

Article XXXII Plastic Bag Reduction

32.1 Findings and Purpose.

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: harming marine and terrestrial animals through ingestion and entanglement; polluting and degrading the terrestrial and marine environments; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of non-renewable fossil fuel in their manufacture and composition.

The purpose of this bylaw is to protect the Town's unique natural beauty and irreplaceable natural resources by eliminating the usage of thin-film single-use plastic checkout bags by all establishments in the Town of Medway.

32.2 Definitions.

CHECKOUT BAG: Any bag that is provided at the point of sale to a customer of an Establishment for use to transport or carry away purchases, such as merchandise, goods or food, except as otherwise exempted under this bylaw.

ESTABLISHMENT: Any business selling goods, articles, food or personal services to the public, including public eating establishments and take-out restaurants.

PRODUCT BAG: A bag integrated into the packaging of the product.

RECYCLABLE PAPER BAGS: Paper bags with or without handles provided at the point of sale to a customer of an Establishment for use to transport or carry away purchases, such as merchandise, goods or food, etc. and that (1) are one hundred percent (100%) recyclable, and (2) contain a minimum of forty percent (40%) postconsumer recycled paper content.

REUSABLE [CHECKOUT] BAG: A bag, with stitched handles, that is 4.0 mils or thicker, is specifically designed for multiple uses and is made of cloth, fabric, or other durable, washable materials.

THIN-FILM SINGLE-USE BAGS: Plastic bags, typically with handles, with a thickness less than 4.0 mils which are intended for single-use transport of purchased products.

32.3 Use Regulations.

- A. Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any Establishment within the Town of Medway.
- B. Establishments may provide or sell checkout bags to customers, and the bags must be one of the following: Recyclable paper bags or reusable checkout bags at no charge or a reasonable charge to be kept by the Establishment. Establishments are further encouraged to educate their staff to promote Reusable Bags and post signs encouraging customers to use washable Reusable Bags.
- C. Customers are encouraged to bring their own reusable or biodegradable shopping bags to Establishments.

32.4 Exemptions and Alternatives.

- A. The following are exempt and not subject to the provisions of this chapter:
 - (1) Thin plastic bags used to protect newspapers upon delivery;

- (2) Laundry or dry-cleaning bags;
- (3) Thin film bags, typically without handles, used to contain produce, meat, or fish
- (4) Bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste;
- (5) Product bags;
- (6) Town Pay-As-You-Throw trash bags;

B. Nothing in this chapter prohibits customers from using bags of any type that they bring into an Establishment themselves or from carrying away goods that are not placed in a bag. Customers are encouraged to bring their own reusable bags to the aforesaid Establishments.

32.5 Inspections and Enforcement.

- A. This bylaw shall be enforced by any Town police officer, enforcement officer or agent of the Board of Health.
- B. This bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D and Article XX of the Town’s General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provision of this bylaw shall be subject to the following penalties:

First Offense:	Warning
Second Offense:	\$50 fine
Third and Subsequent Offenses:	\$200 fine each offense

Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- C. Non-payment of fines may result in the suspension, revocation, or denial of other Town issued license(s) or permits in accordance with G.L. c. 40, § 57.

32.6 Severability and Effective Date.

- A. 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.
- B. This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or on July 1, 2020, whichever is later. This will allow time for Establishments to use their existing inventory of thin-film plastic checkout bags and to convert to alternative packaging materials.
- C. Upon application of the owner of an Establishment or the owner’s representative, the Board of Health may exempt an Establishment from the requirements of this section for a period of up to six (6) months upon a finding by the Board of Health that (1) the requirements of this section would cause undue hardship; or (2) a retail store requires additional time in order to draw down an existing inventory of checkout bags.