

The Commonwealth of Massachusetts

Town of Pepperell

To see if the Town will vote to amend the Town Bylaws by adding a ByLaw for the reduction of plastic bags, as follows:

Section 1. Purpose and Intent

The production and use of thin film, single-use plastic checkout bags have significant impacts on the environment, including but not limited to: contributing to the potential death of marine/aquatic animals through ingestion and entanglement; contributing to the pollution of the land environment; creating a burden to solid waste collection and recycling facilities (Pepperell does not currently recycle plastic bags); clogging storm drain systems; requiring the use of millions of gallons of crude oil nationally for their manufacture; and plastic bags are not biodegradable so they gradually disintegrate into minute particles which absorb toxins, contaminating the food chain including the food human eat.

The goal of this bylaw is to reduce the common use of plastic checkout bags and to encourage the use of reusable bags by consumers, thereby reducing local land pollution, advancing solid waste reduction, protecting the Town's unique natural beauty and irreplaceable natural resources, and improving the quality of life for citizens in this town.

2. Definitions

“Checkout Bag” means a bag with or without handles provided to a customer at the check stand, cash register, point of sale, or other point of departure that is intended for the purpose of transporting food or merchandise out of the establishment.

“Recyclable Paper Bag” means a paper bag that is 100% recyclable and contains at least 40% post consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word “recyclable” or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content in the bag.

“Reusable Bag” means a bag with stitched handles that is made solely of, or in a combination of, natural cloths, synthetic fibers, or other washable material other than any type of polyethylene or polyvinyl chloride and is durable, non-toxic, and specifically designed for multiple reuse (a minimum of 175 uses).

“Single-use Plastic Checkout Bag” means a single-use plastic bag, including plastic bags labeled biodegradable, compostable or photodegradable, provided to a customer by an establishment and used to transport merchandise from the establishment.

“Store” means any commercial enterprise selling goods, food or services directly to the public, whether for or not for profit, including but not limited to, convenience and grocery stores, markets, restaurants, pharmacies, liquor stores, take-out food purveyors, and merchandise retailers.

“Thin-film Product Bag” means (1) a bag in which loose produce, bulk items, unwrapped baked goods or prepared food, or other products are placed by the consumer to deliver such items to the point of sale or check out area of the store, or (2) a bag that contains or wraps food to retain moisture or to segregate foods (like meat and ice cream) or other items to prevent contamination or damage when the items are placed together in a Recyclable Bag or Reusable Bag, (3) a bag without handles used to cover clothing such as a dry cleaning bag, or (4) bags used to contain phonebooks, newspapers, or magazines.

3. Use Regulations

3.1 No Store in the Town shall provide to any customer a Single-Use Plastic Checkout Bag. Existing Stock should be phased out by January 1, 2020 and any remaining stock should be disposed of properly.

3.2 If a store provides Checkout bags, they may provide Reusable or Recyclable Bags.

3.3 Thin-film product bags used for dry cleaning, newspapers, meat, produce, bulk items, wet items are still permissible.

4. Administration and Enforcement

4.1 The enforcement of this law is the responsibility of the Town Administrator/Board of Health, and may be enforced by any Town Police Officer or agent of the Board of Health and other individuals appointed by the Town Administrator.

4.2 A person, individually or by his/her servant or agent, who violates any provision of this bylaw may be penalized by a non-criminal disposition pursuant to M.G.L. Chapter 40, Section 21 D and the Town’s non-criminal disposition bylaw. The following penalties apply:

- * First Violation: a written warning
- * Second Violation: \$100 fine
- * Third Violation: \$200 fine
- * Fourth and Subsequent violations: \$300 fine
- * Each day the violation occurs constitutes a separate violation.
- * Any such fines shall be paid to the Town of Pepperell.

5. Effective Date

This Bylaw takes effect on January 1, 2020

6. Severability

If any section, paragraph, or part of this Bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force.