

Submitted by the Planning Board

The Board of Selectmen, Warrant Committee and the Planning Board will report on this Article.

Two-thirds vote required for passage.

ARTICLE 6:

**CITIZEN PETITION-SINGLE PLASTIC CHECK-OUT BAG
REDUCTION**

To see if the Town will vote to:

Section I Findings and Purpose

Plastic check-out bags have a significant impact on the marine and terrestrial environmental, including but not limited to: 1) harming marine and terrestrial animals through ingestion and entanglement; 2) polluting and degrading the terrestrial and marine environment; 3) clogging storm drainage systems; 4) creating a burden for solid waste disposal and recycling facilities; 5) requiring the use of non-renewable fossil-fuel in their composition. Studies have shown that alternatives "compostable" or "biodegradable" bags require very specific and controlled conditions in order to biodegrade, and have potentially negative environmental effects similar to conventional plastic bags. Such bags should therefore be subject to the same restrictions as conventional plastic check-out bag. The purpose of this Bylaw is to protect the Town's unique natural beauty and irreplaceable natural resources by reducing the number of single-use plastic check-out bags that are distributed in the Town of Belmont and to promote the use of reusable bags.

Section II Definitions

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

- a. "Check-out bag" shall mean a bag provided by a store to a customer at the point of sale. Check-out 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 check out area of the store.
- b. "Department" shall mean the Belmont Health Department.
- c. "Health Agent" shall mean the Health Agent for the Belmont Board of Health or his/her designee.
- d. "Recyclable paper bag" shall mean 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 (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer and the percentage of post-consumer recycled content in the bag.
- e. "Reusable Check-out bag" shall mean a sewn bag with stitched handles that is specifically designed for multiple reuse and that (1) can carry 25 pounds over a distance of 300 feet; (2) is machine washable or is made of a material that can be cleaned or disinfected more than 125 times; (3) is either (a) made of natural fibers (such as cotton or linen); (b) made durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4.0 mils thick.
- f. "Retail Establishment" shall mean any business facility that sells good directly to the consumer whether for or not profit, including but not limited to, retail stores, restaurants pharmacies,

convenience and grocery stores, liquor stores, seasonal and temporary business jewelry stores, household goods, professional offices, food banks, farmers market and any other enterprise that offers the sale and display of merchandise.

- g. "Thin-Film, Single-Use Plastic Check-Out Bags" shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is equal to or less than 4.0 mils in thickness.

Section III Regulated Conduct

- a. No Retail Establishment in the Town of Belmont shall provide Thin-Film, Single-Use Plastic Check-Out bag to customers
- b. If a Retail Establishment provides or sells Ceck-Out bags to customers, the bag must be one the following:
 1. Recyclable paper bag; or
 2. Reusable Check-Out bag

Section IV Exemption:

Thin-film plastic bags typically without handles which are used to contain laundry or dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this bylaw.

Section V Penalties and Enforcement

1. The Board of Health and its Health Agent shall have the authority to administer and enforce this bylaw.
2. For the first violation, the enforcing authority, upon a determination that a violation has occurred, shall issue a written warning notice to the establishment specifying the violation.
3. Retail establishment shall have 15 calendar days after the date that a notice of violation is issued to pay the penalty or request a hearing in writing to the Board of Health.
4. The following penalties shall apply:
 1. First offence; Warning- written warning notice
 2. Second offence: A fine of \$50 shall apply for the next violation following the issuance of a written warning notice.
 3. Third and subsequent offence: A fine of \$200 shall apply for the third violation and each additional violation of this bylaw.
 4. Fines shall be cumulative and each day on which a violation occurs shall constitute a separate offence.

