

Town of Franklin

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OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

January 3, 2020

To: Town Council
From: Jamie Hellen, Town Administrator

Re: Bylaw Amendment 20-847: New Chapter 130, Plastic Checkout Bag Prohibition

Based on the discussion and poll taken at the December 18th Town Council meeting, I have attached the first draft reading of a Plastic Bag Ban legislation for the Council's consideration. The version attached is an updated copy of what was approved by the Attorney General for the Town of Medfield and has the main highlights from the Franklin proposal from a few years back.

If passed, this bylaw shall go into effect on or after July 1, 2020 with the option for local businesses to apply for a three month compliance extension that may be granted by the Town Administrator for economic hardship or other good cause as they may determine.

The legislation can be amended if the Council sees fit. This is a first reading of two readings required.

If you have any additional questions please feel free to ask.



**TOWN OF FRANKLIN
BYLAW AMENDMENT 20-847
NEW CHAPTER 130 PLASTIC CHECKOUT BAG PROHIBITION**

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN BY ADDING A NEW CHAPTER: CHAPTER 130 PLASTIC CHECKOUT BAG PROHIBITION.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT Chapter 130, Plastic Checkout Bag Prohibition is added in its entirety as follows to the Code of the Town of Franklin.

Chapter 130 Plastic Checkout Bag Prohibition

§ 130-1. Purpose and Intent.

- A. Plastic bag prohibition ordinances have proven to be effective in reducing plastic bag consumption and litter and are part of a growing global movement towards sustainability
- B. The purpose of this bylaw is to eliminate the usage of thin-film, single use plastic bags at checkout by all retailers in the Town of Franklin, on and after the effective date specified herein.

§ 130-2. Definitions

CHECKOUT BAGS

A carryout bag provided by a store to a customer at the point of sale or other point of departure for the purpose of transporting food or merchandise from the establishment. Checkout bags shall not include bags, whether plastic or not, in which loose produce of products are placed by the consumer to deliver such items to the point of sale or checkout area of the stores.

RECYCLABLE PAPER BAG

A paper bag that is:

- A. 100% recyclable, including the handles.
- B. Contains at least 40% post-consumer recycled paper content; and
- C. Displays the words “recyclable” and “made from 40% post-consumer recycled content” (or other applicable amount) in a visible manner on the outside of the bag.

REUSABLE CHECKOUT BAG

A sewn bag with stitched handles that is:

- A. Specifically designed and manufactured for multiple reuse;
- B. Can carry 25 pounds over a distance of 300 feet; and
- C. Is made of cloth or other machine washable fabric, provided that it may not be constructed of polyethylene or polyvinyl chloride.

BIODEGRADABLE BAG

A bag that is capable of being decomposed by bacteria or other living organisms. Biodegradable bags are typically made from plant-based materials like corn and wheat starch rather than petroleum.

THIN FILM BAG

A single-use plastic bag, typically with plastic handles, with a thickness of 4.0 mils or less, intended for single-use transport of purchased products.

RETAIL ESTABLISHMENT

Any retail operation located in the Town which sells goods, food or provides personal services to the public, including restaurants.

§ 130-3. Requirements for Checkout Bags and Exceptions.

- A. If any retail establishment, as defined in **§130-2**, provides checkout bags to customers, the bag must be either a recyclable paper bag or a reusable checkout bag, as defined in **§130-2**.
- B. Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.
- C. Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, fresh produce, bulk foods, wet items, and other similar merchandise, typically without handles, are still permissible under this bylaw.

§ 130-4. Violations and Enforcement.

- A. Any retail establishment violating the requirement(s) contained in **§130-3** of this bylaw shall be subject to a fine as follows:
 - (1) First offense: warning.
 - (2) Second offense: \$50.
 - (3) Third and subsequent offenses: \$100
- B. Each day that a violation continues shall be treated as a separate offense.
- C. This bylaw shall be enforced by the Franklin Town Administrator, the Building Commissioner and Building Inspectors and the Board of Health Agent(s), or their respective designees.

§ 130-5. Effective Date.

This bylaw shall take effect on and after July 1st, 2020, subject to grant to an individual retail establishment of a one three-month long compliance extension; a compliance extension may be granted by the Town Administrator, for economic hardship or other good cause, as he may determine.

This bylaw shall otherwise become effective in accordance with the provisions of the Franklin Home Rule Charter.

DATED: _____, 2020

VOTED:

UNANIMOUS: _____

A True Record Attest:

YES: _____ **NO:** _____

ABSTAIN: _____

**Teresa M. Burr, CMC
Town Clerk**

ABSENT: _____

**Glenn Jones, Clerk
Franklin Town Council**