

Local Law No. of 2011

A Local Law Amending Chapter 82 Of  
The Village Code By Adding An Article  
With Respect To Retail Checkout Bags

Section 1. Chapter 82 is hereby amended by adding Article VII to read as follows:

Article VII

Retail Checkout Bags

§82-30. Purpose and justification.

The purpose of this article is to improve the environment in the Village of Southampton 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. Non-biodegradable plastic bags often are discarded into the environment and end up polluting 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.

§82-31. Definitions.

As used in this article, the following terms shall have the indicated meanings:

CHECKOUT BAG – means 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" by 36" or larger in size.

PLASTIC PRODUCE BAG – means 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 customers to the point of sale.

RETAIL SALES – means 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, other sales by residents at their home, and sales by non-profit organizations.

RECYCLABLE PAPER BAG – means 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 -- means 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.

§82-32. 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.

§82-33. Operative Date.

The restriction set forth in §82-32A shall become operative six months following the date of enactment of the local law adding this article to this chapter, 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.

§82-34. Penalties for offenses.

Any person committing an offense against any provision of this article 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 \$1,000.00 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 article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Section 2. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.