

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 humans 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 by a store/business to a customer at the checkout area, cash register, point of sale, or other point of departure from the store 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.

“Single-use Plastic Checkout Bag” means a Checkout Bag made of plastic, including plastic bags labeled biodegradable, compostable or photodegradable, provided to a customer by a store and intended for single-use transport of food or 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 into 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 Reusable Bag or Recyclable Paper 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. Stores shall phase out existing stock of Single-Use Plastic Checkout Bags by January 1, 2020 and any remaining stock shall be disposed of properly.

3.2 If a store provides Checkout Bags to customers, it may provide Reusable Bags or Recyclable Paper Bags.

3.3 Thin-film Product Bags used for dry cleaning, newspapers, meat, produce, bulk items, wet items are still permissible and will be exempt from the requirement in subsection 3.1.

4. Administration and Enforcement

4.1 The enforcement of this bylaw is the responsibility of the Town Administrator and the Board of Health, and the bylaw may be enforced by any Town police officer or agent of the Board of Health.

4.2 This bylaw may be enforced by the non-criminal disposition method 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 will take effect on February 17, 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 will continue in full force and effect.