

NOTICE to ALL BERLIN MERCHANTS

Effective on Friday, January 1, 2021, there shall be NO point of sale use of single-use, handled plastic checkout bags by any Retail Establishment in the Town of Berlin.

WHY BAN SINGLE-USE PLASTIC CHECK OUT BAGS?

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection-and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. Berlin voters have decided to follow the lead of 90 plus communities in the Commonwealth that have taken this step.

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Provided here is the text of the Single-Use Bag Ban, as adopted as a General Town By-Law by Berlin voters at the June 22, 2020 Annual Town Meeting

<u>ARTICLE 3</u>: To see if the Town will vote to amend the Town By-laws by adding a By-law, to be consecutively numbered and titled "Single-Use Bag Ban," for the reduction of plastic bags, as follows, and further to authorize the Town Clerk to assign an appropriate Article and Chapter number, and to make ministerial changes to numbering to bring such by-law into accord with numbering system used in the Town By-laws:

SECTION 1. Purpose and Intent

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection-and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this by-law is to eliminate the usage of thin-film single-use plastic bags by all retail establishments in the Town Berlin by November 1, 2020.

SECTION 2. Definitions

- 2.1 <u>Checkout bag</u>: A carryout bag provided by a store to a consumer 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 store.
- 2.2 <u>Retail Establishment</u>: Any commercial enterprise, that sells goods and/or services to the public including but not limited to grocery stores, pharmacies, bars, restaurants, markets, liquor stores, retail stores, and convenience stores., jewelry stores, and household goods stores; however, this does not include bazaars operated by nonprofit organizations or religious institutions.
- 2.3 <u>Reusable checkout bag</u>: A bag, with handles, made of, cloth, fabric or other durable machine-washable fabric materials, other than Polyethylene or Polyvinyl chloride that is specifically designed for multiple uses. It shall also be specifically designed and manufactured for a minimum of 175 uses and can carry 25 pounds over a distance of 300 feet.

2.4 <u>Thin-film single-use plastic bags</u>: Typically, with plastic handles, these are bags with a thickness of 2.5 mils or less and are intended for single-use transport of purchased products.

SECTION 3. Use Regulations

- 3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail establishments within the Town of Berlin.
- 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 Thin-filmed plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

SECTION 4. Enforcement Process

This by-law shall be enforced by the Board of Selectmen, Town Administrator or their designee(s). The Board of Selectmen shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate.

Any retail establishments distributing thin-film, single-use plastic bags in violation of this by-law shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town By-laws under Massachusetts General Laws Chapter 40, 21D and the By-law for Non-Criminal Disposition of Violations. Each day or portion thereof shall constitute a separate offense.

Any such fines shall be paid to the Town of Berlin.

By-law	1st Offense	2nd Offense	3rd & Subsequent
Plastic Bag Reduction By-law	Warning	\$50.00	\$200.00





QUESTIONS? PLEASE CONTACT the:

- Berlin Conservation Commission at conservation@townofberlin.com
- Berlin Select Board at <u>select-board@townofberlin.com</u>
- Berlin Town Administrator at townofberlin.com

NOTE: Enforcement of this Berlin Town By-law will take effect on January 1, 2021 since:

- the Massachusetts Attorney General's Office approved the by-law on October 16, 2020 and
- the Berlin Town Clerk posted/activated the by-law on November 10, 2020,
- the Town of Berlin is providing merchants until January 1, 2021 to attain the required bags/supplies and commence self-enforcement.