

## **ARTICLE 8: AMEND GENERAL BYLAWS TO BAN SINGLE USE PLASTIC BAGS**

To see if the Town will vote to amend the General Bylaw by adding a new Chapter 3 Section 6 to the General Bylaws as follows:

### **3-6 Truro Single-Use Plastic Bag Reduction Bylaw**

#### **3-6-1. 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 marine and terrestrial environment of all coastal 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 terrestrial and coastal 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 Bylaw is to protect, conserve and enhance the Town’s unique natural beauty and irreplaceable natural resources through the elimination, within the retail sector, of certain single-use plastic bags and by encouraging the use of reusable bags within the retail and municipal sectors. Therefore the Town of Truro seeks to phase out the use of single-use plastic bags by March 31, 2016.

#### **3-6-2. Definitions**

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

A “single-use plastic bag” for the purposes of this Bylaw 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 establishment.

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 3.5 mils thick; or
3. Other durable material suitable for reuse.

### **3-6-3. Use Regulations**

Single-use plastic bags shall not be distributed or sold at any Establishment beginning June 1, 2016, by which date 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.

### **3-6-4. Administration and Enforcement**

This Bylaw may be enforced by any Town police officer, enforcement officer or agent of the Board of Health. This Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties;

\$50.00 for first offense

\$100.00 for second offense

\$200.00 for third and subsequent offenses

Each day that such violation continues shall be considered a separate offense.

Or take any other action relative thereto. *Requested by the Board of Selectmen*

### **Board of Selectmen Recommendation: 5-0-0**

#### **Comment:**

*In keeping with our neighboring communities and the Town’s commitment to Green Communities, this bylaw is proposed to prevent single use plastic bags from impacting the environment. The intent is to protect, conserve and enhance the Town’s unique natural beauty and irreplaceable natural resources. Single use plastic bags pose a risk to birds, wildlife and sea life when not disposed of properly. The ban on plastic bags has been implemented in other towns with no apparent negative impact on businesses.*