

ARTICLE 36: Citizen Petition – Plastic Bag Reduction Bylaw

1.0 PURPOSE

The production of thin-film single use plastic checkout bags has significant impacts on the environment, including, but not limited to contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; requiring the use of millions of gallons of crude oil nationally for their manufacture. The purpose of this bylaw is to protect the town's unique natural beauty and its water and natural resources by eliminating single use plastic checkout bags that are distributed in the Town of Northborough and to promote the use of reusable bags.

2.0 SEVERABILITY

Each section, paragraph, sentence, clause, phrase and any other portion of this bylaw shall be construed as separate to the end that if any portion thereof shall be held invalid for any reason, then the remainder of the regulation shall remain in full force and effect.

3.0 DEFINITIONS

- 3.1 “Agent”, the Town of Northborough Health Agent
- 3.2 “Board of Health”, the legally constituted Board of Health for the Town of Northborough, or its authorized agents or representatives.
- 3.3 “Department”, the Town of Northborough Health Department.
- 3.4 “Checkout Bag”, a carryout bag with handles provided by a store to a customer at the point of sale. A Checkout bag shall not include:
 - Bags whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store;
 - laundry or dry-cleaner bags;

- bags used to contain or wrap frozen foods, meat or fish, whether repackaged or not, to prevent or contain moisture.
- 3.5 “Compostable plastic bag”, a plastic bag that meets specific standards set by the American Society of Testing and Materials (ASTM) for biodegradability.
 - 3.6 "Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and, (3) displays the percentage of post-consumer recycled content in a visible manner on the outside of the bag.
 - 3.7 “Retail establishment”, any retail space located in the Town of Northborough including without limitation a restaurant, food or ice cream truck, convenience store, merchandise vendor, farm market, or supermarket.
 - 3.8 “Reusable checkout bag”, a sewn bag with handles, that is designed for multiple reuse and can carry 25 pounds over a distance of 300 feet. It can be either made of cloth fabric, durable plastic (more than 4 mils thick), or other durable material.
 - 3.9 “Single Use Plastic Bag” shall mean a plastic bag including but not limited to bags with integral handles made of non-biodegradable plastic that is less than 4.0 mils in thickness and is intended for single-use transport of purchased items provided by an establishment to a customer at the point of sale.

4.0 REQUIREMENTS

- 4.1 If any retail establishment as defined in section 3 provides a checkout bag to customers, the bag shall comply with the requirements of being either a recyclable paper bag, a compostable plastic bag, or a reusable checkout bag. Single Use Plastic Bags are prohibited as of January 1, 2020.
- 4.2 The Board of Health may promulgate additional rules and regulations to implement this bylaw.

5.0 PENALTIES AND ENFORCEMENT

Each Retail Establishment shall comply with this bylaw:

- 5.1 If it is determined that a violation has occurred the Agent may issue a warning notice for an initial violation.
- 5.2 Any violation of the provisions of this bylaw may be enforced by non-criminal disposition pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21D.
- 5.3 If an additional violation of this by-law has occurred within 30 calendar days after a warning notice has been issued for an initial violation, the Agent may issue a notice of violation and may impose a penalty against the Retail Establishment.
- 5.4 The penalty for each violation that occurs after the issuance of the warning notice shall be:
 - \$50 for the second offense
 - \$100 for the third offense and \$200 for all subsequent offenses.
- 5.5 No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period

6.0 EFFECTIVE DATE

All of the requirements set forth in this by-law shall take effect on January 1, 2020. In the event that compliance with the effective date of this bylaw is not feasible for a Retail Establishment, because of unavailability of compliant checkout bags or economic hardship, the Agent may grant a waiver of not more than six months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth above.

Proposed by: Jeanne Cahill