

Motion for Article 27

Article 27: Plastic Bag Reduction

MOVED: That Article XVI of the Town of Canton General Bylaws be amended by adding the following Section 25:

Article XVI: Section 25: Plastic Bag Reduction Bylaw

Subsection 1. Purpose

The purpose of this Bylaw is to protect the Town's natural beauty and irreplaceable natural resources by reducing the number of single-use, thin-film, plastic check-out bags that are distributed and used in the Town of Canton and to promote the use of reusable bags.

Subsection 2. Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- a. "Director" shall mean the Director of the Canton Board of Health.
- b. "ASTM D6400" shall mean the American Society for Testing and Materials (ASTM) International "Standard Specification for Compostable Plastics".
- c. "ASTM D7081" shall mean ASTM International "Standard Specification for Biodegradable Plastics in the Marine Environment".
- d. "Checkout Bag" shall mean a carryout bag provided by a store to a customer at the point of sale. "Checkout Bag" 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.
- e. "Compostable Plastic Bag" shall mean a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.
- f. "Department" shall mean the Town of Canton Board of Health.
- g. "Marine-degradable Plastic Bag" shall mean a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability; and conforms to any other standards deemed acceptable by the Department, provided additional, Department-approved standards are as stringent as ASTM D7081.
- h. "Recyclable Paper Bag" shall mean a paper bag that is (1) 100% recyclable including the handles; (2) contains at least 100% post-consumer recycled paper content; and, (3) displays the words "recyclable" and "made from 100% post-consumer recycled content" in a visible manner on the outside of the bag.

- i. "Retail Establishment" shall mean any retail space located in the town including without limitation a restaurant, food or ice cream truck, convenience store, retail pharmacy, or supermarket.
- j. "Reusable Checkout Bag" shall mean a sewn bag with stitched handles that (1) can carry 25 pounds over a distance of 300 feet; (2) is either (a) made of cloth or other machine washable fabric; or (b) made of plastic other than polyethylene (HDPE, LDPE, PETE, etc.) or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is more than 4 mils in thickness.

Subsection 3. Regulated Conduct

- a. If any Retail Establishment provides a Checkout Bag to customers, the Checkout Bag shall comply with the requirements of being either a Recyclable Paper Bag, a Compostable Plastic Bag, a Marine-degradable Plastic Bag, or a Reusable Checkout Bag.
- b. The Department may adopt and amend rules and regulations to effectuate the purposes of this bylaw.

Subsection 4. Enforcement and Penalties

- a. The Department, the Director or the Director's designee, or the Board of Selectmen's designee, shall have the authority to administer and enforce this bylaw.
- b. Violations of this bylaw may be enforced in accordance with Article 1, Section 2 of the General Bylaws of the Town of Canton.
- c. For the first violation, the enforcing authority, upon a determination that a violation has occurred, shall issue a written warning notice to the Retail Establishment specifying the violation.
- d. The penalty for each violation that occurs after the issuance of the warning notice shall be:
 - (1) \$50 for the first offense
 - (2) \$100 for the second offense
 - (3) \$200 for the third and all subsequent offenses
- e. No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.
- f. A Retail Establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.
- g. Fines shall be cumulative and each day on which a violation occurs shall constitute a separate offense.

Subsection 5. Effective Date

- a. This bylaw shall take effect within six months from approval of the bylaw by the Attorney General or on November 1, 2019, whichever is later, for Retail Establishments with a floor area equal to or exceeding 3,500 square feet or

- with at least two (2) locations under the same name within the Town of Canton that total 3500 square feet or more.
- b. This bylaw shall take effect one (1) year from approval of the bylaw by the Attorney General for Retail Establishments with a floor area less than 3,500 square feet.
 - c. The Director or his designee may grant a waiver of not more than six months if a Retail Establishment requires additional time in order to draw down on existing inventory of thin-film, single use plastic check-out bags.

Subsection 6. Severability

- a. It is the intention of this law that each separate provision of this bylaw shall be deemed independent of all other provisions herein, and it is further the intention that if any provision of this bylaw be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this bylaw shall remain valid and enforceable.