

ARTICLE __: To see if the Town will vote to amend the General Bylaws by adopting a bylaw entitled “Plastic Bag Ban” as follows; or to take any other action relative thereto:

SECTION 1 – DEFINITIONS

Carryout Bag: A carryout bag is a thin film plastic bag of a thickness less than 3 mils with handles provided to a customer by an Establishment and is used by customers to transport merchandise from the Establishment. Carryout bags do not include bags without handles typically used to contain dry cleaning, newspaper, small bags to contain fish, meats, and produce.

Reusable Carryout Bag: A Reusable Carryout Bag means one that satisfies all of the following requirements:

1. It is 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
2. It is specifically designed for reuse.

Recyclable Paper Bag: A Recyclable Paper Bag means a bag that is: (1) 100% recyclable; and (2) contains at least 40% post-consumer recycled paper content.

Establishment: An Establishment means any business selling goods, articles, or personal services to the public, including but not limited to restaurants.

SECTION 2: PURPOSE

Purpose. The purpose of this bylaw is:

1. To help lessen the deterioration of the environment;
2. To further educate the public regarding the importance of using biodegradable materials;
3. To provide additional enforcement to protect public and private property from litter; and
4. To encourage the use of Reusable Carryout Bags and thereby decrease plastic waste.

SECTION 3. PLASTIC BAG BAN/PROHIBITION

No Establishment in the Town of Duxbury shall use or provide Carryout Bags to its customers. Establishments in the Town of Duxbury shall only provide Reusable Carryout Bags to its customers. Nothing in this section shall be read to preclude any Establishment from using Recyclable Paper Bags at the point of sale.

SECTION 4. ENFORCEMENT

This By-law shall be enforced by the Board of Health or any designee or agent

thereof, including determining the appropriate inspection process

All of the requirements set forth in this By-law shall take effect within six (6) months of the approval of the By-law by 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 By-law due to economic hardship, the establishment may petition the Board of Health for an extension of six (6) additional months in which to come into compliance.

This By-law may be enforced through any lawful means in law or in equity, including but limited to non-criminal disposition pursuant to G.L. c.40, § 21D and the appropriate chapter of the Town's General By-laws. If a non-criminal disposition is elected, then any Establishment that violates this By-law shall be subject to the following penalties:

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

All such fines shall be paid to the Town of Duxbury.

SECTION 5: SEVERABILITY

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