Bourne Bag Ban Bylaw

Purpose and Intent

The production and use of single-use plastic bags have significant impacts on the marine and land environment of all coastal communities, including, but not limited to: contributing to the potential death of marine and terrestrial animals through ingestion and entanglement; contributing to pollution of the land and coastal environment; clogging our storm drainage systems; creating a burden to our solid waste collection and recycling operations; and requiring the use of millions of barrels of non-renewable, polluting, fossil fuel nationally for their manufacture. Therefore, the Town of Bourne seeks to phase out the use of single-use plastic bags by all retail establishments by Jan. 1, 2018.

A plastic bag ban bylaw will provide an environmental benefit and significantly reduce – not increase pollution. This effect is further amplified when a plastic bag ban is paired with a price requirement of paper bags, with the main goal being overall reduction of all single-use bags. The purpose of this bylaw is to phase out the usage of single-use checkout bags by all retail and restaurant establishments in the Town of Bourne.

Definitions

"Establishment" means any business selling goods, articles, food or personal services to the public, including restaurants.

"Single-use plastic bags" means bags made of plastic, with integral handles, and thickness less than 3 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 Bourne. Existing stock of single-use plastic bags shall be phased out by Jan. 1, 2018. Any remaining stock shall be disposed of properly by the Establishment.

Customers are encouraged to bring their own reusable shopping bags to stores. Establishments may provide reusable bags at no charge, or charge a reasonable fee for each paper or other bag, as they so desire. Establishments are strongly encouraged to make reusable bags available for sale 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 the bylaw.

Administration and Enforcement

This bylaw may be enforced by any Town police officer, enforcement officers or agents of the Bourne Board of Health.

This bylaw may be enforced through any lawful means in law or in equity, including, but not limited to non-criminal disposition pursuant to M.G.L. c. 40, §21D and appropriate chapter of the Town's General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provisions of the bylaw shall be subject to the following penalties:

First Offense: $50 fine
Second Offense: $100 fine
Third and subsequent Offense: $200 fine

Each day shall constitute a separate offense.