

shopping_bags

From: Lee, Benjamin
Sent: Wednesday, April 04, 2018 10:45 PM
To: Rosenson, Valerie
Subject: L&R - Legal Opinions re: Shopping Bag Ordinance

Dear Valerie,

Further to our discussion with Attorney Tom in the L&R Committee meeting, I would like a formal legal opinion answering the following questions:

- 1) Can the City of Stamford levy a municipal tax as to non-recyclable non-biodegradable plastic and/or paper bags?
- 2) Can the City of Stamford impose a charge on non-recyclable non-biodegradable plastic and/or paper bags, which charge will be retained solely by the retail establishment, without any retention of the same by the municipality, for the sole purpose of encouraging the use of reusable carryout bags?
- 3) To the extent that a charge as reflected in inquiry No. 2 is acceptable, can the municipality require the retail establishment to sell a reusable bag at "costs" as suggested by Representative Sherwood?
- 4) Can the City of Stamford require a retail establishment to give any sort of discount in exchange for the use of recyclable bags?
- 5) Can the City of Stamford require that a retail establishment use either recyclable and/or biodegradable plastic bags, or is its powers limited to banning certain types of bags?

I would also like guidance from Corporation Counsel on the following, though it needn't be included in the formal opinion:

We have been advised that Connecticut's environmental laws require that a legislative body introduce "scientific evidence in the minutes of the Board's deliberations that the type of bag being encouraged is indeed more environmentally friendly than the alternative." Could we be provided with details on the what sort of scientific evidences should be noticed, preferably in the form of examples?

Naturally, if Corporation Counsel believes that the last question is best incorporated in their formal opinion, I defer to their judgment. An email is otherwise fine. I also defer to the judgment of Corporation Counsel as to the order in which questions 1 - 5 are answered.

Best regards,

Ben

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