

ARTICLE 34 Resident, Jeanne Ryer, moves that the Town vote to approve Article 34 (establishing a town wide bylaw that bans the use of plastic bags subject to exemptions) as set forth as follows:

SECTION 1 – FINDINGS AND INTENT

FINDINGS:

- 1) Thin plastic bags are harmful to the environment and waterways and therefore contribute to the potential death of marine and other wildlife.
- 2) Thin plastic bags clog storm drains and litter public places, beaches, and local waterways, including the North and South Rivers and the Green Harbor River and contribute to the overall volume of solid waste.
- 3) Thin plastic bags are made from fossil fuels, a non-renewable resource.
- 4) Thin plastic bags are not biodegradable or compostable, are not acceptable in Marshfield's curbside recycling bins, and only a small percentage are returned to stores for recycling.
- 5) Thin plastic bags break down into microplastics which enter our waters, soil and air and pollute our food chain and endanger our health.
- 6) Currently 60 Massachusetts cities and towns, including Plymouth, Duxbury, Bridgewater, and much of Cape Cod have passed plastic bag bans, and more have bylaws pending.

INTENT:

The Town of Marshfield hereby enacts this bylaw to help reduce the deterioration of the environment and the ensuing potential health risks by eliminating the use of thin plastic carryout bags at the point of sale and promoting the use of reusable bags.

SECTION 2 – DEFINITIONS

PLASTIC CARRYOUT BAG: A plastic carryout bag is a thin film plastic bag with handles provided to a customer by an establishment and used to transport merchandise from the establishment. Plastic carryout bags do not include those plastic bags typically without handles used to contain dry cleaning, newspapers, or small bags used to contain fish, meat, produce or other products provided to the consumer, free of charge, to deliver items to the point of sale.

REUSABLE CARRYOUT BAG: A bag with stitched on handles that is made solely of or in a combination of natural cloths, synthetic fibers, or other washable material and is specifically designed for multiple reuse. These bags are generally sold to the customer for a reasonable cost.

RECYCLABLE PAPER BAG: A paper bag that is 100% recyclable and contains at least 40% post-consumer recycled paper content and is provided free of charge to the customer.

ESTABLISHMENT: An establishment means any business selling food, good, articles, or personal services to the public.

SECTION 3 – PLASTIC CARRYOUT BAG PROHIBITION

No establishment in the town of Marshfield, as defined in Section 2, shall provide thin plastic carryout bags, as defined in Section 2. Establishments in the town of Marshfield, as defined in Section 2, shall only provide reusable carryout bags that comply with the definition in Section 2, or recyclable paper bags, as defined in Section 2, at the point of sale.

SECTION 4 – ENFORCEMENT

All of the requirements set forth in this bylaw shall take effect within six months of the approval of the bylaw by the Office of the Massachusetts State's Attorney General and satisfaction of the posting/publication requirements of G.L.c.40, 32. However, if a retail establishment cannot comply with the effective date of this bylaw due to economic hardship, the establishment may petition the Board of Health for an extension of six months.

This bylaw may be enforced by any agent of the Board of Health by:

- 1) Inspection and investigation
- 2) The issuance of violation notices and administrative orders
- 3) Civil court actions

Whoever, himself or by his servant or agent or as the servant or agent of any other person or firm or corporation, violates any of the provisions of these regulations may be penalized by a non-criminal disposition process as provided in M.G.L.c.40, 21D. Each day of violation after written notice is a separate violation.

The following penalties shall apply:

- First offense - written warning
- Second offense - \$50 fine
- Third offense - \$100 fine
- Subsequent offenses - \$200 fine

SECTION 5 – SEVERABILITY

If any provision of this bylaw shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this bylaw, which shall remain in full force and effect.

This Article passed by a majority vote.