

Town of Chatham

Board of Health

Single Use Plastic Bag Ban Regulation

Purpose and Intent:

The production and use of single-use plastic bags have significant impacts on the marine and land environment of all coastal communities, including but not limited to: contributing to the potential death of marine and terrestrial animals through ingestion and entanglement; contributing to pollution of the land and coastal environment through improper disposal; clogging storm drainage systems; creating a burden to our solid waste collection and recycling efforts; and requiring the use of millions of barrels of non-renewable, polluting, fossil fuel for their manufacture.

Therefore, the Chatham Board of Health seeks to phase out the use of single-use plastic bags by all retail establishments, including restaurants providing take-out, doing business in town over a period of 12 months from the effective date of this regulation.

Authority:

In order to protect the public health and environment the Board of Health of the Town of Chatham, in accordance with and under the authority granted by Massachusetts General Law (M.G.L.) Chapter 111, S 31, has promulgated and voted to adopt the following regulation banning the distribution and/or sale of single-use plastic bags in the Town of Chatham.

Definitions:

“Establishment” means any business selling goods, articles, food or personal services to the public, including restaurants.

“Single-use plastic bags” means bags made of plastic, with integral handles, and thickness less than 2.5 mils, that are intended to be used for the transport of products purchased at an Establishment as defined herein.

“Reusable bag” means a bag that is specifically designed for multiple use and is made of cloth, fabric or other durable materials.

Use Regulations:

Single-use plastic bags shall not be distributed or sold at any Establishment within the Town of Chatham effective January 1, 2017. Existing stock of single-use bags shall be phased out within twelve (12) months of January 1, 2016; any stock remaining at the end of said 12 months shall be disposed of properly by the Establishment. Customers are encouraged to bring their own reusable shopping bags to stores.

Establishments may provide reusable bags at no charge, or charge a reasonable fee for each paper or other bag, as they desire. Establishments are strongly encouraged to make reusable bags available to customers at a reasonable price.

Thin-film plastic bags, used by Establishments to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise, typically without handles, are exempt from the provisions of this Regulation.

Administration and Enforcement:

This Regulation may be enforced by any Town police officer, enforcement officers or agents of the Board of Health. This Regulation may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D and appropriate chapter of the Town's General Regulations. If non-criminal disposition is elected, then any Establishment which violates any provision of this regulation shall be subject to the following penalties:

- First Offense: Written warning
- 2nd Offense: \$50 fine
- 3rd Offense: \$100 fine
- 4th and Subsequent offenses \$200 fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense; or to take any other action relative thereto.

Chatham Board of Health:

Edwin Whittaker, Chairman

Edward Sheehan, Vice Chair

Mary Ann Gray Member

Allen Ward, M.D., Member

Ronald Broman, Member

Effective Date: January 1, 2016