in §212-2 (A) shall become operative on April 22, 2015 (Earth Day), so as to allow retail establishments a period of time within which to dispose of their existing inventory of plastic checkout bags and convert to alternative packaging materials.

§212.4. Penalties for Offenses.

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

SECTION 3. Authority.

The Village Board is authorized to establish and promulgate rules and regulations regarding litter and protect the Town's natural resources pursuant to §10 of Municipal Home Rule Law and §130(1) of New York State Village Law.

SECTION 5. Effective Date.

This local law shall take effect on April 22, 2015, provided however, that there shall be a temporary moratorium on enforcement of this local law until June 1, 2015.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 20 15 of the ~~(County)(City)(Town)~~(Village) of Sag Harbor was duly passed by the Board of Trustees on April 14, 20 15, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Beth M. Kamper

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body
Beth M. Kamper, Village Clerk

Date: 4/17/15

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF SUFFOLK

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]

Signature
Village Attorney Fred W. Thiele, Jr. Esq
Title

~~County~~
~~City~~ of Sag Harbor
~~Town~~
Village

Date: 4/17/15