

Tyngsborough Bag Bylaw

Article 29: Citizen Petition

Tyngsborough Single-Use Plastic Bag Reduction

Purpose and Intent

The use and disposition of single-use plastic bags, including bags made of high-density polyethylene, low-density polyethylene, “biodegradable,” “compostable” or “oxo-biodegradable” materials, have significant impacts on the environment of all communities, including but not limited to:

- 1) Contributing to the injury and potential death of marine and terrestrial animals through ingestion and entanglement;
- 2) Contributing to pollution and degradation of the environment;
- 3) Clogging storm drainage systems; and
- 4) Creating mechanical and disposal burdens for solid waste collection and recycling facilities. Studies have shown that even those plastic bags made from “biodegradable,” “compostable” or “oxo- biodegradable” materials, which all require very specific and controlled environments to fulfill their claims, are for all intents and purposes identical to single-use high or low-density polyethylene plastic bags in their potential impacts to the environment as set forth above. Bags of these types are therefore also subject to the requirements herein.

The goal of this is to protect, conserve and enhance the Town’s natural beauty and

irreplaceable natural resources through the elimination, within the retail sector, of single-use plastic bags and by encouraging the use of reusable bags within the retail and municipal sectors.

Definitions

An “Establishment” means any business in Tyngsborough selling goods, articles, food or personal services to the public, including but not limited to markets, restaurants, bars, take-out food purveyors, merchandise retailers and florists.

A “single-use plastic bag” for the purposes of this is defined as a bag made of plastic, including but not limited to bags made of high-density polyethylene, low-density polyethylene, “biodegradable,” “compostable” or “oxo-biodegradable” materials, with a thickness of less than 1.5 mils provided at the checkout stand, cash register, point of sale or other point of departure and that are intended for the purpose of transporting food or merchandise out of the Establishment.

Single-use plastic bags do not include plastic bags which are a maximum of 11 inches by 17 inches and are without handles provided to the customer:

- (1) To transport produce, bulk food, candy or meat from a department within a store to the point of sale;
- (2) To hold prescription medication dispensed from a pharmacy;
- (3) To segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a point-of-sale bag;
- (4) To distribute newspapers; or
- (5) To protect clothing in dry-cleaning establishments.

A “reusable bag” is defined as a bag with handles that is specifically designed and manufactured for multiple reuse and is either:

- (1) Made of cloth or other machine washable fabric;
- (2) Made of durable plastic that is at least 1.5 mils thick; or (3) Other durable material suitable for reuse.

Use Regulations

Single-use plastic bags shall not be distributed or sold at any Establishment, by which existing stock of single-use plastic bags shall be phased out; any stock remaining after that date shall be disposed of properly (e.g., recycled or returned to manufacturer) by the Establishment.

Customers are encouraged to bring their own reusable shopping bags to Establishments. Establishments may provide paper or reusable bags at no charge, or charge a fee which would be kept by the Establishment, as they so desire.

Administration and Enforcement

This article may be enforced by any Town police officer, enforcement officer or agent of the Board of Health or Licensing Department. This article may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition. If non-criminal disposition is elected, then any Establishment which violates any provision of this article shall be subject to the following penalties:

First Offense: \$50 fine

Second Offense: \$100 fine

Third and Subsequent Offenses: \$200 for each fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first reported offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Or take any action related thereto.

Submitted by: Citizen Petition