Harwich Single-Use Plastic Bag Prohibition Summary

Purpose and Intent

* The production and use of single purpose plastic bags has significant impacts on the marine and land environment of communities including coastal communities, including but not limited to deaths of marine and terrestrial animals through ingestion, entanglement, the pollution of land resources through litter requiring significant expense to remove, the clogging of storm drainage systems, interference with single stream resource recovery systems which are generally not equipped to handle plastic bags and using millions of gallons of fossil fuels in the U.S. in connection with their manufacture.

Definitions

* “Establishment” means any business selling goods, articles, food or personal services to the public, including take out restaurants.
* “Single use plastic bags” means bags made of plastic with integral handles, and of a thickness less than 2.5 mils, that are intended to be used for the transport of products purchased at an establishment as defined herein.
* “Reusable bag” means a bag that is specifically designed for multiple use and is made of cloth, fabric or other durable materials.

Use Regulations

* Single-use plastic bags shall not be distributed or sold at any Establishment within the Town of Harwich. Existing stock of single-use bags shall be phased out by **June 15, 2016**; any remaining stock shall be disposed of properly by the Establishment. If Establishment is part of a franchise or chain it is suggested that such excess inventory be redistributed to other Establishments within the company where they are not yet affected by a single-use plastic bag ban.
* Customers are encouraged to bring their own reusable shopping bags to stores. Establishments may provide reusable bags at no charge or charge a fee for paper or other reusable bag, as they choose. Establishments are strongly encouraged to make reusable bags available to customers at a reasonable price.
* Thin-film plastic bags used by Establishments to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are exempt from the provisions of this By-Law.

Administration and Enforcement

* This By-Law may be enforced by any Town police officer, enforcement officers or agents of the Board of Health.
* This By-law 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 sec. 21D and appropriate chapter of the General By-Laws of the Town of Harwich. If non criminal disposition is elected, then any Establishment which violates any provision this By-Law shall be subject to the following penalties:

**First Offense**: $50 fine **Second Offense**: $100 fine **Third & Subsequent Offense**: $200 fine

* Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense.

What the Bag Ban Does Not Do

* Does not authorize that law enforcement in any way to enforce this by-law amendment in any manner except at retail establishment check out; no individual can be cited for possession of a plastic bag even though banned at check out.