



Southampton Town Board
116 Hampton Road
Southampton, NY 11968

Meeting: 12/18/14 11:00 AM
Department: Town Attorney
Category: Local Laws
Prepared By: Tiffany Scarlato
Initiator: Tiffany Scarlato
Sponsors: Supervisor Throne-Holst, Councilman Bender
DOC ID: 21480

ADOPTED

TOWN BOARD RESOLUTION 2014-1342

Notice of Adoption: Chapter 212 (Retail Checkout Bags) of the Town Code to Prohibit Retail Establishments from Using Certain Plastic Bags for Retail Checkout of Goods

WHEREAS, the Town Board is considering amending the Southampton Town Code to add Chapter 212 (Retail Checkout Bags) in order to prohibit retail establishments from using certain plastic bags for retail checkout of goods; and

WHEREAS, a public hearing was held on November 25, 2014, at which time all persons either for or against said amendment were heard; and

WHEREAS, the Department of Land Management has advised the Town Board that this proposed local law is considered an "Unlisted Action" under 6 NYCRR Part 617.2, provisions of the New York State Environmental Quality Review Act (SEQRA) and Chapter 157 of the Town Code; and

WHEREAS, pursuant to 6NYCRR 617.6 (b)(1) the Town Board of the Town of Southampton as the only agency involved with the proposed action proposes to undertake the action itself and therefore is lead agency; and

WHEREAS, the Town Board has conducted a review of the information contained in the Environmental Assessment Form Parts I & II, with attachment and Negative Declaration Form prepared by the Department of Land Management; and

WHEREAS, the magnitude and importance of potential impacts have been considered by the Town Board; and

WHEREAS, adoption of a local law to create a new Chapter 212 that prohibits retail establishments from using certain plastic bags for retail checkout of goods within the Town of Southampton is not expected to result in any large and important impacts, and therefore will not have a significant adverse impacts on the environment; now therefore be it

RESOLVED, that the Town Board hereby adopts a Negative Declaration pursuant to the State Environmental Quality Review Act and Chapter 157 of the Town Code; and be it further

RESOLVED, that Local Law No. 30 of 2014 is hereby adopted as follows:

LOCAL LAW NO. 30 OF 2014

A LOCAL LAW enacting Southampton Town Code Chapter 212 (Retail Checkout Bags) to prohibit retail establishments from using certain plastic bags for retail checkout of goods.

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

SECTION 1. Purpose.

The purpose of this Chapter is to improve the environment in the Town of Southampton 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 Town of Southampton 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 Town'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 Town 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 Town of Southampton 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 Town 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 Town Law.

SECTION 4. Severability.

If any section or subdivision, paragraph, clause, phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 5. Effective Date.

This local law shall take effect on April 22, 2015.

AND BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized to publish the following Notice of Adoption:

NOTICE OF ADOPTION

TAKE NOTICE, that after a public hearing was held by the Town Board of the Town of Southampton on November 25, 2014, the Town Board, at its meeting of December 18,

2014, adopted LOCAL LAW NO. 30 of 2014, as follow: " LOCAL LAW enacting Southampton Town Code Chapter 212 (Retail Checkout Bags) to prohibit retail establishments from using certain plastic bags for retail checkout of goods."

Summary of Proposed Law

The Town Board of the Town of Southampton has enacted Southampton Town Code Chapter 212 (Retail Checkout Bags) to prohibit retail establishments from using certain plastic bags for retail checkout of goods within the Town of Southampton, such local law to become effective April 22, 2015.

Copies of the adopted local law sponsored by Supervisor Anna Throne-Holst, Councilman Bradley Bender and Councilwoman Bridget Fleming are on file in the Town Clerk’s Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m.

BY ORDER OF THE TOWN BOARD
TOWN OF SOUTHAMPTON, NEW YORK
SUNDY A. SCHERMEYER, TOWN CLERK

Financial Impact

none

RESULT:	ADOPTED [3 TO 2]
MOVER:	Anna Throne-Holst, Supervisor
SECONDER:	Bradley Bender, Councilman
AYES:	Anna Throne-Holst, Bradley Bender, Bridget Fleming
NAYS:	Christine Preston Scalera, Stan Glinka