

ARTICLE 19

To see if the Town will vote to amend the Tewksbury General Bylaw, Title 18 – Environment by adding a new Chapter 18.10 Prohibition Single-Use Plastic Bags that would provide as follows:

Chapter 18.10 Prohibition Single-Use Plastic Bags

18.10.010 Purpose and Intent

- A. The purpose of this bylaw is to regulate the retail use of single-use plastic checkout bags and adopt the use of reusable, recyclable and biodegradable bags in the Town.
- B. The manufacture and use of single-use checkout bags has a significant impact on the environment, including, but not limited to: contributing to pollution of land, waterways, and oceans; contributing to the death of marine animals through ingestion and entanglement; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil.
- C. Plastic bags also affect human health by adding pollutants to the air breathed during the process of extracting oil from the ground, when they are disposed of by incineration, and when they break down adding toxic chemicals to the groundwater.
- D. Plastic bags are rarely recycled and are not biodegradable. The reduction of plastic bags demonstrates the Town's concern for the Town and planet.

18.10.020 Definitions

- A. Single-use plastic bag shall mean a plastic bag including but not limited to bags with integral handles made of non-biodegradable plastic that is less than 3.0 mils in thickness and is intended for single-use transport of purchased items provided by an establishment to a customer at the point of sale.
- B. Recyclable paper bag means a paper bag that is 100% recyclable and displays in a visible manner on the outside of the bag the word “recyclable” or a symbol identifying the bag is recyclable and contains at least 40% post- consumer paper content and be marked as such.
- C. Reusable checkout bag shall be a bag with handles that is specifically designed for multiple use, preferably made of natural fibers, that is at least 3.0 mils or thicker.
- D. Retail establishment shall mean any business or vendor that sells or provides food, merchandise, goods, or personal services to the public. However, the term “retail establishment” does not include bazaars or festivals operated by nonprofit organizations or religious institutions.

18.10.030 Regulations

- A. 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. Existing stocks of single-use checkout bags shall be phased out within six months following the effective date of this bylaw.
- B. Other thin-film bags used to contain dry cleaning, newspapers, produce, meat bulk foods, wet items, perishables and other similar merchandise, typically without handles, are still permissible.
- C. If a retail establishment provides or sells checkout bags to customers, the bags must be one of the following:
 - 1. Recyclable paper bag, as defined above or
 - 2. Reusable checkout bag, as defined above
- D. Retail establishments are encouraged to make reusable bags available for free or for sale to customers at a reasonable price.

18.10.040 Enforcement and Penalties

- A. This bylaw shall be enforced by the Board of Health, the Public Health Director, and/or the Board’s designated agent and may be enforced by any lawful means in law or in equity including, but not limited to, a non-criminal disposition as provided in the M.G.L. c. 40 § 21D and/or appropriate provisions of the General Bylaws of the Town. The following penalties shall apply:
 - First Offense: written warning
 - Second Offense: \$100
 - Additional Offenses: \$200
- B. 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.

18.10.040 Effective Date

- A. This bylaw shall take effect April 1, 2019
- B. Each section of this bylaw shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be invalid for any reason, the remainder of this bylaw shall continue in force.

or take any other action relative thereto.

Tewksbury Beautification Committee

Executive Summary: This new bylaw would eliminate the use of single use plastic bags by retail establishments.