

## **Chapter 315**

### **PLASTIC BAGS**

#### **GENERAL REFERENCES**

**Littering — See Ch. 302, Art. IV.**

**Solid waste — See Ch. 365.**

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#### **§ 315-1. Purpose.**

The intent of this chapter is to improve the environment in the Village by encouraging the use of reusable bags at retail establishments. Nonbiodegradable plastic bags are often discarded into the environment where they pollute our waterways, clog sewers, endanger marine life and cause unsightly litter. These bags last hundreds of years in landfills and are a potential source of harmful chemicals when they degrade and break down.

#### **§ 315-2. Definitions.**

The definitions set forth in this section shall govern the application and interpretation of this chapter:

**CUSTOMER** — Any person obtaining goods from a retail or public eating establishment.

**NONPROFIT CHARITABLE REUSER** — A charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than 50% of its revenues from the handling and sale of those donated goods or materials.

**PERSON** — Any natural person, firm, corporation, partnership, or other organization or group, however organized.

**PREPARED FOOD** — Food or beverage which is prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. "Prepared food" does not include any produce, bulk food or meat from a produce, bulk food or meat department within a retail establishment.

**PUBLIC EATING ESTABLISHMENT** —

- A. A restaurant, takeout food establishment, or any other business, that receives 90% or more of its revenue from the sale of prepared food to be eaten on or off its premises; or
- B. A department, unit or section located within and operated by a retail establishment that generates 90% or more of its revenue from the sale of prepared food to be eaten on or off its premises, and the department, unit or section does not engage in the sale of perishable or nonperishable goods from another department, unit or section within the same retail establishment.

RECYCLED PAPER BAG — A paper 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 that contains no old-growth fiber and a minimum of 40% post-consumer recycled content; is 100% recyclable; and has printed in a highly visible manner on the outside of the bag the words "reusable" and "recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.

RETAIL ESTABLISHMENT — Any commercial establishment that sells perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items directly to the customer; and is located within or doing business within the geographical limits of the Village of Patchogue. "Retail establishment" does not include public eating establishments or nonprofit charitable reusers.

REUSABLE BAG — Either a bag made of cloth or other machine-washable fabric that has handles, or a durable plastic bag with handles that is at least 2 1/4 mils thick and is specifically designed and manufactured for multiple reuse.

SINGLE-USE CARRYOUT BAG —

- A. A 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.
- B. "Single-use carryout bags" do not include bags provided to the customer:
  - (1) To transport produce, prepared food, bulk food or meat from a produce, deli, bulk food or meat department within a store to the point of sale;
  - (2) To hold prescription medication dispensed from a pharmacy;
  - (3) To hold live animals, such as fish or insects; or
  - (4) To segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a reusable bag or recycled paper bag.

### **§ 315-3. Single-use carryout bags.**

- A. No retail establishment or public eating establishment shall provide a single-use carryout 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 section.
- B. A retail establishment or public eating establishment may provide customers recycled paper bags 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.

**§ 315-4. Penalties for offenses.**

Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the penalties provided in § 1-1 of the Code of the Village of Patchogue; provided, however, that for the period beginning on the effective date of this chapter and ending on September 5, 2016, only warnings shall be issued for violations of this chapter.