Section VI Effective Date

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or on Nov 1, 2018, whichever is later for Retail Establishments with an indoor floor area equal to or exceeding 30,000 square feet or with at least (2) locations under the same name within the Town of Belmont that total 30,000 square feet more, or those Retail Establishments that have already implemented a similar regulation in any other town in Massachusetts. This ordinance shall take effect nine (9) months after passage or on Feb 1, 2019, whichever is later for any other Retail Establishments less than 30,000

square feet. The Board of Health may exempt a Retail Establishment from the requirements of this section for a period of up to an additional three (3) months upon a finding by the Director that (1) the requirements of this section would cause undue hardship; or (2) a Retail Establishment requires additional time in order to draw down an existing inventory of thin-film, single-use check-out plastic bags. Any retail establishment receiving an exemption shall file with the Board of Health monthly reports or inventory reduction and remaining stocks.

Section VII Regulations

- a. The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this bylaw.

Section VIII Severability

- a. If any provision if this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

This article is submitted in the exact form as provided by the Citizens.

Submitted by Terese Hammerle,
Mark Carthy (1) and
Linda Levin-Scherz (2)

The Board of Selectmen, the Bylaw Review Committee and the petitioners will report on this Article.

Majority vote required for passage.

ARTICLE 7:

PLASTIC BAG GENERAL BYLAW

To see if the Town will vote to amend chapter 60 of the General Bylaws by inserting a new Article 11 as follows:

§ 60-1100 Findings and Purpose

Plastic check-out bags have a significant impact on the marine and terrestrial environmental, including but not limited to: 1) harming marine and terrestrial animals through ingestion and entanglement; 2) polluting and degrading the terrestrial and marine environment; 3) clogging storm drainage systems; 4) creating a burden for solid waste disposal and recycling facilities; 5) requiring the use of non-renewable fossil-fuel in their composition. Studies have shown that alternative "compostable" or "biodegradable" bags require very specific and controlled conditions in order to biodegrade, and have potentially negative environmental effects similar to conventional plastic bags. Such bags should therefore be subject to the same restrictions as conventional plastic check-out bas. The purpose of this Article is to protect the Town's unique natural beauty and irreplaceable natural resources by reducing the number of single-use plastic check-out bags that are distributed in the Town of Belmont and to promote the use of reusable bags.

§60-1105 Definitions

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

CHECK-OUT BAG- A bag provided by a store to a customer at the point of sale. Check-out 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 check out area of the store.

DEPARTMENT - The Belmont Department of Public Works.

NET FLOOR AREA – The actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms and closets.

RECYCLING COORDINATOR - The Recycling Coordinator for the Belmont Department of Public Works or a designee thereof.

RECYCLABLE PAPER BAG- 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 (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer and the percentage of post-consumer recycled content in the bag.

REUSABLE CHECK-OUT BAG – A sewn bag with stitched handles that is specifically designed for multiple reuse and that (1) can carry 25 pounds over a distance of 300 feet; (2) is machine washable or is made of a material that can be cleaned or disinfected more than 125 times; (3) is either (a) made of natural fibers (such as cotton or linen); (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4.0 mils thick.

RETAIL ESTABLISHMENT- Any business facility that sells good directly to the consumer whether for or not for profit, including but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary business jewelry stores, household goods stores, professional offices, food banks, farmers markets and any other enterprise that offers the sale and display of merchandise.

THIN-FILM PLASTIC CHECK-OUT BAGS - Those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is equal to or less than 4.0 mils in thickness.

§60-1110 Regulated Conduct

- A. Retail Establishment in the Town of Belmont shall provide Thin-Film, Single-Use Plastic Check-Out bag to customers
- B. If a Retail Establishment provides or sells Check-Out bags to customers, the bag must be one the following:
 - 1. Recyclable paper bag; or
 - 2. Reusable Check-Out bag

§60-1115 Exemption:

Thin-film plastic bags typically without handles which are used to contain laundry or dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this Article.

§60-1120 Penalties and Enforcement

A. The Department of Public Works and its Recycling Coordinator shall have the authority to administer and enforce this Article. As an alternative to any other means of enforcement, the provisions of this Article and any regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provision of M.G.L. c. 40, §21D.

