

Chapter 132

PLASTIC BAG

BAN

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§ 132-1. Definitions.

CARRYOUT BAG:

The term "carryout bag" shall mean a thin film plastic bag of a thickness less than 3 mils with handles provided to a customer by an establishment and is used to transport merchandise from the establishment. The term "carryout bags" shall not include bags typically without handles used to contain dry cleaning or newspaper, or those small bags used to contain fish or meats or to deliver items to the point of sale, including but not limited to produce or other products selected by the consumer.

REUSABLE CARRYOUT BAG [Amended 10-15-22 FTM by Art.16]

~~The term "Reusable Carryout Bag" shall be:~~

~~[1] Made solely of or in a combination of natural cloths, synthetic fibers, other washable material; or of a non-toxic plastic as defined by applicable state and federal regulations that is no less than 3 mils thick and has the word "Reusable" or "Reuse" printed on the outside of the bag in a visible manner; and~~

~~[2] Specifically designed for multiple reuse and has handles.~~

The term "Reusable Carryout Bag" shall mean:

A bag that: (1) is sewn with handles that are stitched and not heat fused; (2) is manufactured for multiple reuse; (3) can be washed or disinfected by hand or machine; and, (4) is made of either (a) natural fibers (such as cotton, hemp, linen or other woven or non-woven fibers); or (b) durable, non-toxic plastic other than polyvinyl chloride that is generally considered a food-grade material and is no less than 4 mils thick.

Or take any other action relative thereto.

RECYCLABLE PAPER BAG

A "Recyclable Paper Bag" shall be a bag that [1] is 100% recyclable and [2] contains at least 40% post-consumer recycled paper content.

ESTABLISHMENT:

The term "Establishment" shall mean any business within the Town of Plymouth selling goods, articles, or personal services to the public, including restaurants, with a gross interior space of 3000 square feet or larger; or having at least two (2) locations under the same ownership or brand name within the Town of Plymouth.

§ 132-2. Findings, Purpose and Declaration.

(a) Findings. The Town Meeting finds and determines that:

1. Carryout Bags are generally harmful to the environment in many ways, including that: their manufacture involves dangerous chemicals and in turn creates related health and environmental issues: they are not biodegradable and remain in landfills for an indeterminate period; and pose suffocation dangers to children.
2. Carryout Bags are part of litter resulting in the Town being a less desirable place in which to reside and do business.
3. Carryout Bags are a danger to marine and land animal life.

(b) Purpose. The purpose of this bylaw is to:

1. Help lessen the deterioration of the environment.
2. Further educate the public regarding the importance of using biodegradable materials.
3. Provide additional enforcement to protect public and private property from litter.
4. Encourage the use of reusable carryout bags and thereby decrease plastic waste.

(c) Declaration. Town Meeting declares that for all these reasons, as well as others, that Carryout Bags are a nuisance to the Town that must be abated as set forth herein.

§ 132-3. Plastic Bag Ban/Prohibition.

No Establishment in the Town of Plymouth shall provide Carryout bags. Establishments in the Town of Plymouth shall only provide Reusable Carryout Bags or Recyclable Paper Bags, with or without handles, at the point of sale.

§ 132-4. Enforcement.

The provisions of this bylaw may be enforced by any Police Officer of the Town of Plymouth or agent of the Board of Health by any means available in law or in equity, including, but limited to, non-criminal disposition pursuant to M.G.L c.40, Section 21D and Chapter 1, §1-3 of this Code. Each day a violation exists shall constitute a separate violation. When enforced through non-criminal disposition, the penalties shall be as follows:

First Offense:	Written Warning
Second Offense:	\$50 fine
Third Offense:	\$100 fine
Subsequent offenses:	\$200 Fine

Effective Date and Extensions for Compliance.

This bylaw shall take effect following approval of the Attorney General and compliance with the provisions of G.L. c.40, §32.

Establishments shall be required to comply with the requirements set forth herein six months following the effective date of the bylaw; provided, however, that an Establishment that cannot comply therewith shall be provided, upon request, with a single six month extension.

§ 132-6. 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.