

ARTICLE 18 *ADOPTION OF BYLAW PROHIBITING PLASTIC BAGS*

To see if the Town will vote to amend the Town's General Bylaw by inserting a new bylaw entitled, Single Use Plastic Bags, as follows, and to authorize the Town Clerk to assign appropriate numbering therefor:

ARTICLE XXII: SINGLE USE PLASTIC BAGS

Section 1. Purpose.

The production and use of single-use plastic bags have significant impacts on the environment of all communities, including but not limited to: contributing to the potential death of fish, fowl, animals and wildlife through ingestion and entanglement; contributing to pollution of the environment through improper disposal; clogging storm drainage systems; creating a burden to solid waste collection and recycling efforts; and requiring the use of millions of barrels of non-renewable, polluting, fossil fuel for their manufacture. Therefore, the Town of

Swampscott seeks to phase out the use of single-use plastic bags by all retail establishments, including restaurants providing take-out, doing business in Town over a period of 12 months from the effective date of this bylaw.

Section 2. Definitions.

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

“Single-use plastic bags” means bags made of plastic, with integral handles, and 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.

Section 3. Use Regulations.

- A. Single-use plastic bags shall not be distributed or sold at any Establishment within the Town of Swampscott effective January 1, 2019. Existing stock of single-use bags shall be phased out within twelve (12) months after December 31, 2018; any stock remaining at the end of said 12 months shall be disposed of properly by the Establishment. Customers are encouraged to bring their own reusable shopping bags to stores.
- B. Establishments may provide reusable bags at no charge or charge a reasonable fee for each paper or other bag, as they desire. Establishments are strongly encouraged to make reusable bags available to customers at a reasonable price.
- C. 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 Regulation.

Section 4. Administration and Enforcement.

This Bylaw may be enforced by any Town police officer, enforcement officers or agents of the Board of Health. This Bylaw 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, §21D and Article XII of the Town’s General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provision of this regulation shall be subject to the following penalties:

First Offense:	Written warning
2nd Offense:	\$50 fine
3rd Offense:	\$100 fine
4th and Subsequent Offenses:	\$300 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. If more than one, each condition violated shall constitute a separate offense.

, or take any other action relative thereto.

Sponsored by the Board of Selectmen

Comment: The production and use of single-use plastic bags have significant impacts on the environment of all communities, including but not limited to: contributing to the potential death of fish, fowl, animals and wildlife through ingestion and entanglement; contributing to

pollution of the environment through improper disposal; clogging storm drainage systems; creating a burden to solid waste collection and recycling efforts; and requiring the use of millions of barrels of non-renewable, polluting, fossil fuel for their manufacture. Therefore, the Town of Swampscott seeks to phase out the use of single-use plastic bags by all retail establishments, including restaurants providing take-out, doing business in Town over a period of 12 months from the effective date of this bylaw.

The Board of Selectmen will report on this Article at Town Meeting.