

8.12.6.8 Entry to Perform Duties Under this Bylaw

To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Town and its agents, officers and employees may enter privately owned property for the purpose of performing their duties under Section 8.12 and may make or cause to be made such examinations, surveys, sampling, or remedial activities as the Town deems reasonably necessary.

8.12.6.9 Remedies Not Exclusive

The remedies listed in Section 8.12 are not exclusive of any other remedies available under any applicable federal, state or local law.

8.13 Regulation of Retail Checkout Bags**8.13.1 Purpose**

The purpose of this Section is to regulate the retail use of plastic bags and adopt the use of reusable, recyclable and/or biodegradable bags for use at checkout.

8.13.2 Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

8.13.2.1 Checkout Bag

a carryout bag provided by a store to a customer at the point of sale. Checkout bags 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.

8.13.2.2 Compostable Plastic Bag

a plastic bag that: (1) conforms to the current ASTM D6400, the ASTM International "Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities" for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by the Director.

8.13.2.3 Director

DPW Director or the DPW Director's designee.

8.13.2.4 Recyclable Paper Bag

a paper bag that is: (1) 100 percent recyclable; and (2) contains at least 40% post-consumer recycled paper content and is clearly labeled as such.

8.13.2.6 Retail Establishment

any commercial enterprise including, but not limited to the following: restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, household goods stores and any other business that offers the sale and display of merchandise.

8.13.2.7 Single-Use Plastic Checkout Bags

any plastic Checkout bag less than 3 mils thick.

8.13.3 Regulation

- 8.13.3.1** If a Retail Establishment provides Checkout bags, the Checkout bags shall be Reusable checkout bags or Recyclable paper bags. Retail Establishments are encouraged to make Reusable bags available for free or for sale to customers at a reasonable price.
- 8.13.3.2** Except as otherwise provided herein, Single-use plastic checkout bags shall not be distributed, used or sold for checkout or other purposes by any Retail Establishment within the Town of Reading. Existing stocks of Single-use checkout bags shall be phased out within six (6) months following the effective date of Section 8.13.
- 8.13.3.3** The following are exempt and not subject to the provisions of Section 8.13:
- Bags used by customers to:
 - package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
 - contain or wrap frozen foods, meat, or fish;
 - contain or wrap flowers, potted plants, or other items where dampness may be a problem; and
 - Laundry or dry-cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste.

8.13.4 Administration and Enforcement

- 8.13.4.1** The Director shall have the authority to administer Section 8.13 and enforce against violations thereof by a Retail Establishment. In addition to any other means of enforcement, the provision of Section 8.13 and any regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 and MGL Chapter 40 Section 21D.
- 8.13.4.2** Retail Establishments shall have fifteen (15) calendar days, after the date that a notice of violation is issued, to pay the penalty or request a hearing in writing to the Director. No more than one (1) penalty shall be imposed upon a Retail Establishment within a fifteen (15) calendar-day period.
- 8.13.4.3** In the event that compliance with Section 8.13 is not feasible for a Retail Establishment because of either unavailability of suitable Checkout bags or economic hardship, the Director may grant a waiver of not more than six (6) months upon application of the owner or owner's representative. The Director may provide one (1) additional six-month waiver upon showing of continued infeasibility or hardship, as set forth above.
- 8.13.4.4** The Director may promulgate rules and regulations to implement Section 8.13.