

## **Draft Ordinance Banning Single Use Plastics**

### **AN ORDINANCE IN AMENDMENT OF CHAPTER 10 OF THE CODE OF ORDINANCES, TOWN OF GROTON, ENTITLED, "LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS"**

**SECTION 1.** That Chapter 10 of the Code of Ordinances, Town of Groton, entitled, "Licenses, Permits and Miscellaneous Business Regulations" is hereby amended by adding the following new article:

#### **ARTICLE VII. SINGLE USE PLASTIC REGULATIONS**

##### **Sec. 10-191. – Short Title.**

This article shall be known and may be cited as "Single Use Plastic Regulations" for the Town of Groton.

##### **Sec. 10-192. Purpose.**

The purpose of this ordinance is to improve the environment in and around the Town of Groton, Connecticut, and the health, safety, and welfare of its residents by reducing the distribution of single-use plastic bags, plastic cutlery, plastic straws, and plastic stirrers, specifying the recycled content of paper bags, encouraging the use and sale of reusable checkout bags, and banning the use of plastic bags for retail checkout of goods, and plastic cutlery, stirrers and straws for use at food service establishments.

##### **Sec. 10-193. Definitions.**

For the purpose of this article, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context (note: the definitions are in alphabetical order):

*Business Establishment* is any commercial enterprise that provides carryout bags to its customers, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity and including all employees of the business and any independent contractors associated with the business. "Business Establishment" does not include sales of goods at yard sales, tag sales, other sales by residents at their homes, and sales by nonprofit organizations.

*Carryout Bag* is a bag provided by a business establishment to a customer, typically at the point of sale, for the purpose of transporting purchases.

*Double Opening Plastic Bag* means any thin plastic bag with a double opening (top and bottom) to protect clothing or other items for transport.

*Food service establishment* means any fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern; bar, cocktail lounge, night club, roadside stand, industrial feeding establishment, cultural heritage education

facility, private, public or nonprofit organization or institution routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

*Plastic Barrier Bag* is any thin plastic bag with a single opening used to:

- 1) Transport fruits, vegetables, nuts, grains, small hardware items, or other items selected by customers at the point of sale;
- 2) Contain or wrap fresh or frozen foods, meat, or fish, whether prepackaged or not;
- 3) Contain or wrap flowers, potted plants, or other items where damage to a good or contamination of other goods placed together in the same bag may be a problem.
- 4) Contain unwrapped prepared foods or bakery goods.

*Plastic Carryout Bag* means any plastic bag that is provided by a business establishment to a customer, typically at the point of sale, for the purpose of transporting purchases. "Plastic Carryout Bag" does not include plastic barrier bags or double opening plastic bags, as defined herein, or plastic bags measuring larger than 28 inches by 36 inches.

*Plastic Cutlery* means any utensil, such as a fork, spoon, spork, or knife, made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources intended for only one-time use. "Plastic Cutlery" includes compostable and biodegradable petroleum or biologically based polymer forms of cutlery, but does not include forms of cutlery that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

*Plastic Stirrer* means a device that is used to mix beverages, intended for only one-time use, and made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources. "Plastic Stirrer" includes compostable and biodegradable petroleum or biologically based polymer stirrers, but does not include stirrers that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

*Recyclable Paper Bag* means a paper bag that is fully recyclable overall and contains a minimum of 40% post-consumer recycled content and contains no old growth fiber. The bag should display the words "Reusable" and "Recyclable" on the outside of the bag.

*Reusable Bag* means a bag with handles that is specifically designed and manufactured for multiple reuse and is made primarily of cloth, other nonwoven textile or durable plastic with a minimum thickness of four (4) mils. Any straps or handles shall be stitched. If the bag does not have handles, it must be stitched at the point of carry.

*Single-use Plastic Straw:* A single use plastic straw means a single use, disposable tube made predominately of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, used to transfer a beverage from a container to

the mouth of the person drinking the beverage. Single use plastic straw does not include a straw made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, or bamboo.

#### **Sec. 10-194. Prohibited Acts.**

- a) No business establishment shall provide or make available any plastic carryout bag either complementary or for a fee for any sales transaction or other use to members of the public, that does not comply with the definition of a Reusable Bag under §10-193 of this chapter.
- b) Nothing in this section shall preclude business establishments from making reusable bags or recyclable paper bags, as defined under § 10-193 of this chapter, available to customers, by sale or otherwise.
- c) No food service establishment shall provide a single use plastic straw, plastic cutlery, or plastic stirrer, as defined under § 10-193 of this chapter.
- d) Nothing in this section shall preclude a food service establishment from using or making non-plastic alternative straws, stirrers, or cutlery made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, or bamboo, available to customers.

#### **Sec. 10-195. Exemptions.**

This chapter does not apply to:

- a) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage or pet waste;
- b) Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities;
- c) Plastic barrier bags or double-opening plastic bags used by a consumer inside a business establishment to:
  - 1) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;
  - 2) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;\_
  - 3) Contain unwrapped prepared foods or bakery goods; or
  - 4) Bags used by nonprofit or other organizations to distribute food, grocery products, clothing, or other household items.
- d) The use or distribution of single use plastic straws as defined under § 10-193 of this chapter to a consumers with a disability or other impairment requiring the use of plastic straws.

## **Sec. 10-196. Enforcement, Violations, Penalties.**

The intent of this ordinance is to improve the environment in and around Groton for residents, businesses and wildlife. Self-enforced ordinances banning single use plastic carryout bags, single use plastic straws, plastic cutlery and straws, appear to work well for communities. Keeping a positive spin on this effort will benefit the community by creating a healthier environment.

- a) The Town will inform the general public about the initiatives encouraging the use of reusable checkout bags with a support program and education.
- b) From the date of enactment of these regulations, there will be a six-month period of public education and information. After the six-month period, those persons or establishments found to be in violation of these regulations for plastic bags, plastic cutlery, straws, and stirrers will be notified by the Town's Representative in writing and given 14 days to gain compliance.
- c) For each subsequent offense of the provisions of this ordinance, the Business Establishment, or Food Service Establishment shall be provided a written notice ordering cessation of the violation. Notice shall be given to the Establishment owner or manager or may be served to the establishment's agent for service and will be accompanied by a \$150.00 fine for each offense.
- d) These monies will be earmarked for further initiatives to create a culture of plastic waste reduction.
- e) The Town may not renew any municipally issued license to any Beverage Provider, Business Establishment, or Food Service Establishment found to be in violation of this ordinance.
- f) The Town hereby establishes a citation hearing procedure pursuant to **General Statute Section 7-152c**, as may be amended, to enforce any fines issued under this ordinance.

## **Sec. 10-197. Hardship Variance.**

- a) The Town Council or Town Manager may grant a temporary, one time variance from the requirements of this article only after determining that:
  - 1) application of this chapter would cause undue hardship based upon unique circumstances; or
  - 2) application of this chapter would deprive a person or business of a legally protected right.
- b) The requested variance shall be submitted on the Town's prescribed forms.
- c) Any variance granted under this section must be the minimum variance necessary to address the hardship.

**Sec. 10-198. Effective Date.**

This ordinance shall become operative six months following its effective date to allow retail establishments to dispose of their existing inventory of single-use plastic carryout bags, single-use plastic straws and convert to alternative packaging materials.

**Secs. 10-199 - 10-210. - Reserved.**