

Following a determination that the building is significant and preferably preserved, the Commission may recommend to town meeting that the building be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act. The step required under M.G.L. Chapter 40C shall be followed prior to the establishment of a local historic district. Nothing in this by-law shall be deemed to conflict with the provisions of the Historic District, Massachusetts General Laws Chapter 40C. If any provisions of this by-law do so conflict, that act shall prevail. Buildings included within the boundaries of a local historic district established under M.G.L. Chapter 40C shall not be subject to this by-law so long as the proposed demolition is regulated by the local historic by-law.

#### Section 8. Severability.

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continual in full force and effect.

*This is a petition article brought by Henry Wood, 16 Cross Street and others.*

*Not recommended by the Finance Committee*

#### ARTICLE 13 (By Petition)

To see of the Town will vote to amend the General By-Laws of the Town of Shrewsbury by adding a new article dealing with the banning of certain types of plastic bags at retail establishments, or to take any other action in relation thereto.

**Motion: I move that the Town vote amend the General By-Laws of the Town of Shrewsbury by adding the following new article:**

#### ARTICLE 8B PLASTIC BAG REDUCTION

##### SECTION 1

The following words shall, unless the context clearly requires otherwise, have the following meanings:

“Director”, the Director of Public Health Services or the Town Manager/Board of Selectman designee.

“ASTM D6400”, the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics”.

“ASTM D7081”, ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment”.

“Checkout bag”, a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall 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.

“Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.

“Department”, the Shrewsbury Department of Public Health.

“Marine degradable plastic bag”, a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability; and conforms to any other standards deemed acceptable by the Director, provided additional, Director-approved standards are as stringent as ASTM D7081.

“Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a

recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.

"Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable; (2) contains at least 40% post-consumer recycled paper content; and, (3) displays the percentage of post-consumer recycled content in a visible manner on the outside of the bag.

"Reusable check-out bag", a bag with sewn handles that is specifically designed for multiple reuse, can carry 25 pounds over a distance of 300 feet; and is either (1) made of cloth or other machine washable fabric; or (2) made of durable plastic that is at least 4.00 mils thick; or (3) made of other durable material.

"Retail establishment", any retail space located in the Town of Shrewsbury including without limitation a restaurant, food or ice cream truck, convenience store, retail pharmacy, or supermarket.

## SECTION 2

If a retail establishment as defined in section 1 provides plastic checkout bags to customers, the plastic bags shall comply with the requirements of being compostable plastic bags, as well as marine degradable plastic bags. Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, cheese, bulk foods, wet items and other similar merchandise, typically without handles, are permissible.

## SECTION 3

(a) Nothing in this section shall be read to preclude any establishment from making reusable checkout bags available for sale to customers or utilizing recyclable paper bags as defined in this section at checkout.

(b) The Director may promulgate rules and regulations to implement this section.

(c) Each Retail Establishment as defined in Section 1, above, located in the Town of Shrewsbury shall comply with this by-law.

(1) If it is determined that a violation has occurred the Director shall issue a warning notice to the Retail Establishment for the initial violation.

(2) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.

(3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:

A) \$50 for the first offense paid with 21 days to the Department of Health

B) \$100 for the second offense and all subsequent offenses.

(4) No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.

(5) A Retail Establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

All of the requirements set forth in this by-law shall take effect July 1, 2017. In the event that compliance with the effective date of this by-law is not feasible for a food service establishment because of either unavailability of alternative checkout bags or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth above.

*This is a petition article brought by Melisa Hollenback, 38 Stoney Hill Road and others.*

*Not recommended by the Finance Committee*