

**Village of Larchmont
Board of Trustees**

Local Law No. 1-2013

**A LOCAL LAW TO ENCOURAGE THE USE OF REUSABLE CHECKOUT BAGS AND
PROHIBIT THE USE OF PLASTIC BAGS FOR RETAIL CHECKOUT OF
PURCHASED GOODS**

Be it enacted by the Board of the Trustees of the Village of Larchmont as follows:

Section One. New Chapter 219 of the Code of the Village of Larchmont is hereby enacted to read as follows:

Chapter 219: Retail Checkout Bags

§ 219-1. Legislative Purpose.

The intent of this local law is to improve the environment in the Village of Larchmont 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.

§ 219-2. Justification.

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.

§ 219-3. Definitions.

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

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, garment bags, or plastic bags measuring 28” by 36” or larger in size.

GARMENT BAG – a large plastic bag with two openings that is used to transport clothing from a clothing retailer, or 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.

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.

RECYCLABLE PAPER BAG – a paper bag that should have the following characteristics: (1) contains no old growth fiber; (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content; and (3) displays the words “Reusable” and “Recyclable” on the outside of the bag.

REUSABLE BAG – a bag with handles that is specifically designed and manufactured for multiple reuse and is: (1) made of cloth or other fabric; and/or (2) made of durable plastic that is at least 2.25 mils thick.

§ 219-4. Restriction on checkout bags.

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

§ 291-5. Penalties for offenses; continuing violations.

- A. In the event that there is noncompliance with this chapter, the owner of the property where the violation has occurred or the owner’s agent or the person performing such violation 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 same upon a conspicuous portion of the property and sending a copy of 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 \$ 150 for each offense.
- C. Each day that such violation continues shall constitute a separate violation and shall be punishable as such.

§ 291-6. Effective date.

This chapter shall become effective on October 1, 2013, to allow retail establishments to dispose of their existing inventory of plastic checkout bags and convert to alternative packaging materials.

Section Two. If any section, subsection, clause, phrase, or other position of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a

separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Three. This local law shall take effect immediately upon filing with the Secretary of State.