B. For the first violation, the enforcing authority, upon a determination that a violation has occurred, shall issue a written warning notice to the Retail Establishment specifying the violation.

C. The following penalties shall apply:

1. First offence; Warning- written warning notice
2. Second offence: A penalty of \$50 shall apply for the next violation following the issuance of a written warning notice.
3. Third and subsequent offence: A penalty of \$200 shall apply for the third violation and each additional violation of this Article.
4. Penalties shall be cumulative and each day on which a violation occurs shall constitute a separate offence.

§60-1125 Effective Date

This Article shall take effect six months following satisfaction of the posting and publication requirements set forth in M.G.L. c.40, §32, or on November 1, 2018, whichever is later, for Retail Establishments with net floor area equal to or exceeding 30,000 square feet or with at least two locations under the same name within the Town of Belmont that total 30,000 square feet or more net floor area, or those Retail Establishments that are subject to a similar regulation in any other city or town in Massachusetts. This Article shall take effect nine months following satisfaction of the posting and publication requirements set forth in M.G.L. c.40, §32 or on February 1, 2019, whichever is later, for any other Retail Establishments less than 30,000 square feet net floor area. The Director of the Department of Public Works or a designee thereof may exempt a Retail Establishment from the requirements of this Article for a period of up to an additional three months upon a finding by the Director of Public Works or designee that (1) The requirements of this Article would cause undue hardship; or (2) A Retail Establishment requires additional time in order to draw down an existing inventory of thin-film Plastic Check-Out Bags; provided, however, that any Retail Establishment receiving an exemption shall file with the Department of Public Works monthly reports of inventory reduction and remaining stocks.

§60-1130 Regulations

The Board of Selectmen may adopt and amend rules and regulations to effectuate the purposes of this Article.

§60-1135 Severability

If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be affected to the minimum extent necessary, so as to secure the purposes thereof, as set forth in §60-1100.

or in any way act thereon.

This article was submitted by the Board of Selectmen, prompted by a Citizen Petition. The substantive difference of this article from the Citizen Petition is that the enforcement authority went from being the Board of Health to the Department of Public Works, Recycling.

Submitted by Board of Selectmen

The Board of Selectmen and the Bylaw Review Committee will report on this Article.

Majority vote required for passage.

ARTICLE 8: ZONING BY-LAW AMENDMENT TO SECTION 9, MARIJUANA ESTABLISHMENT TEMPORARY MORATORIUM

To see if the Town will vote to amend Section 9.3 of the Zoning By-Law, Temporary Moratorium, by deleting the date July 1, 2018, in the second sentence and replacing it with December 31, 2018 as follows:

9.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for "Marijuana Establishments". The moratorium shall be in effect through ~~July 1, 2018~~ December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding "Marijuana Establishments" and related uses, and shall consider adopting new Zoning By-Laws to address the impact and operation of Marijuana Establishments and related uses.

Submitted by the Planning Board

The Board of Selectmen and Planning Board will report on this Article.

Two thirds vote required for passage.

ARTICLE 9: MARIJUANA SALES TAX

To determine whether the Town will vote to accept Massachusetts General Laws c. 64N § 3 and impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at a rate of 3 percent of the total sales price received by the marijuana retailer, said sales tax to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of the Town Meeting; or take any other action relative thereto.

Starting on July 1, 2018, the Commonwealth's new Cannabis Control Commission will begin issuing licenses to "marijuana establishments," which will include retail businesses permitted to sell cannabis products to consumers for non-medical use. Chapter 64N of the General Laws, which was adopted at the ballot in 2016 and amended by the Legislature last year, provides for a state excise tax on retail cannabis sales of 10.75%, on top of the 6.25% sales tax applicable to the sale of most other consumer goods. Section 3 of Chapter 64N allows municipalities, by local option, to add an additional 3% sales tax. This additional tax is collected by the Department of Revenue and distributed back to applicable town's general fund, from which it may be