

## **Town of Acton Plastic Bag Reduction**

*Sponsored by: Petitioners*

To determine whether the Town will vote to amend the Town Bylaws by adding a Bylaw for the elimination of thin-film single-use plastic checkout bags as follows, or take any other action relative thereto.

### **Section 1. Purpose and Intent**

The purpose of this bylaw is to regulate the retail use of single-use plastic checkout bags and promote the use of reusable bags in the Town of Acton.

The reduction in the use of thin-film, single-use plastic checkout bags by retail establishments in the Town of Acton is a public purpose that has positive impacts on the environment including, but not limited to

- Reducing solid waste and unnecessary strains on recycling resources
- Minimizing litter
- Reducing the carbon footprint of the Town
- Protecting local waterways
- Avoiding the waste of finite natural resources and protecting the marine environment
- Preserving the unique natural beauty of the Town of Acton

### **Section 2. Definitions**

**“Checkout bag”** - means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

**“Thin-film single-use plastic checkout bag”** – means those bags typically with handles, intended for single-use transport of purchases and made of film less than 4.0 mils (the thickness of four pieces of paper).

**“Reusable checkout bag”** - means a sewn bag with stitched handles (1) made of cloth or natural fibers that is machine-washable and designed for multiple use or (2) made of plastic other than polyethylene or polyvinyl chloride; (3) is durable, non-toxic and generally considered a food-grade material that is more than 4 mils thick.

**"Recyclable paper bag"** - means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and (3) displays this information re recyclability and content on the bag surface.

**"Retail Establishment"** – means any business facility (whether for-profit or not-for-profit) that sells goods directly to the consumer, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, and seasonal or temporary businesses.

### **Section 3. Regulations**

- 3.1 On or after January 1, 2020, no retail establishment in the Town of Acton shall provide thin-film single-use plastic checkout bags to customers;  
If a retail establishment provides or sells checkout bags to customers, the bags must be one of the following:  
(1) a recyclable paper bag, or (2) a reusable checkout bag.
- 3.2 The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this bylaw

### **Section 4. Exemptions**

- 4.1 Thin-film plastic bags typically without handles which are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this bylaw.

### **Section 5. Enforcement**

- 5.1 Enforcement of this bylaw shall be the responsibility of the Board of Health or his/her designee. The Board of Health shall determine the monitoring and enforcement processes to be followed incorporating those processes into other town duties as appropriate. This bylaw may be enforced by any lawful means in law or equity including, but not limited to, a non criminal disposition as provided in the M.G.L., Ch 40, §21D and appropriate chapter of the General Bylaws of the Town of Acton. If non-criminal disposition is elected, then any retail establishment that violates any provision of this bylaw may be subject to the following penalties:
- First Offense: written warning
  - Second Offense: \$50 penalty
  - Third and subsequent offenses: \$200 penalty

### **Section 6. Severability**

6.1 Each section of this bylaw shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be invalid for any reason, the remainder of this bylaw shall continue in force.

**Section 7. Effective Date**

7.1 This bylaw shall take effect January 1, 2020.