

ARTICLE 12 To see if the Town will vote to amend the General Bylaws by adopting a new bylaw entitled “Plastic Bag Ban” to help protect the environment from plastic pollution, in the form set forth below; and to act on anything relating thereto.

Chapter _ 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; and (5) requiring the use of non-renewable fossil-fuel in their composition.

The purpose of this Bylaw is to protect the Town’s natural beauty and natural resources and the health and quality of life of its residents by reducing the number of single-use, plastic check-out bags that are distributed in the Town of Milton and promoting the use of reusable bags.

Section 2. Definitions

The following words shall have the following meanings:

- a. “Check-out Bag” shall mean a bag provided by a Retail Establishment to a customer at the point of sale.
- b. “Code Enforcement Officer” shall mean the Department’s Code Enforcement Officer.
- c. “Department” shall mean the Milton Inspectional Services Department.
- 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 person, corporation, partnership, limited liability company, vendor or business facility that sells goods, articles, food or personal services directly to the consumer whether for profit or not for profit,

including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores and 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 Milton 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, each such Check-Out Bag must be either a Recyclable Paper Bag or a Reusable Check-Out Bag.

Section 4. Exemptions

This bylaw shall not apply to thin-film plastic bags without handles that are used to contain dry cleaning clothing items, newspapers, produce, meat, fish, bulk foods, wet items and pet waste.

Section 5. Enforcement

This bylaw shall be enforced by any means available in law and in equity by the Code Enforcement Officer. The following penalties shall apply:

a. A fine of \$50.00 shall apply to the first violation.

b. A fine of \$100.00 shall apply to the second violation.

c. A fine of \$200.00 shall apply to the third violation and each additional violation.

Fines shall be cumulative, and each day on which a violation occurs shall constitute a separate offense.

Section 6. Effective Date

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or July 1, 2019, whichever is later.

Section 7. Regulations

The Department is hereby authorized to adopt regulations to effectuate the purposes of this Bylaw, including without limitation to address a situation where financial hardship prevents or limits compliance with this Bylaw. Such rules and regulations shall be kept on file in the offices of the Department and the Town Clerk;

and to act on anything relating thereto.

Submitted by the Board of Selectmen.

RECOMMENDED the town vote to amend the General Bylaws by adopting a new bylaw entitled “Plastic Bag Ban” to help protect the environment from plastic pollution, in the form set forth below the section number of said by law to be assigned by the Town Clerk; and to act on anything relating thereto.

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COMMENT: A “yes” vote is recommend by the Warrant Committee. By passing this article, Milton will align with 80+ Massachusetts cities and towns that have this prohibition in place.

The goal of this ban is to reduce the impact of plastic bags in our community, and encourage the use of re-useable bags.

Lastly, it is important to note that these bags, commonly provided by supermarkets and convenience stores, are not recyclable via Milton’s single stream recycling program. Accordingly, the disposal of the bags and/ or the improper recycling results in increased cost to the town.