

## **ARTICLE X SINGLE-USE BAG BAN BYLAW**

### **Section 1. Purpose and Intent**

The production and use of single-use checkout bags has significant impacts on the environment, including, but not limited to: contributing to the potential death of marine terrestrial animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection- and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this bylaw is to eliminate the usage of single-use checkout bags by all retail establishments in the Town of Hudson by June 1, 2020, and to promote the use of reusable bags.

### **Section 2. Definitions**

2.1 Recycled paper bag: A paper bag that is (i) 100 percent recyclable; and (ii) contains a minimum of 40 percent postconsumer recycled materials, provided, however, that an 8 pound or smaller recycled paper bag shall contain a minimum of 20 percent postconsumer recycled material; and (iii) 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.

2.2 Retail establishment: Any commercial enterprise, defined as the following, whether for or not for profit, including, but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores; however, this does not include bazaars operated by nonprofit organizations or religious institutions.

2.3 Reusable bag: A sewn bag with stitched handles that is (i) specifically designed and manufactured for at least 175 uses; (ii) can carry 25 pounds over a distance of 300 feet; and (iii) is made of cloth or other machine-washable fabric other than polyethylene or polyvinyl chloride.

2.4 Single-use checkout bag: A bag made of plastic, paper, or other material that is provided by a store to a customer at the point of sale and that is not a recycled paper bag or a reusable bag. A single-use checkout bag does not include the following: (i) a paper bag provided by a pharmacy to a customer purchasing a prescription medication; (ii) a non-handled bag used to protect items from damaging or contaminating other purchased items placed in a recycled paper bag or a reusable checkout bag; (iii) a bag provided to contain an unwrapped food item; or (iv) a non-handled bag that is designed to be placed over articles of clothing on a hanger.

### Section 3. Use Regulations

3.1 A retail establishment shall not provide single-use checkout bags to a customer at the point of sale within the Town of Hudson.

3.2 If a retail establishment provides bags to a consumer at the point of sale, such bags shall be either a recycled paper bag or a reusable bag.

3.3 Customers are encouraged to bring their own reusable bags to stores.

### Section 4. Enforcement Process

Enforcement of this bylaw shall be the responsibility of the Town Administrator or his/her designee. The Town Administrator or his/her designee shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any retail establishment distributing single-use checkout bags in violation of this bylaw may be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town Bylaws under M.G.L 9 Chapter 40, 21D and the Bylaw for Non-Criminal Disposition of Violations. Not more than one fine shall be assessed within a fifteen (15) day period per retail establishment. Any such fines shall be paid to the Town of Hudson within 15 days of receipt.

<b>Bylaw</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>3rd &amp; Subsequent</b>
Plastic Bag Reduction Bylaw	Warning	\$50.00	\$200.00

### Section 5. Exemptions

The Town Administrator or his/her designee may exempt a retail establishment from the requirements of this bylaw upon a finding by the Director that the requirements of this section would cause undue hardship.

### Section 6. Severability

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