

**Town of Lexington**

**Motion**

**2018 Annual Town Meeting**

**ARTICLE 33 AMEND TOWN BYLAW- BAN PLASTIC BAGS (Citizen Article)**

**Motion:** To amend the Town Bylaws by adding a new Bylaw, Chapter 81:

**CHAPTER 81  
PLASTIC BAG REDUCTION BYLAW**

**Section 1. Purpose and Intent**

The Purpose of this bylaw is to eliminate the usage of thin-film single-use plastic bags by all retail and grocery stores in the Town of Lexington. The production and use of single-use bags have significant impacts on the environment, including, but not limited to: contributing to pollution of the land environment and waterways; contributing to the potential death of marine and other wildlife through ingestion and entanglement; clogging storm drainage systems; littering Lexington's streets, parks, public places, and local waterways; creating a burden to solid waste collection and recycling facilities; requiring the use of millions of barrels of crude oil nationally for their manufacture.

**Section 2. Definitions**

2.1 *Checkout bag:* A carryout bag provided by a retail or grocery store to a customer at the point of sale. Checkout 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 checkout area of the retail or grocery store.

2.2 *Grocery Store:* A retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

2.3 *Retail Store:* An establishment that offers the sale and display of merchandise within a building.

2.4 *Reusable checkout bag:* A bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials excluding polyethylene or polyvinyl chloride.

2.5 *Thin-film single-use plastic bags:* Typically with plastic handles, these are bags with a thickness of less than 2.25 mils and are intended for single-use transport of purchased products.

**Section 3. Use Regulations**

3.1 Except as expressly set forth in this Bylaw, thin-film single-use plastic bags shall not be distributed, used or sold for checkout or other purposes at any retail or grocery store within the Town of Lexington on or after January 1, 2019.

3.2 Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

3.3 Notwithstanding section 3.1 of this Bylaw, thin-film, single-use plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, may be distributed, used or sold at any retail or grocery store.

#### **Section 4. Exceptions**

4.1 In the event that compliance with this by-law is not feasible by January 1, 2019, for a retail or grocery store because of either unavailability of alternative check out bags or economic hardship, Town Manager or Town Manager's designee may grant a waiver of not more than six (6) months upon application of the owner or owner's representative. The Town Manager or Town Manager's designee may provide one additional 6-month waiver upon showing of continued infeasibility or hardship, as set forth above.

4.2 This Bylaw shall only apply to retail or grocery stores with a floor area less than 3500 square feet on or after July 1, 2019.

#### **Section 5. Enforcement Process**

Enforcement of this bylaw shall be the responsibility of the Town Manager or Town Manager's designee. The Town Manager or Town Manager's designee shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any retail or grocery store distributing plastic grocery bags in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town Bylaws under MGL c. 40, §21D. Any such fines shall be paid to the Town of Lexington.

And to amend Appendix A of the Non-Criminal Disposition Bylaw by adding the following:

Bylaw	Fine Schedule	Fine Allowed	Enforcement Agency
Plastic Bag Reduction Bylaw	1 <sup>st</sup> offence 2 <sup>nd</sup> offence 3 <sup>rd</sup> & each subsequent offence	Warning \$25.00 \$50.00	Town Manager or Town Manager's designee

(03/23/2018)