

PLYMOUTH BAG BAN
FINAL DRAFT

ARTICLE : To see if the Town will vote to amend the General Bylaws by adopting a bylaw entitled “Plastic Bag Ban” as follows; or to take any other action relative thereto:

SECTION 1 – DEFINITIONS

CARRYOUT BAG:

A carryout bag is a thin film plastic bag of a thickness less than 3 mls with handles provided to a customer by an establishment and is used to transport merchandise from the establishment. Carryout bags do not include bags typically without handles used to contain dry cleaning, newspaper, small bags to contain fish, meats, produce or other products selected by the consumer to deliver items to the point of sale.

REUSABLE CARRYOUT BAG:

A Reusable Carryout meets all of the following requirements:

- [1] Is made solely of or in a combination of natural cloths, synthetic fibers, other washable material; or of a non-toxic plastic as defined by applicable state and federal regulations that is no less than 3 mls thick and has the word “Reusable” or “Reuse” printed on the outside of the bag in a visible manner.
- [2] Is specifically designed for multiple reuse and has handles.

RECYCLABLE PAPER BAG

A paper bag that [1] is 100% recyclable and [2] contains at least 40% post-consumer recycled paper content.

ESTABLISHMENT:

An Establishment means any business selling goods, articles, or personal services to the public, including restaurants, with a gross interior space of 3000 square feet or larger; or has at least two (2) locations under the same ownership or brand name within the Town of Plymouth.

SECTION 2: Findings, Purpose, and Declaration

(a) Findings. The town meeting finds and determines that:

- 1. Thin plastic bags are harmful to the environment.
- 2. Thin plastic bags are part of litter resulting in the Town being a less desirable place in which to reside and do business.
- 3. Thin plastic bags are a danger to marine and land animal life.

(b) Purpose. The purpose of this bylaw is:

- 1. To help lessen the deterioration of the environment.
- 2. To further educate the public regarding the importance of using biodegradable materials.

3. To provide additional enforcement to protect public and private property from litter.
4. To encourage the use of reusable carryout bags and thereby decrease plastic waste.

(c) Declaration. The town meeting declares that these plastic bags are a nuisance which must be abated according to the provisions and regulations herein contained.

SECTION 3. PLASTIC BAG BAN/PROHIBITION

No Establishment in the Town of Plymouth, as defined in Section 1, shall provide thin film plastic carryout bags as defined in Section 1. Establishments in the Town of Plymouth, as defined in Section 1, shall only provide Reusable Carryout Bags that comply with the definition in Section 1. Nothing in this section shall be read to preclude any Establishment from utilizing Recyclable Paper Bags, with or without handles, at the point of sale.

SECTION 4. ENFORCEMENT

This Bylaw may be enforced by any agent of the Board of Health.

All of the requirements set forth in this by-law 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 by-law due to economic hardship, the establishment may petition the Board of Health for an extension of six months.

This Bylaw may be enforced through any lawful means in law or in equity, including, but limited to, non-criminal disposition pursuant to M.G.L c.40, Section 21D and the appropriate chapter of the Town’s General By-laws. If a non-criminal disposition is elected, then any Establishment that violates any provision of this Bylaw shall be subject to the following penalties:

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.