PLASTIC BAG REDUCTION BY-LAW

SECTION 1 DEFINITIONS

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

“Director”, the Director of Health.

“ASTM D6400”, the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics”.

“ASTM D7081”, ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment”.

“Checkout bag”, 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.

“Compostable plastic bag”, 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.

“Department”, the municipal Department of Health.

“Marine-degradable plastic bag”, 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.

"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 the words "recyclable" and "made from 40% post-consumer recycled content" (or other applicable amount) in a visible manner on the outside of the bag.

“Retail establishment”, any retail space located in the town including without limitation a restaurant, food or ice cream truck, convenience store, retail pharmacy, or supermarket.

“Reusable checkout bag”, 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 thick.

SECTION 2 REQUIREMENTS

(a) If any retail establishment as defined in section 1 provides a checkout bag to customers, the bag shall comply with the requirements of being either a recyclable paper bag, a compostable and marine-degradable plastic bag, or a reusable checkout bag.

(b) The Director may promulgate rules and regulations to implement this section.

SECTION 3 PENALTIES AND ENFORCEMENT

(a) Each Retail Establishment shall comply with this by-law.

(1) If it is determined that a violation has occurred the Director shall issue a warning notice to the Retail Establishment for the initial violation.

(2) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.

(3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:

A) $50 for the first offense

B) $100 for the second offense and all subsequent offenses. Payment of such fines may be enforced through civil action in the state District Court.

(4) No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.

(5) A Retail Establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

SECTION 4 EFFECTIVE DATE

All of the requirements set forth in this by-law shall take effect within six months of passage. In the event that compliance with the effective date of this by-law is not feasible for a small retail establishment, because of economic hardship, the Department may grant a waiver of not more than six months upon application of the owner or the owner’s representative.

SECTION 5 SEVERABILITY

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