

**COUNTY OF MADISON
NOTICE OF PUBLIC HEARING**

**PUBLIC NOTICE OF PROPOSED LOCAL LAW NO. 3 OF 2017
ENACTING A LOCLA LAW FOR CARRYOUT BAG REDUCTION
PURSUANT TO SECTION 20 OF THE
MUNICIPAL HOME RULE OF THE STATE OF NEW YORK**

This notice is issued pursuant to Subdivision 5 of Section 20 of the Municipal Home Rule Law of the State of New York concerning proposed Local Law No. 3 of 2017 enacting a ban on the use of carryout plastic bags by certain covered wholesale and retail stores that sell personal, consumer or household items including grocery stores, supermarkets, convenience stores, hardware stores, food marts, pharmacies, apparel stores, home centers, stationary and office supply stores. Certain sellers such as food service establishments and liquor stores are exempted.

The contact person for Proposed Local Law No. 3 of 2017 is:

Mr. James A. Zecca, Director
Madison County Department of Solid Waste & Sanitation
6663 Buyea Rd.
Canastota, NY 13032
Tel. (315) 361-8408
Fax (315) 361-1524

Copies of the draft proposed Local Law No. 3 of 2017 may be obtained from the clerk if the Madison County Board of Supervisors at the Madison county Office Building, second floor, Wampsville, New York 13163.

A public hearing with respect to the Proposed Local Law is scheduled to be held in the Supervisors' Chambers, second floor, Madison County Office Building, Wampsville, New York at **2:00 PM.** on the 9th day of May, 2017, at which time all interested persons will be heard.

DATED: April 11, 2017

**Cindy Urtz, Clerk
Madison County Board of Supervisors**

RESOLUTION NO. K11-17

**ACKNOWLEDGING INTRODUCTION OF PROPOSED LOCAL LAW NO. 3 OF 2017 AND
CALLING FOR A PUBLIC HEARING**

WHEREAS, Supervisor Goldstein has duly introduced proposed Local Law No. 3 for the year 2017, entitled "A LOCAL LAW TO BAN THE USE OF PLASTIC CARRYOUT BAGS"; and

WHEREAS, a copy of said proposed local law has been furnished to each Supervisor;

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held on the proposed local law in the Chambers of the Board of Supervisors at the Madison County Office Building on May 9, 2017 at 2:30 p.m.; and

BE IT FURTHER RESOVLED, that the Clerk of the Board duly publish a notice of said hearing in the official newspapers of the County at least five days prior to the scheduled hearing date.


Dated: April 11, 2017


James S. Goldstein, Chairman
Solid Waste and Recycling Committee

MADISON COUNTY
BOARD OF SUPERVISORS
WAMPSVILLE, N.Y.

This is to certify that I, Cindy Urtz, Clerk to the Board of Supervisors of the County of Madison, have compared the foregoing copy of this resolution with the original resolution now on file in this office, and which was duly adopted by the Board of Supervisors of said County on April 11, 2017 and that same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the Board of Supervisors of the County of Madison.


Cindy Urtz
Clerk, Board of Supervisors

Madison County
A Local Law
To Ban The Use Of Plastic Carryout Bags

Be it enacted by the Board of Supervisors of the County of
Madison as follows:

CARRYOUT BAG REDUCTION

A. Definitions

B. Carryout bag ban

C. Additional obligations for covered stores

D. Exemptions

E. Reporting

F. Outreach and education

G. Enforcement

Legislative Findings

Plastic bags are among the more problematic types of trash and litter. When properly disposed of, they take between 500-1,000 years to decompose in a landfill; even then, they do not biodegrade but rather break apart into ever smaller pieces that cannot be absorbed by the soil as nutrients or digested by microbes. When not properly disposed of, plastic bags can clog sewers and storm drains, exacerbating the flooding that threatens low-lying neighborhoods, and accumulate in rivers, streams and lakes, where they become a threat to aquatic life.

