

HARWICH, MASSACHUSETTS  
SINGLE USE PLASTIC BAG PROHIBITION

ARTICLE 40 To see if the Town will vote to amend the General By-Laws to prohibit the usage of single use plastic checkout bags at all retail establishments and take out restaurants in the Town of Harwich. Single use plastic checkout bags with integral handles and a thickness of less than 2.5 mils intended to be used for the transport of products purchased at an establishment as defined in the proposed By Law Amendment will be prohibited following a 12 month phase in period.

Establishments will have the choice to offer reusable bags at no charge or to charge for a paper or other reusable bag.

Thin film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet foods and other similar merchandise, typically without handles, are exempt from the provisions of the proposed By Law Amendment.

The provisions of the proposed By Law Amendment will be enforceable by the Harwich Police Department and agents of the Board of Health. By Petition.

**HARWICH SINGLE-USE PLASTIC BAG PROHIBITION**

**PURPOSE AND INTENT**

- The production and use of single purpose plastic bags has significant impacts on the marine and land environment of communities including coastal communities, including but not limited to deaths of marine and terrestrial animals through ingestion, entanglement, the pollution of land resources through litter requiring significant expense to remove, the clogging of storm drainage systems, interference with single stream resource recovery systems which are generally not equipped to handle plastic bags and using millions of gallons of fossil fuels in the U.S. in connection with their manufacture.
- Therefore, the Town of Harwich seeks to phase out the single use plastic bags by all retail establishments over the period of 12 months from the effective date of this bylaw. The purpose of this legislation is to phase out the usage single-use check out bags by retail establishments and restaurants in the Town of Harwich.

**DEFINITIONS**

- “Establishment” means any business selling goods, articles, food or personal services to the public, including take out restaurants.

- “Single use plastic bags” means bags made of plastic with integral handles, and of a thickness less than 2.5 mils, that are intended to be used for the transport of products purchased at an establishment as defined herein.
- “Reusable bag” means a bag that is specifically designed for multiple use and is made of cloth, fabric or other durable materials.

#### **USE REGULATIONS**

- Single-use plastic bags shall not be distributed or sold at any Establishment within the Town of Harwich. Existing stock of single-use bags shall be phased out within 12 months of adoption of this bylaw; any remaining stock shall be disposed of properly by the Establishment.
- Customers are encouraged in the meantime, to bring their own reusable shopping bags to stores. Establishments may provide reusable bags at no charge or charge a fee for paper or other reusable bag, as they choose. Establishments are strongly encouraged to make reusable bags available to customers at a reasonable price.
- Thin-film plastic bags used by Establishments to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are exempt from the provisions of this By-Law.

#### **ADMINISTRATION AND ENFORCEMENT**

- This By-Law may be enforced by any Town police officer, enforcement officers or agents of the Board of Health.
- This By-law 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 sec. 21D and appropriate chapter of the General By-Laws of the Town of Harwich. If non-criminal disposition is elected, then any Establishment which violates any provision this By-Law shall be subject to the following penalties:
  - First Offense: \$50 fine
  - Second Offense: \$100 fine
  - Third and subsequent Offense \$200 fine
- 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.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED. THE FINANCE COMMITTEE DID NOT HAVE ENOUGH INFORMATION FOR IMPLEMENTATION AT THE TIME OF PRINTING THIS WARRANT. VOTE: YES-6, NO-1**

**MOTION:** (Robert Hartwell-Petitioner) I move that Article 40 be accepted and adopted as printed in the Warrant.

Duly seconded

A motion was made and seconded to terminate debate, this required a 3/4 majority vote to pass, a standing count was taken YES 185 NO 8, motion passed.

**ACTION:** A standing count was taken, YES 119 NO 69, the motion carried.