

**ARTICLE 17:** To see if the Town will vote to amend the general bylaws by adopting a bylaw entitled “Reduction of Single-Use Plastic Bags,” the full text of which is printed in Appendix A of this warrant, or take any other action relative thereto.

Submitted by Petition of Stephanie Hagan and Others

ADVISORY COMMITTEE RECOMMENDATION:

**Town Meeting Floor**

SELECTMEN’S RECOMMENDATION:

**Favorable Action**

EXPLANATION: *This citizen’s petition article was submitted with the two page “BYLAW” exactly as printed in Appendix A of this warrant. Adoption of a general bylaw requires a majority vote.*

# APPENDIX A

## BYLAW

### REDUCTION OF SINGLE USE PLASTIC BAGS IN PEMBROKE

1<sup>st</sup> Draft

ARTICLE: To see if the Town of Pembroke will vote to amend the General Bylaws by adopting a bylaw entitled “Reduction of Single-Use Plastic Bags” as follows:

#### SECTION 1 – FINDINGS AND INTENT

##### FINDINGS:

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

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

Currently 81 Massachusetts cities and towns, including Plymouth, Duxbury, Marshfield, Bridgewater, and much of Cape Cod have passed plastic bag bans, and more have bylaws pending.

##### INTENT:

The town of Pembroke hereby enacts this bylaw to help reduce the deterioration of the environment and the ensuing potential health risks by eliminating the use of the thin plastic carryout bags at the point of sale and promoting the use of reusable bags.

#### SECTION 2 – DEFINITIONS

##### PLASTIC CARRYOUT BAG:

A plastic carryout bag is a thin film plastic bag with handles provided to a customer by an establishment and used to transport merchandise from the establishment. Plastic carryout bags do not include those plastic bags typically without handles used to contain dry cleaning, newspapers, or small bags used to contain fish, meat, produce or other products provided to the consumer, free of charge, to deliver the items to the point of sale.

##### REUSABLE CARRYOUT BAG:

A bag with stitched on handles that is made solely of or in a combination of natural cloths, synthetic fibers, or other washable material and is specifically designed for multiple reuse. These bags are generally sold to the customer for a reasonable cost.

##### RECYCLABLE PAPER BAG:

A paper bag that is 100% recyclable and contains at least 40% post-consumer recycled paper content and is provided free of charge to the customer.

#### ESTABLISHMENT:

Any commercial establishment includes businesses selling food, goods, articles, or personal services to the public.

#### SECTION 3 – PLASTIC CARRYOUT BAG PROHIBITION

No establishment in the town of Pembroke, as defined in Section 2, shall provide plastic carryout bags, as defined in Section 2. Establishments in the town of Pembroke, as defined in Section 2, shall only provide reusable carryout bags that comply with the definition in Section 2, or recyclable paper bags, as defined in Section 2, at the point of sale.

#### SECTION 4 – ENFORCEMENT:

All of the requirements set forth in this bylaw shall take effect within six months of the approval of the Office of the Massachusetts State's Attorney General and satisfaction of the posting/publication requirements of G.L.c.40, 32. However, if a retail establishment cannot comply with the effective date of this bylaw due to economic hardship, the establishment may petition the Board of Health for an extension of six months.

This Bylaw may be enforced by any agent of the Board of Health by:

1. Inspection and investigation
2. The issuance of violation notices and administrative orders
3. Civil court actions

Whoever, himself or by his servant or agent or as the servant or agent of any other person or firm or corporation, violates any of the provisions of these regulations, may be penalized by a non-criminal disposition process as provided in M.G.L.c. 40, 21D. Each day of violation after written notice, is a separate violation.

The following penalties shall apply:

1. First Offense – Written Warning
2. Second Offense - \$50 Fine
3. Third Offense - \$100 Fine
4. Subsequent Offenses - \$200 Fine

#### SECTION 5 – SEVERABILITY

If any provision of this bylaw shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this bylaw, which shall remain in full force and effect.