When plastic carryout bags are comingled with recyclable materials such as paper or cardboard they are particularly difficult to remove. When carryout plastic bags are set at the curbside, transported and tipped at the landfill they have a tendency to blow in the wind littering the countryside. The Solid Waste Department expends significant sums of money to control and pick up litter.

Numerous communities, in New York State (Suffolk and Nassau Counties), North America (Toronto, Canada, Washington, D.C., Boulder Colorado, Los Angeles County) have either implemented fees for carryout plastic bags or banned distribution of Carryout plastic bags outright. These measures have proven effective, reducing bag use by more than 50% in many communities.

The County finds and declares that banning the use carryout plastic bags will be beneficial to the environment, reduce litter, improve the aesthetics of the County, diminish the amount of pollution in our lakes, rivers and streams and help to control flooding thereby improving the safety, health and welfare of Madison County's citizens. In accordance with the powers vested in the Madison County Board of Supervisors and pursuant to New York Municipal Home Rule Law §§ 10 and 24 be it enacted as follows:

A. Definitions. As used in this local law:

Carryout bag. The term "carryout bag" means any bag that is provided by a covered store to a customer at the point of sale and is used to carry goods from such store, provided, however, that such term shall not include any of the following: (i) a bag without handles used to carry produce, meats, poultry, fish, dairy, dry goods or other non-prepackaged food items to the point of sale within a covered store or to prevent such food items from coming into direct contact with other purchased items; (ii) a bag provided by a pharmacy to carry prescription drugs; (iii) a garment bag; or (iv) any other bag exempted from the provisions of this chapter by rule of the Department.

Covered store. The term "covered store" means a general vendor or a retail or wholesale establishment engaged in the sale of personal, consumer or household items including but not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, apparel stores, home center and hardware stores, stationery and office supply stores, and food service establishments located within grocery stores, supermarkets, convenience stores or foodmarts that provide carryout bags to customers in which to place purchased items. Such term does not include food service establishments located outside of grocery stores, supermarkets, convenience stores, or foodmarts, including emergency food providers, mobile food vendors, or stores licensed pursuant to section 63 of the state alcoholic beverage control law to sell liquor at retail for consumption off the premises.

Department. The term "Department" means the Madison County Department of Solid waste and Sanitation.

Emergency food provider. The term "emergency food provider" means any facility, including soup kitchens and food pantries, operated by a not-for-profit corporation or by a federal, state, or local government agency that provides food to needy individuals at no charge.

Reusable carryout bag. The term "reusable carryout bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is either (i) made of cloth or other machine washable material, but not film plastic, or (ii) defined as a reusable carryout bag by rule of the Department. Reusable carryout bags provided to customers pursuant to this chapter shall be conspicuously labeled as reusable or for Reuse.

B. Carryout bag ban.

a. Except as provided in this local law, covered stores shall not provide carryout plastic bags to customers.

b. No covered store shall charge a fee for, or prevent a customer from using, a carryout bag brought by the customer to such store to carry purchased goods from such store.

C. Additional obligations for covered stores.

a. All covered stores shall post signs at or near the point of sale to notify customers of the provisions of this Local Law. Such signs shall measure at least eight inches by eleven inches and shall read as follows: "Pursuant to Madison County Local Law, this store is prohibited from providing carryout bags to a customer, with limited exceptions. Carryout bags brought by customers into this store to carry purchased goods from this store are permissible."

b. Paper carryout bags are exempt and may be provided by covered stores to customers.

c. Covered stores may provide their customers with reusable carryout bags.

D. Exemptions. Covered stores may provide carryout bags to customers using the supplemental nutrition assistance program, special supplemental nutrition program for women, infants and children, or any successor programs.

E. Outreach and education.

a. The Department shall establish an outreach and education program aimed at educating residents and covered stores on the prohibition of single-use carryout bags and substituting the use of reusable carryout bags.

b. To the extent practicable, the Department shall seek the assistance of for-profit and not-for-profit corporations in providing and distributing reusable carryout bags to residents and in providing and distributing signs to covered stores.

