

L Aid ON DESKS 6/8/15
Government Services & Administration
DISCUSSION ONLY 7/9/15

RESOLUTION NO. 2015177

RE: LOCAL LAW NO. OF 2015, THE DUTCHESS COUNTY PLASTIC BAG
LAW OF 2015

Legislators TYNER, MAC AVERY, FARLEY, and STRAWINSKI offer the following
and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No. _____
of 2015 which has been submitted this day for consideration by said Legislature.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution
with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and
that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. OF 2015

RE: LOCAL LAW NO. OF 2015, THE DUTCHESS COUNTY PLASTIC BAG
 LAW OF 2015

Be it enacted by the County of Dutchess as follows:

Section 1. Legislative purpose.

The intent of this chapter is to improve the environment in the County of Dutchess by encouraging the use of reusable checkout bags and banning the use of plastic bags for retail checkout of purchased goods. Retail establishments are encouraged to make reusable bags available for sale.

Section 2. Findings.

Plastic bags often are discarded into the environment and end up polluting our waterways, clogging sewers, endangering marine life, and causing unsightly litter. These bags last hundreds of years in landfills and are a potential source of harmful chemicals when they do break down.

Section 3. Definitions.

For the purposes of this chapter, the following words, terms and phrases shall have the following definitions:

CHECKOUT BAG

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

GARMENT BAG

A large plastic bag with two openings that is used to transport clothing from a clothing retailer or a garment cleaner such as a dry cleaner.

PLASTIC PRODUCE BAG

A bag made of very thin plastic used to transport produce, meats or other items selected by customers.

RECYCLABLE PAPER BAG

A paper bag that should have the following characteristics:

A. Contains no old growth fiber;

B. Is 100% recyclable overall and contains a minimum of 40% postconsumer recycled content;
and

C. Displays the words "reusable" and "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, farmers' markets, flea markets and restaurants. The term "retail sales" does not include sales of goods at yard sales, tag sales, and other sales by residents at their homes.

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.

Section 4. Restriction on checkout bags.

Any person engaged in retail sales shall provide only reusable bags and/or recyclable, biodegradable bags and/or recyclable paper bags as checkout bags to customers.

Section 5. Penalties for offenses; continuing violations.

A. In the event that there is noncompliance with this chapter, the owner or local manager shall be notified in writing with a first-time warning and shall forthwith stop the violating activity. Such notice shall be served upon the person to whom it is directed either by delivering it personally to him or her or by posting the same upon a conspicuous portion of the property and sending a copy of the same by certified mail. Such notice shall provide a period of 10 business days to cure such violation and come into compliance with this chapter, after which a violation and summons may be issued.

B. The penalty for each violation thereafter shall be a fine not exceeding \$75 for each offense.

C. Each day that such violation continues shall constitute a separate violation and shall be punishable as such.

Section 6. Effective date.

This chapter shall become effective on January 1, 2016, to allow retail establishments to dispose of their existing inventory of plastic checkout bags and convert to alternative packaging materials.