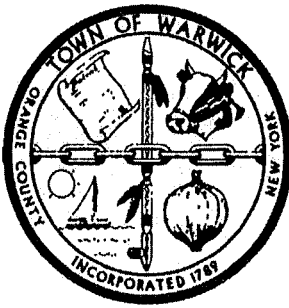


# TOWN OF WARWICK




EILEEN M. ASTORINO  
TOWN CLERK  
132 Kings Highway  
Warwick, New York 10990-3152  
Tel: (845) 986-1124, ext. 246

Melissa Stevens, Registrar & Deputy Town Clerk  
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I, EILEEN ASTORINO, Town Clerk of the Town of Warwick, in the County of Orange, State of New York HERE BY CERTIFY that the following resolution#R2018-83 SCHEDULE PUBLIC HEARING LOCAL LAW No.2 OF 2018 – CHAPTER 73 “CARRY OUT BAGS” was adopted at the regular meeting of the Town Board of the Town of Warwick duly called and held on Thursday February 8, 2018 have been compared by me with the original minutes as officially recorded in the Town Clerk’s Office in the Minute Book of the Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matter.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town of Warwick this 9th day of February 2018.

SEAL

  
Eileen M. Astorino, Town Clerk

#R2018-83 SCHEDULE PUBLIC HEARING LOCAL LAW No.2 OF 2018 – CHAPTER  
73 “CARRY OUT BAGS”

Motion Councilman Gerstner, seconded Councilman DeAngelo to adopt a resolution to set a public hearing to consider an Introductory Local Law regarding “Carry Out Bags”. Said public hearing to be held at 7:15 p.m. on February 22, 2018, or as soon thereafter as the matter may be heard.

Motion carried (5 Ayes, 0 Nays) Supervisor Sweeton declared this resolution duly adopted.

**PLEASE TAKE NOTICE** that the Town of Warwick will be holding a Public Hearing to consider an Introductory Local Law regarding “Carry Out Bags”. Said public hearing to be held on February 22, 2018 at 7:15 p.m. or soon thereafter as the matter be heard at the Town Hall, 132 Kings Highway, Warwick, NY

All interested persons will be given the opportunity to be heard.

DATED: February 14, 2018

**BY ORDER OF THE TOWN  
BOARD OF THE TOWN OF WARWICK  
EILEEN ASTORINO  
TOWN CLERK**

LOCAL LAW CREATING CHAPTER 73 ENTITLED "CARRYOUT BAGS"

BE IN ENACTED, by the Town Board of the Town of Warwick, as follows:

"Chapter 73. Carryout Bags

**Sec. 73-1. Legislative Intent.**

This Article is enacted to promote the use of reusable bags over carryout bags, in order to reduce the negative environmental and economic impacts associated with carryout bags. Most carryout bags made from either plastic, paper or other materials do not readily decompose and contribute to problematic litter because of their lightweight, allowing them to be blown onto sidewalks, into trees, as well as into the streets blocking storm drains. The Town finds that imposing a bag fee on the customer can create a shift in consumer behavior toward the use of reusable bags and significantly reduce the amount of carryout bags within our Town.

**Sec. 73-2. Definitions.**

As used in this Article, the following terms shall be defined as follows:

*Business Establishment* shall mean any business that provides carryout bags to its customers.

*Carryout Bag* shall mean a bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases.

*Exempt Bag* shall mean any of the following: (i) a bag without handles that is used to carry produce, meats, loose baked goods, loose dry goods, dry cleaning, newspaper delivery bags, liquor store sales, flowers or other non-prepackaged food items to the point of sale within a store or market, or to prevent such items from coming in direct contact with other purchased items or (ii) a bag provided by a doctor, pharmacist or veterinarian to carry prescription drugs or (iii) dry cleaning or newspaper bags and (iv) bags provided at liquor stores.

*Reusable Carryout Bag* shall mean a carryout bag with handles that is specifically designed and manufactured for multiple reuse and is either (i) made of cloth or other machine washable fabric or (ii) made of durable plastic that is at least 2.25 mils thick and is specifically designed and manufactured for multiple reuse.

**Sec. 73-3. Fee and Fee Exemptions.**

(a) **Fee:** Business establishments shall charge a fee of not less than five (5) cents for each carryout bag provided to any person. Town run facilities, Town sponsored events and any event held on Town property shall also charge a fee of not less than five (5) cents for each carryout bag provided to any person.

No business establishment shall charge this fee for an exempt bag. All monies collected shall be retained by the business establishment.

**(b) Fee Exemptions:**

- (1) All business establishments that provide carryout bags to customers shall provide said bags free of charge for items purchased by any person using the New York State Supplemental Nutrition Assistance Program (SNAP) or New York State Special Supplemental Nutrition Program for Women, Infants and Children (WIC), as full or partial payment.
- (2) No business establishment shall charge a fee or prevent a customer from using a bag of any kind that they have brought for the purposes of carrying goods from such business establishments.

**Sec. 73-4. Regulations**

- (a) All business establishments shall post signs at or near points of sale located in such establishments to notify customers of the provisions of this Chapter.

**Sec. 73-5. Penalties for offenses.**

- (a) A fine may be imposed upon any business establishment that has provided a carryout bag to a customer in violation of this Chapter, as follows:
  - (1) A fine not exceeding one hundred dollars (\$100.00) for a first violation;
  - (2) A fine not exceeding two hundred dollars (\$200.00) for a second violation;
  - (3) A fine not exceeding two hundred fifty dollars (\$250.00) for a third violation and subsequent violations.

(b) In the event of a continuing violation, each day such offense continues shall constitute a separate additional violation.”

Sec. 2. This Ordinance shall take effect April 22, 2018 (Earth Day).