

PROPOSED MOTION UNDER ARTICLE THIRTY-SEVENTH
PLASTIC BAG REDUCTION

I move to amend the General By-Laws of the Town of Topsfield by inserting a new bylaw entitled, “Plastic Bag Reduction”, as set forth on the handout of the same name, and to authorize the Town Clerk to assign chapter and section numbers so as to bring such bylaw into accord with the numbering used in the Code of the Town of Topsfield.

CHAPTER
PLASTIC BAG REDUCTION

 -1 Purpose and Intent

The production and use of thin-film single-use plastic bags have significant impacts on the environment of our community, including, but not limited to: unsightly plastic bags caught in trees and shrubs defiling our shared open space, parks and forest; blowing into our yards and spoiling our view; contributing to the potential death of animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to our solid waste collection and recycling facility; clogging our storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

The windy nature of Topsfield makes containment of these light bags particularly challenging.

The purpose of this By-law is to eliminate the usage of thin-film single-use plastic bags by all retail establishments in the Town of Topsfield.

 - 2 Definitions

“Thin-film single-use plastic bags” means bags, with integral handles, and a thickness of 2.5 mils or less that are intended to be used for the transport of products provided by a retail establishment at the point of sale.

“ASTM D6400 standard” means the testing standard developed by the American Society for Testing and Materials for compostable plastics.

“Biodegradable bag” means a bag that:

- a. Contains no polymers derived from fossil fuels; and
- b. Is intended for single use and will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.

“Recyclable paper bag” means 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 the word "recyclable" or a symbol identifying the bag is recyclable

“Retail establishment” means a business or vendor that sells or provides food, merchandise, goods, or personal services to the public, but not a bazaar or festival operated by a non-commercial entity.

“Reusable bag” means a bag that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

- 3 Use Regulations

- a. No retail establishment in the Town of Topsfield shall distribute, use or sell thin-film single-use plastic bags that do not meet or exceed the ASTM D6400 standards.
- b. Retail establishments may provide customers with recyclable paper bags, biodegradable bags, or reusable bags at no charge or for a fee.
- c. Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, shall be exempt from the prohibitions of this By-law.

- 4 Administration and Enforcement

Retail establishments may apply to the Board of Selectmen for approval of new single-use bag products as they come on the market that meet, or exceed, the ASTM D6400 standards.

This by-law shall be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to GL. C.40 section 21D. For purposes of non-criminal disposition, any police officer of the Town of Topsfield or the Health agent shall be the enforcing authority.

If enforced using non-criminal disposition, the following fine schedule shall apply:

- a. \$50 for a first offense;
- b. \$100 for the second offense;
- c. \$200 for the third and any successive offense.

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.

5. Applicability

While this By-law shall be effective upon approval by the Attorney General and in accordance with G.L. c.40, §32, it shall be applicable to retail establishments in the Town beginning July 1, 2018.