

Local Law Number 1 Of 2019

County of Ulster

A Local Law Amending Local Law No. 5 of 2018, A Local Law Promoting The Use Of Reusable Bags And Regulating The Use Of Plastic Carryout Bags And Recyclable Paper Carryout Bags

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. Section 5. of Local Law No. 5 of 2018 is hereby amended as follows:

SECTION 5. PERMITTED BAGS

All Covered Stores may provide or make available to Customers Recyclable Paper Bags or Reusable Bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter. Nothing in this Chapter prohibits Customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

SECTION 2. Section 6. of Local Law No. 5 of 2018 is hereby amended as follows:

SECTION 6. REGULATION OF RECYCLABLE PAPER BAGS

- A. **Except as described in subsection D**, any Covered Store that provides a Recyclable Paper Bag to a Customer must charge that customer a minimum of 5 cents (\$0.05) for each bag provided.
- B. All Covered Stores must indicate on the Customer receipt the number of Recyclable Paper Bags provided and the total amount charged for the bags.
- C. All monies collected by a Covered Store under this Chapter will be retained by the Covered Store.
- D. **Exemption: All Covered Stores that provide Recyclable Paper Bags to customers shall provide such 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.**

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SECTION 3. Section 9. of Local Law No. 5 of 2018 is hereby amended as follows:

SECTION 9. EDUCATION AND ENFORCEMENT.

The County Executive shall designate a County Department or Departments to have primary responsibility for **the implementation** of this Chapter. **The Director of the designated Department(s) shall complete an education campaign by December 31, 2019, informing the public and Covered Stores about the requirements of this Local Law. After December 31, 2019, the Director shall begin enforcement efforts as described in Section 10 herein.** The Director of the designated Department(s) is authorized to promulgate rules and regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours.

A copy of the rules and regulations will be provided to the Clerk of the Legislature before they are publicly disseminated.

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

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SECTION 5. REVERSE PREEMPTION.

This article shall be null and void on the day that statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this Article or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Ulster. The Ulster County Legislature may determine by resolution whether or not identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

SECTION 6. EFFECTIVE DATE.

This local law shall take effect July 15, 2019.

Adopted by the County Legislature: February 19, 2019

Approved by the Acting County Executive: March 20, 2019

Filed with New York State Department of State: