

## **Subsection 2-516. Prohibition on Single-Use Plastic Bags**

### 1. Purpose

Longmeadow has adopted this bylaw by town meeting to combat the devastating long-term environmental effects and a need to reduce dependence on fossil fuels. Within six months of this bylaw taking effect, no store shall provide a single-use carryout bag to a customer at the point of sale.

### 2. Definitions

As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

- A. Director means the Health Director, or other administrator assigned by the Town Manager.
- B. ASTM D6400 means the American Society for Testing and Materials (ASTM) International "Standard Specification for Compostable Plastics".
- C. ASTM D7081 means the ASTM International "Standard Specification for Biodegradable Plastics in the Marine Environment".
- D. Compostable plastic bag means a plastic bag that:
  - 1. conforms to the current ASTM D6400 for compost ability;
  - 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.
- E. Department means the Longmeadow Department of Health.
- F. Marine-degradable plastic bag means 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.
- G. Postconsumer recycled material means material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.
- H. 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.
- I. Reusable grocery bag means 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.
- J. Single-use plastic bag means a bag made of plastic 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 grocery bag. A single-use carryout bag does not include the following:
  - 1. a newspaper bag;
  - 2. a bag provided to contain an unwrapped food item; or
  - 3. a non-handled bag that is designed to be placed over articles of clothing on a hanger.
- K. Store means a retail establishment store, person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods or materials directly to a customer, whether for or not for profit, including but not limited to restaurants, pharmacies,

convenience and grocery stores, liquor stores, seasonal and temporary businesses, farmers' markets, public markets, jewelry stores, and household goods stores.

### 3. Plastic Bag Reduction

- A. In keeping with the intent and purpose of this bylaw, Stores shall be permitted to make available to customers at the checkout stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise from the Store only reusable shopping bags or recyclable paper bags as provided in this bylaw or cardboard boxes, with or without charge.
- B. Customers are encouraged to bring their own reusable shopping bags to stores. Grocery stores are to make reusable checkout bags available for sale to customers at a reasonable price. Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible, but Stores are encouraged to seek out alternative environmentally friendly options.
- C. List of Approved Alternatives Not later than 180 days following the adoption of this bylaw, the Longmeadow Board of Health or its designee shall adopt a list that it shall periodically update of approved and available alternatives for each product type, including those cited in this bylaw as well as any approved additional ones.

The approved alternatives shall be

- 1. appropriate for the respective product type; and
- 2. consistent with the other provisions of this bylaw.

### 4. PENALTIES AND ENFORCEMENT

- A. The Director of the Longmeadow Department of Health, or other administrator as assigned by the Town Manager shall have the authority to enforce this bylaw.
- B. Each Store shall comply with this bylaw.
- C. If it is determined that a violation has occurred the Director shall issue a warning notice to the Store for the initial violation.
- D. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
  - 1. \$25 for the first offense
  - 2. \$50 for the second offense and all subsequent offenses.
  - 3. No more than one penalty shall be imposed upon a Store within a seven (7) calendar day period.
  - 4. The Store shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

### 5. EFFECTIVE DATE

All of the requirements set forth in this bylaw shall take effect within six months of passage. In the event that compliance with the effective date of this bylaw is not feasible for a small Store because of undue economic hardship, the Department may grant a waiver of not more than six months upon application of the owner or the owner's representation to the Board of Health.

### 6. SEVERABILITY

It is the intention of this bylaw 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.