F. Enforcement. a. Any notice of violation issued pursuant to this chapter may be served upon a person of responsible age and discretion employed by a Covered Store and shall be returnable to the Solid Waste Hearing Board, which shall have the power to impose civil penalties as provided in this Local Law.

b. The Department shall have the authority to enforce the provisions of this chapter.

c. Any covered store that violates this law or any rules promulgated pursuant thereto shall be liable for a civil penalty of \$250 for a first violation and \$500 for any subsequent violation of the same section or subdivision of this Local Law or rule promulgated pursuant thereto within an eighteen-month period, except that the Department shall not issue a notice of violation, but shall issue a warning for any violation that occurs during the initial six-month period after the effective date of this Local Law. For purposes of this chapter, each commercial transaction shall constitute no more than one violation.

This local law takes effect 6 months after filing with the New York Secretary of State.



Top Ten Facts about Plastic Bags

1. Plastic bags pollute our water our land. Plastic bags are usually lightweight and as such, they can travel very long distances by either water or wind. Wind blows these plastic bags and trashes a whole area. This litter gets caught up in between trees, fences and floats in water bodies, clogging sewers and storm drains exacerbating flooding in low-lying neighborhoods.
2. Plastic bags are made from non-renewable sources. Most of plastic is made of polypropylene which is a material manufactured from petroleum and natural gas. All of the materials are non-renewable fossil fuel-based materials and through their extraction and even production, greenhouse gases are created.
3. According to the Wall Street Journal, the U.S. goes through 100 billion plastic shopping bags annually. (Estimated cost to retailers: \$4 billion) This amounts to approximately 500 single use plastic bags per shopper per year.
4. Plastic bags are used for an average of 12 minutes, but a single plastic bag has a life expectancy of up to 1,000 years.
5. During the 2011 International Coastal Cleanup, volunteers collected 120,450 pounds of bags in the United States. In Massachusetts alone, CLEANSWEEP volunteers collected 5,712 pounds of plastic bags, one of the most common forms of litter found.

6. In the ocean, plastics break down into small, plankton-sized particles that can outnumber plankton six to one. These pieces collect toxins like PCBs and DDT at levels up to 1,000,000 times the levels found in seawater.
7. Marine wildlife often mistake plastic bags for food, especially sea turtles hunting jellyfish. In fact, high amounts of plastic material, especially plastic bags, have been found blocking the breathing passages and stomachs of many marine species, including whales, dolphins, seals, puffins, and turtles.
8. In the middle of the Atlantic, there is an area that spans the distance between Virginia to Cuba called the Great Atlantic Garbage Patch: a soup of plastic with up to 26 million plastic particles per square kilometer.
9. 80 percent of marine debris comes from land-based waste, and the most direct route to the Great Atlantic Garbage patch is from the east coast of the US.
10. Retail businesses spend more than \$4 billion per year to provide plastic bags. Nearly 100 cities, towns, and counties across the US have banned plastic bags, half of them in the past year.

"Dangers of Plastic Bags ." Envirosax. Bellouco Pty Ltd. , n.d. Web.

<http://www.envirosax.com/plastic_bag_facts>.

"Direct Manufacturer of Reusable Bags." Plastic Bag Ban Map. Factory Direct Promos, n.d. Web. 21 Mar. 2013.

"Marine Problems: Pollution." WWF Global. N.p.. Web.

<http://wwf.panda.org/about_our_earth/blue_planet/problems/pollution/>.

"Plastic Marine Debris: An In-depth Look." Marine Debris Program. National Oceanic and Atmospheric Administration, 21 Sept. 2011. Web. 21 Mar. 2013.

"The Ocean Trash Index." Ocean Conservancy . N.p.. Web. 8 Mar 2013.

<<http://www.oceanconservancy.org/our-work/marine-debris/2012-icc-data-pdf.pdf>>.

Satariano, Adam. "Pacific Ocean Plastic Mistaken for Plankton Threatens Wildlife." Bloomberg News. Bloomberg, 10 Apr. 2008. Web. 21 Mar. 2013.

Young, Jeff. "Living on Earth: The Other Oil Spill." Living on Earth. Public Radio International, 16 July 2010. Web. 21 Mar. 2013.