

Plastic Bag Reduction

Section 1. Purpose and Intent

The purpose of this bylaw is to regulate the retail use of single-use plastic checkout bags and promote the use of reusable, recyclable and biodegradable bags in the Town of Westford.

- The manufacture and use of single-use checkout bags have a significant impact on the environment, including, but not limited to: contributing to pollution of land, waterways, and oceans; contributing to the death of marine animals through ingestion and entanglement; 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.
- Plastic bags also affect human health by adding pollutants to the air we breathe during the process of extracting oil from the ground, when they are disposed of by incineration, and when they breakdown adding toxic chemicals to the groundwater.
- Plastic bags are rarely recycled and are not biodegradable. Residents of Westford are justifiably proud of their environmental awareness. The reduction of plastic bags is another way to demonstrate that we care about the health of where we live and our Planet. The final intent of this bylaw is to encourage everyone to bring their personal reusable bags when shopping.

Section 2 Definitions

- A. *Single-use plastic* bags shall mean a plastic bag including but not limited to bags with integral handles made of non-biodegradable plastic that is 3.0 mils in thickness or less, and is intended for single-use transport of purchased items provided by a store to a customer at the point of sale.
- B. *Recyclable paper bag* means a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag the word "recyclable" or a symbol identifying the bag is recyclable.
- C. A *reusable checkout* bag shall be a bag with handles that is specifically designed for multiple use, preferably made of natural fibers, that is at least 3.0 mils or thicker.
- D. *Establishment* shall mean any business or vendor that sells or provides food, merchandise, goods, or personal services to the public. However, the term Establishment does not include bazaars or festivals operated by nonprofit organizations or religious institutions.

Section 3 Regulations

- A. Single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any Establishment within the Town of Westford.
- B. Other thin-film bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, perishables and other similar merchandise, typically without handles, are still permissible.
- C. If a retail store provides or sells checkout bags to customers, the bags must be one of the following:
 - a. Recyclable paper bag, as defined above or
 - b. Reusable checkout bag, as define above

Section 4 Enforcement and Penalties

- A. The administration and enforcement of this bylaw shall be the responsibility of Board of Selectmen or its designee.
- B. The Board of Health and its designee is also authorized to include as part of their routine health inspection compliance with this bylaw.
- C. Citizens of the Town of Westford who may observe potential violations of this bylaw shall be able to file a complaint with the Board of Health or its designee who shall investigate whether there is a violation of this bylaw. When deemed necessary the Board of Health or its designee, shall issue a written notice of a violation, and notices thereafter.
- D. This bylaw may be enforced by any lawful means in law or in equity, including but not limited to non-criminal disposition as provided in the Massachusetts General Law, Chapter 40, Section 21D and appropriate chapter of the General Bylaws of the Town of Westford. If non-criminal disposition is elected, then any Establishment which violates any provision of this bylaw shall be subject to the following penalties:
 - First Offense: \$50 fine
 - Second Offense: \$100 fine
 - Third and 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.

Section 5 Variance

- A. Any Establishment may make a written application to the Board of Health for a variance from this bylaw.
- B. Every application for a variance is subject to a public hearing. Notice of the hearing shall be posted as part of a public notice by the Board of Health meeting at which the application will be considered. Notice shall be posted no less than 48 hours before the meeting.
- C. By vote of a majority of its full authorized membership, the Board of Health may grant a variance when, in its opinion, the enforcement would result in an undue burden. Each request for a variance shall be in writing stating the specific provision of this regulation from which a variance is sought, the reason or reasons for seeking the variance, and information to establish a variance.
- D. A variance may be granted for up to six months and extended for like periods upon submission of a renewal application.
- E. Any variance granted by the Board shall be in writing.
- F. A copy of the variance granted under this Section shall be available for public inspection on the premises for which it is issued.

Section 6 Effective Date

- A. This bylaw shall take effect January 1, 2019.
- B. Each section of this bylaw shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be invalid for any reason, the remainder of this bylaw shall continue in force.

ARTICLE 26:	Town Bylaw Amendment: Section 123.2: Annual List of Delinquent Parties	<i>Board of Selectmen</i>
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To see if the Town will vote to amend the Bylaws of the Town of Westford by adopting the following changes to Section 123.2 as shown below, with additions appearing as underlined text and deletions indicated by the placement of a line through the affected word(s):

The Treasurer/Collector of the Town shall annually no later ~~than that~~ than October 15, and may periodically, furnish to each department, board, officer or commission (hereinafter referred to as the "licensing authority") that ~~issued~~ issues licenses or permits a list of persons, corporations, or business enterprises (hereinafter referred to as "the party") that has, ~~as of October 1 of the year,~~ neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal charges ~~for a period of 12 months or more~~ and that such party has not filed in good faith an application for an abatement of such tax or a pending petition before the Appellate Tax Board.

Or act in relation thereto.

CARE AND CUSTODY OF TOWN LAND

ARTICLE 27:	Name the Boston Road Fire Station the "Fletcher Station 1"	<i>Board of Selectmen</i>
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To see if the Town will vote to name the Boston Road Fire Station the "Fletcher Station 1" in recognition of the many contributions from members of the Fletcher family for our community;

Or act in relation thereto.

ARTICLE 28:	Rename the Norman E. Day Elementary School Gymnasium in Recognition of Kevin Regan	<i>School Committee</i>
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To see if the Town will vote to name the Norman E. Day Elementary School gymnasium the "Kevin Regan Gymnasium" in recognition of his service to the community as a Physical Education Teacher and longtime Norman E. Day School principal;

Or act in relation thereto.