

**Article 23**

To see if the town will vote to amend its General Bylaws Part II: General Legislation, Chapter 226: Solid Waste, by adding a new Section 226-11: Plastic Waste Reduction, as follows:

**§226-11 Plastic Waste Reduction**

**A. Purpose.** The purpose of this Bylaw is to protect the Town of Sharon's natural beauty and irreplaceable natural resources, by reducing the number of single-use plastic check-out bags that are distributed and used in the Town of Sharon, and by promoting the use of reusable bags.

**B. Definitions**

**CHECK-OUT BAG** shall mean a bag provided by a store to a customer at the point of sale. Check-out 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.

**RECYCLABLE PAPER BAG** shall mean a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.

**RETAIL ESTABLISHMENT** shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

**REUSABLE CHECK-OUT BAG** shall mean a sewn bag with stitched handles that is specifically designed for multiple reuse and that

- (1) can carry 25 pounds over a distance of 300 feet;
- (2) can be washed or disinfected; and,
- (3) is made of either
  - (a) natural fibers such as cotton; or
  - (b) durable, non-toxic plastic, that is generally considered a food-grade material (ie. not polyethylene or polyvinyl chloride), and is more than 4 mils thick.

**THIN-FILM, SINGLE-USE PLASTIC CHECK-OUT BAGS** shall mean those bags that are less than 4.0 mils thick, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), and typically with handles.

**TOWN OFFICIAL** shall mean an official within the Sharon Board of Health or Health Department.

**C. Regulated Conduct**

(1) No Retail Establishment in the Town of Sharon shall provide Thin-Film, Single-Use Plastic Check-Out Bags to customers.

(2) If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of the following:

- (a) Recyclable paper bag; or
- (b) Reusable Check-Out bag.

(3) Retail Establishments that make available exempt Thin-Film, Single-Use Plastic Check-Out Bags (exempt plastic bags are described in Section IV below), are required to provide for in-store collection and proper recycling of returned Thin-Film, Single-Use Plastic Check-Out Bags. In-store collection locations must be prominently displayed and easily accessible. Retail Establishments with a floor area less than 3,500 square feet that make available exempt Thin-Film, Single-Use Plastic Check-Out Bags are not

## Plastic Waste Reduction Article

required to provide for in-store collection/recycling of these bags if another drop off location or no-fee option is available in the Town of Sharon.

### **D. Exemptions**

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

### **E. Enforcement**

(1) The Town Official shall have the authority to administer and enforce this bylaw.

(2) The enforcing authority, upon a determination that a violation of the bylaw has occurred, shall issue a written notice to the establishment specifying the violation, in the form of either a warning or fine according to the following schedule:

(a) For the first violation, a written warning.

(b) For the second violation, a fine of \$50.

(c) For the third and subsequent violations, a fine of \$100.

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

### **F. Effective Dates**

This bylaw shall take effect six (6) months after approval of the bylaw by the Attorney General or on November 6, 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 Sharon that total 3,500 square feet or more. This ordinance shall take effect one (1) year after approval by the Attorney General for Retail Establishments less than 3,500 square feet. The Town Official may exempt a Retail Establishment from the requirements of this section for a period of up to six (6) months upon a finding by the Town Official that (1) the requirements of this section would cause undue hardship; or (2) a Retail Establishment requires additional time in order to draw down an existing inventory of thin-film, single-use check-out plastic bags.

### **G. Regulations**

The Town Official may adopt and amend rules and regulations to effectuate the purposes of this bylaw.

### **H. Severability**

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

### **End of Article**

#### ***Explanation \*Not part of bylaw or article\****

*Plastic check-out bags have a significant impact on marine and terrestrial environments, including but not limited to: 1) harming marine and terrestrial animals through ingestion and entanglement; 2) polluting and degrading the terrestrial and marine environments; 3) clogging storm drainage systems; 4) creating a burden for solid waste disposal and recycling facilities; 5) requiring the use of non-renewable fossil-fuel in their composition. Studies have shown that currently available "compostable" or "biodegradable" bags require very specific and controlled conditions in order to biodegrade, and have potentially negative environmental effects similar to conventional plastic bags, and are thus not included at this time as an acceptable check-out bag in Section IIIb.*