

Ashland, MA

**SPECIAL TOWN MEETING WARRANT
NOVEMBER 14, 2017**

**Article 15: Amend the Town of Ashland Bylaws / Plastic Bag Ban Sponsor:
Sustainability Committee**

To see if the Town will vote to amend the Town of Ashland General Bylaws by adding new Division 2 Part II Chapter 183 and Chapter A352-1 Fee Schedule as follows:

A.

Chapter §183- 1 Findings and Purpose

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: harming marine and terrestrial animals through ingestion and entanglement; polluting and degrading the terrestrial and marine environments; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of non-renewable fossil fuel in their manufacture and composition.

The purpose of this bylaw is to protect the Town's unique natural beauty and irreplaceable natural resources by eliminating the usage of thin-film single-use plastic checkout bags by all establishments in the Town of Ashland.

§ 183-2 Definitions

CHECKOUT BAG: Any bag that is provided at the point of sale to a customer of an Establishment for use to transport or carry away purchases, such as merchandise, goods or food, except as otherwise exempted under this bylaw.

ESTABLISHMENT - Any business selling goods, articles, food or personal services to the public, including public eating establishments and take-out restaurants.

PRODUCT BAG - A bag integrated into the packaging of the product.

RECYCLABLE PAPER BAGS - Paper bags with or without handles provided at the point of sale to a customer of an Establishment for use to transport or carry away purchases, such as merchandise, goods or food, etc. and that (1) are one hundred percent (100%) recyclable, and (2) contain a minimum of forty percent (40%) postconsumer recycled paper content. **REUSABLE**

[CHECKOUT] BAG: A bag, with stitched handles, that is 4.0 mils or thicker, is specifically designed for multiple uses and is made of cloth, fabric, or other durable, washable materials.

THIN-FILM SINGLE-USE BAGS: Plastic bags, typically with handles, with a thickness less than 4.0 mils which are intended for single-use transport of purchased products.

§ 183-3 Use Regulations

- A. Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any Establishment within the Town of Ashland.
- B. If an Establishment provides or sells checkout bags to customers, the bags must be one of the following: 1. Recyclable paper bag; or 2. Reusable checkout bag.
- C. Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Establishments are strongly encouraged to make reusable checkout bags available

for sale to customers at a reasonable price.

§183- 4 Exemptions and Alternatives

A. The following are exempt and not subject to the provisions of this chapter:

- (1) Thin plastic bags used to protect newspapers upon delivery;
- (2) Laundry or dry-cleaning bags;
- (3) Thin film bags, typically without handles, used to contain produce, meat, or fish
- (4) Bags sold in packages containing multiple bags intended to be used for home food storage, garbage, waste, pet waste or yard waste;
- (5) Product bags;
- (6) Town Pay-As-You-Throw trash bags;

B. Nothing in this chapter prohibits customers from using bags of any type that they bring into an Establishment themselves or from carrying away goods that are not placed in a bag. Customers are encouraged to bring their own reusable bags to the aforesaid Establishments.

C. Establishments may and are strongly encouraged to distribute reusable bags and boxes to customers with or without charge and educate their staff to promote Reusable Bags and post signs encouraging customers to use washable Reusable Bags.

§ 183-5 Inspections and Enforcement

A. Enforcement of this bylaw shall be the responsibility of the Town Manager or his/her designee.

B. Any enforcing person shall have the right to enter any Establishment during regular business hours, without a search or inspection warrant, to make reasonable inspection to ascertain whether there is compliance with the provisions of this chapter. Upon finding a violation of this chapter an enforcing person shall issue a written warning notice to the operator of the Establishment that a violation has occurred and the potential penalties that will apply for future violations.

C. Any Establishment providing 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 of Violations adopted under Article 47 of the 1984 Town Meeting, as amended. Any such fines shall be paid to the Town of Ashland.

D. Non-payment of fines may result in the suspension, revocation, or denial of other Town issued license(s) or permits in accordance with G.L. c. 40, §57.

§183-6 Severability and Effective Date

A. If any provision of this bylaw shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this bylaw, which shall remain in full force and effect.

B. This bylaw shall take effect six (6) months following approval of the bylaw by the Town of Ashland and the Attorney General or on July 1, 2018, whichever is later. This will allow time for Establishments to use their existing inventory of thin-film plastic checkout bags and to convert to alternative packaging materials.

B.

Chapter A352-1 Fee Schedule

Bylaw	Fine Schedule	Fine Allowed	Enforcement Agency
Plastic Bag Reduction Bylaw	1st offense 2nd offense 3rd & each subsequent offense	Warning \$50.00 \$100.00	Town Manager's Designee

or take any other action relative thereto.

