

REGULATION OF RETAIL CHECKOUT BAGS

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The purpose of this regulation is to reduce the number of single-use plastic bags used, discarded, and/or littered; and to promote the use of Reusable Bags and Recyclable Paper Bags by Retail Establishments in the Town of Stoneham.

Definitions

The following terms shall have the following meanings.

Checkout bag means a carryout bag provided by a 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 check out area of the store.

Recyclable paper bag means a paper bag that is: (1) 100 percent recyclable; and (2) contains at least 40% post-consumer recycled paper content and is clearly labeled as such.

Reusable bag means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 2.25 mils in thickness.

Single-use plastic bag means a plastic bag typically with handles with a thickness of less than 2.25 mils and are intended for single-use transport of purchased products.

Retail establishment means any commercial enterprise including, but not limited to the following: restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, household goods stores and any other business that offers the sale of merchandise.

Small business means a retail establishment that employs less than 50 fulltime employees.

Regulations

- a) If a retail establishment provides checkout bags to customers, these bags must either be recyclable paper bags or reusable bags.
- b) Except as otherwise provided herein, single use plastic bags shall not be distributed, used or sold for checkout or other purposes by any retail establishment within the Town of Stoneham.
- c) The following are exempt and not subject to regulation.
Bags used by customers to:
 - package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
 - contain or wrap frozen foods, meat, or fish; or

- contain or wrap flowers, potted plants, or other items where dampness may be a problem.
- Laundry or dry-cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste.

Effective Date

- a) This regulation will go into effect six (6) months after the last day of the month of its passage for approval according to Massachusetts General Law Chapter 40, Section 32.
- b) A small business may ask for an extension [past] the effective date upon written request to the Town Administrator. This exemption shall only apply to a small business facing an undue hardship. An “undue hardship” shall be found only in:
 - Circumstances or situations unique to the small business such that there are no alternatives to single use plastic bags present in their retail establishment by the effective date. There must be a plan as to obtain reusable bags or paper bags by the end of the extension filed to the Town Administrator’s office; or
 - Circumstances where a small business requires additional time in order to reduce an existing inventory of single use plastic bags. Any small business in receipt of an extension shall file inventory reduction plans to consume the remaining stock of single use plastic bags with the Town Administrator’s office.
 - No Single Use Plastic Bags shall be purchased during the time of this extension.

Education

The Town Administrator shall send a written notice detailing the requirements imposed by this regulation to the retail establishments at least ninety (90) days prior to the effective date of this ordinance.

Enforcement

- a) Enforcement of this bylaw shall be the responsibility of the Town Administrator or his/her appointed designee.
- b) Any Retail Establishment found to be in violation of this section shall be subject to a non-criminal disposition fine by the Town Administrator.
- c) Not more than one fine may be assessed within a fifteen (15) day period.

First Offense: Warning

Second Offense: \$50

Subsequent Offense: \$100