

Weston

**ARTICLE 27: PLASTIC BAG BAN BY-LAW
(SUBMITTED BY CITIZENS' PETITION)**

To see if the Town will vote to amend the General Bylaws by adopting a new by-law, entitled, "Plastic Bag Ban", consistent with over 40 other communities in the state of Massachusetts, to better protect the environment from plastic pollution, in the form set forth below, or take any other action relative thereto.

ARTICLE XXXV. PLASTIC BAG BAN

Section 1. Findings and Purpose

Plastic check-out bags have a significant impact on the marine and terrestrial environment, including but not limited to: 1) harming marine and terrestrial animals through ingestion and entanglement; 2) polluting and degrading the terrestrial and marine environments; 3) clogging storm drainage systems; 4) creating a burden for solid waste disposal and recycling facilities; 5) and requiring the use of non-renewable fossil-fuel in their composition. Studies have shown that even alternative "compostable" or "biodegradable" bags require very specific and controlled conditions in order to biodegrade, and have potentially negative environmental effects similar to conventional plastic bags. Such bags should therefore be subject to the same restrictions as conventional plastic check-out bags.

The purpose of this Bylaw is to protect the Town's unique natural beauty and irreplaceable natural resources by reducing the number of single-use plastic check-out bags that are distributed in the Town of Weston and to promote the use of reusable bags.

Section 2. Definitions

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

- a. "Check-out bag" shall mean a bag provided by a store to a customer at the point of sale.

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- b. "Department" shall mean the Weston Board of Health.
- c. "Health Agent" shall mean the Health Agent for the Weston Board of Health or its designee.
- d. "Recyclable paper bag" shall mean 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 and the percentage of post-consumer recycled content in the bag.
- e. "Reusable Check-out bag" shall mean a bag with handles that is specifically designed for multiple reuse and that is either (a) made of natural fibers (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick.
- f. "Retail Establishment" shall mean any business facility that sells goods, articles, food, or personal services directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.
- g. "Thin-Film, Single-Use Plastic Check-Out Bags" shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

Section 3. Regulated Conduct

- a. No Retail Establishment in the Town of Weston shall provide Thin-Film, Single-Use Plastic Check-Out Bags to customers.
- b. If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of the following: 1. Recyclable paper bag; or 2. Reusable Check-Out bag.

Section 4. Exemptions.

Thin-film plastic bags typically without handles which are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this bylaw.

Section 5. Enforcement

This Bylaw shall be enforced by any means available in law and in equity in accordance with the provisions of Sections 1 and 2 of Article V of the Weston Town Bylaws. The Weston Board of Health, Health Agent, or any police officer of the Town shall be "enforcing persons" for purposes of this Bylaw. Each day a violation exists shall be deemed a separate violation. The fine structure set forth in Article V, Section 2(c) shall be applicable to violations of this Bylaw.

Section 6. Effective Date

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or January 1, 2018, whichever is later.

Section 7. Regulations

The Board of Health is hereby authorized to adopt regulations to effectuate the purposes of this Bylaw. Such rules and regulations shall be on file in the offices of the Board of Health and the Town Clerk.

Article 27 Explanation (provided by the lead petitioner): We are asking for your support of a new Plastic Bag Ban By-law in Weston as a way to protect the beauty of our town's landscape and reservoirs. Plastic bags are plastic pollution. They litter our tree-lined streets and our picturesque hiking trails, clog our storm drains and harm our abundant wildlife. Plastic bags also choke and entangle marine life. They can jam and damage the town's recycling equipment. Plastic bags do not biodegrade. Instead, they break into tiny pieces called microplastics that end up in our oceans. They are made from non-renewable fossil fuels that add carbon to the air.

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We hope Weston can join the efforts of other communities and drastically reduce the use of plastic bags. More than 40 cities and towns across Massachusetts, including Wellesley, have already adopted some type of ban on plastic bags. The Bag Ban By-law would ban the use of plastic bags by stores in Weston, with a few exceptions for medicine, produce and dry cleaning bags. We believe it's time for Weston to join in the effort to ban plastic bags and clean up our town.

The Finance Committee takes no position on this Article.
