

## ARTICLE \_\_. ADOPT GENERAL BYLAW, CH. 95 – Single-Use PLASTIC BAGS

To see if the Town will vote to adopt Chapter 95, Single-Use Plastic Bag Bylaw as follows or take any other action relative thereto:

### Chapter 95 Single-Use PLASTIC BAGS

#### 1. Purpose and Intent

The use and disposal of single-use plastic bags are proven to have significant negative impacts on marine and land environments of our coastal community, including but not limited to:

- A. Contributing to the harm of marine and terrestrial wildlife through ingestion and entanglement;
- B. Pollution and degradation of the terrestrial and coastal environments;
- C. Storm drainage system overload; and
- D. Disposal burdens for solid waste collection and recycling facilities.

Therefore, the Town of Orleans seeks to protect its natural resources by prohibiting the distribution of single-use plastic bags by all food or retail establishments through a phase out period of 12 months from the effective date of this article.

#### 2. Definitions

**Food and Retail Establishment:** any business selling goods, food, or services to the public, including but not limited to: markets; restaurants; bars; take-out food purveyors; and merchandise retailers.

**Single-Use Plastic Bag:** a bag made of plastic, including but not limited to bags made of high-density polyethylene, low density polyethylene, 'biodegradable', 'compostable', with a thickness of less than 3.5 mils provided at the checkout stand, cash register, point of sale or other point of departure intended for the purpose of transporting food or merchandise out of the Establishment.

**Reusable Bag:** a bag that is specifically designed and manufactured for multiple reuse and is made of cloth or other durable materials.

#### 3. Applicability

The requirements of this bylaw shall apply to single-use plastic bags, as defined above. Said bags shall no longer be distributed, sold, or provided at any Town of Orleans Establishment after the 12 month phase out period. Any stock remaining after that date shall be recycled or returned to the manufacturer by the Establishment. Establishments may provide paper, reusable bags, or boxes at no charge, or charge a fee which would be kept by the Establishments, as they so desire.

#### **4. Exemptions**

The following are exempt and not subject to the provisions of this article:

1. Plastic bags used for newspapers, pet waste, yard waste, household garbage, or protective dry cleaning bags
2. Bags sold in quantity (bulk) for home food storage
3. Bags used for the protection of raw foods, including but not limited to, produce or meat/fish products
4. Packaging used during the transport of products to an Establishment from the manufacturer

#### **5. Enforcement**

This bylaw may be enforced by any Town of Orleans police officer or Agent of the Board of Health.

#### **6. Fines and Penalties**

Any person or Establishment violating this chapter shall be punished by a non-criminal fine of not more than fifty dollars (\$50) for each offense. Each day that such offense continues shall constitute a separate offense.