

An Ordinance to Amend the Code of the Town of Guilford

CHAPTER 236

SOLID WASTE AND RECYCLING

In an effort to help protect the environment of the Town of Guilford, Chapter 236 is hereby amended to add Section 236-8, entitled: “Prohibition of Use by Business Establishment of Single-Use Plastic Bags.”

A. Purpose.

The purpose of this initiative is to protect the environment in the Town of Guilford for the benefit and welfare of its residents by encouraging the use of reusable checkout bags; by phasing out the use of single-use plastic bags and initiating a ten cent (\$.10) fee for single-use recyclable paper bags in Business Establishments, as such terms are defined herein.

B. Definitions.

For the purpose of this Subsection,

- (1) **Business Establishment** shall mean any for profit or non-profit business that sells or provides merchandise, good, or material, including, without limitation, clothing, food, or personal items of any kind directly to a customer; including without limitation, any grocery store, department store, hardware store, pharmacy, liquor store, restaurant, mobile food establishment, convenience store, hospital, library, school, Town facility and vendor, including temporary vendors at farmers’ markets, street fairs and school or Town -sponsored events.
- (2) **Checkout Bag** means a carryout bag used by the customer at checkout for the purpose of removing products purchased from the Business Establishments. 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 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 frozen 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; and safeguard public health during the transportation of hospital waste.

- (5) **Reusable Checkout Bag** means a bag of cloth or other material with handles that is specifically designed and manufactured for long-term multiple reuse.
- (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.

C. Prohibited acts.

- (1) No Business Establishment shall provide or sell a Plastic Checkout Bag.
- (2) 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 B.(3).
- (3) The above prohibitions do not apply to Product Bags.
- (4) No Business Establishment shall charge a fee or prevent a customer from using a bag of any kind that they have brought for the purpose of carrying goods from such Business Establishment.
- (5) Nothing in this section shall preclude Business Establishments from making Reusable Checkout Bags or Recycled Paper Checkout Bags available to customers.

D. Paper bag fee.

- (1) Business Establishments have the option of charging a ten cent (\$.10) fee for each Recycled Paper Checkout Bag provided to any customer. If assessed, the ten cent (\$.10) charge must be listed as a single line item on the customer's receipt and is not taxable to the customer.
- (2) All monies collected may be retained by the Business Establishment, subject to state and federal law.

E. Paper bag fee exemptions.

- (1) The fee does not apply to WIC, SNAP, and food stamp program transactions and similar low income subsidy program transactions, if any.
- (2) The fee does not apply to Product Bags.

F. Effective Date.

The effective date of the provisions of this Section 236-8 is January 1, 2020.