

# ATHOL PROPOSED BAG BYLAW

## Article 38 **Petition Article**

To see if the Town will vote to amend the Town of Athol Bylaws by adding the following language:

### **Chapter XV Plastic Bag Reduction Bylaw**

#### **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 aquatic animals and other wildlife 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 production.

The purpose of this bylaw is to reduce the use of thin-film single-use plastic checkout bags by all retail and grocery stores in the town of Athol.

#### **Section 2. Definitions**

2.1 Checkout bag.: 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 checkout area of the store.

2.2 Thin-film single-use plastic bags: 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.

2.3 Grocery store: A retail establishment where more than fifty percent of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

2.4 Retail store: An establishment that offers the sale and display of merchandise within a building.

2.5 Reusable checkout bag: A bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

**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 or grocery store within the town of Athol. Retail establishment shall mean any business facility that sells goods directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, “mimi marts”, and retail vendors selling clothing, food, and household or personal items.

3.2 Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail of grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

3.3 Thin film plastic bags used to contain dry cleaning, newspaper, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

3.4 Said by-law to become effective January 1st, 2018.

**Section 4. Enforcement Process**

Enforcement of this bylaw shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any retail or grocery store distributing plastic grocery bags in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for enforcement of Town Bylaws under M.G.L. Chapter 40, 21D and the Bylaw for Non-Criminal Disposition and Violations; *or act in relation thereto.*

BYLAW	FINE SCHEDULE	FINE ALLOWED	ENFORCEMENT AGENCY
Plastic Bag Reduction Bylaw	1st offense	Warning	Town Manager’s designee
	2nd offense	\$25.00	
	3rd and each subsequent offense	\$50.00	

The Finance Committee will hold a meeting on the foregoing articles beginning on May 9, 2017 in the Memorial Building at 6:30 p.m. And you are hereby directed to serve the warrant by posting attested copies hereof in Quabbin Valley Healthcare, of the Town of Athol, Post Office of said Town, the uptown branch of the Athol Savings Bank and the Memorial Building of said Town, seven days, at least before the time for holding said meeting and by publishing a notice of said meeting in a newspaper having general circulation in the Town, seven days at least, before the time for holding said meeting.