

Town of Franklin

Town Administrator
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355 East Central Street
Franklin, Massachusetts 02038-1352

Economic Development Subcommittee Meeting
Municipal Building
355 East Central Street, 3rd Floor Training Room
Franklin, MA
October 23, 2019
6:00 PM

Announcements:

This meeting may be recorded by audio or video.

Discussion:

1. Plastic Bag Ban Proposal

This is a meeting of the Franklin Town Council Sub-Committee; under the Open Meeting Law, this subcommittee is a separate "public body" from the Town Council. Therefore, unless the Town Council has separately noticed and posted its own meeting, Councilors who are not members of this subcommittee will not be permitted to speak or otherwise actively participate @ this meeting, although they may attend and observe. This prohibition is necessary to avoid the potential for an Open Meeting Law Violation.

Office of the Town Administrator



MEMORANDUM

Date: October 4, 2016
To: Businesses and Citizens *JN*
From: Jeffrey Nutting, Town Administrator
Subject: Town Council to consider eliminating plastic bags from stores

The Town Council has been asked to consider eliminating thin plastic bags (less than 4.0 mil) from stores.

The attached draft bylaw will be considered at the October 19th meeting at 7:00 pm in the Town Council chambers of the Municipal Building, 355 East Central Street, Franklin.

If a plastic bag bylaw is adopted, it is proposed to take effect on July 1, 2017.

All citizens and businesses are welcome to attend and be heard on the matter.

You can also provide your comments in writing to Town Administrator, 355 East Central Street, Franklin or e-mail Jamie Hellen, Deputy Town Administrator at jhellen@franklin.ma.us



SPONSOR: Administration

**TOWN OF FRANKLIN
BYLAW AMENDMENT 16-774
NEW CHAPTER 130, PLASTIC CHECKOUT
BAG PROHIBITION BYLAW**

**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.

Plastic bags are an environmental nuisance, adversely affect public health, and impair the overall quality of life for the Town's residents and visitors.

Because plastic bags are lightweight, they easily become airborne even when properly disposed of, littering waterways, state and private forests, bodies of water, roadsides and sidewalks. They clog storm drainage systems, contribute to aquatic and terrestrial pollution, and detract from the natural beauty of the Town for visitors and residents alike.

Plastic bags photodegrade, disintegrating into minute particles which absorb toxins and pose a threat to riparian and aquatic environments, contaminating the food chain, as well as water and soil. They are also detrimental to wildlife, killing tens of thousands of birds, aquatic and terrestrial organisms each year through ingestion and entanglement.

The vast majority of plastic bags are not recycled and recycling is not available through our Town's recycling program. Their disposal adds to the Town's waste management expense, both through the cost of disposing the bags through private firms and due to their contamination of the single-stream recycling system.

Plastic bag ordinances have proven to be effective in reducing plastic bag consumption and litter and are part of a growing global movement towards sustainability. Statewide, all the proposed bans have been passed and are in the process of being enforced.

The Town is committed to protecting the environment and the public health, safety, and welfare of its citizens. The goal of this bylaw is to reduce the common use of plastic checkout bags and to encourage the use of reusable bags by consumers, thereby reducing local land and aquatic pollution, advancing solid waste reduction, maintain the Town's exterior beauty and improving the quality of life for the citizens of the Town.

§130-2 Bylaw Definitions.

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.

Grocery Store: A retail establishment where more than fifty percent (50%) 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.

Plastic Checkout Bag: Thin-film, single-use plastic bags typically with plastic handles, with a thickness of 4.0 mils or less, intended for single-use transport of purchased products.

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

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.

§130-3 Use Regulations.

No retail or grocery store within the Town of Franklin shall provide a plastic checkout bag to any customer.

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.

Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, fresh produce, bulk foods, wet items and other similar merchandise, typically without handle, are still permissible.

§130-4 Violations and Enforcement.

Any retail or grocery store violating the prohibition contained in Section 130-3 of this bylaw shall be subject to a fine as follows:

First Offense:	Warning
Second Offense:	\$ 50.00
Third and Subsequent Offenses:	\$100.00

Each day that a violation continues shall be treated as a separate offense.

This bylaw may be enforced by the Town Administrator or his designee, the Franklin Police Department, the Building Commissioner and Building Inspectors, and the Board of Health Director and Agent(s).

§130-5 Effective Date.

This bylaw shall take effect on and after July 1, 2017.

◆-----◆
DATED: _____, 2016

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

Article ____ To see if the Town will vote to amend the Code of the Town of Medfield to add a new Chapter 195 Plastic Checkout Bag Prohibition, as follows:

Chapter 195 Plastic Checkout Bag Prohibition.

Section 195-1 Purpose and Intent.

Plastic bag ordinances have proven to be effective in reducing plastic bag consumption and litter and are part of a growing global movement towards sustainability. As of January 1, 2019, 88 cities and towns in the Commonwealth of Massachusetts have enacted bylaws to reduce plastic bag usage.

The **purpose** of this bylaw is to eliminate the usage of thin-film, single-use plastic bags at checkout by all merchants in the Town of Medfield, on and after the effective date specified herein.

The Town is committed to protecting the environment and the public health, safety and welfare of its citizens. This will help reduce the common use of plastic checkout bags and encourage the use of reusable bags by consumers, thereby reducing local land and aquatic pollution, advancing solid waste reduction, maintaining Medfield's exterior beauty and improving the quality of life for the citizens of the Town.

Section 195-2 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 or 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:

1. 100 percent recyclable, including the handles
2. contains at least 40% post-consumer recycled paper content; and
3. 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.

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

Reusable checkout bag: A sewn bag with stitched handles that is:

1. specifically designed and manufactured for multiple reuse;
2. can carry 25 lbs. over a distance of 300 feet; and
3. is made of cloth or other machine washable fabric provided, that it may not be constructed of polyethylene or polyvinyl chloride.

Section 195-3 Requirements for Checkout Bags and Exceptions.

If any retail establishment, as defined in Section 195-2, provides checkout bags to customers, the bag must be either a **recyclable paper bag** or a **reusable checkout bag**, as defined in Section 195-2.

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.

Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, fresh produce, bulk foods, wet items and other similar merchandise, typically without handle, are still permissible under this bylaw.

Section 195-4 Violations and Enforcement.

Any retail establishment violating the requirement(s) contained in Section 195-3 of this bylaw shall be subject to a fine as follows:

First Offense:	Warning
Second Offense:	\$ 50.00
Third and Subsequent Offenses:	\$100.00

Each day that a violation continues shall be treated as a separate offense.

This bylaw may be enforced by the Medfield Police Department, the Building Commissioner and Building Inspectors and the Board of Health Agent(s).

Section 195-5 Effective Date.

This bylaw shall take effect on and after ~~January 1, 2020~~ *November 15, 2019*.

and to authorize the Town Clerk to renumber, re-letter, and/or to take any other action necessary to reformat this new bylaw to fit within the established format of the Code of the Town of Medfield, or do ~~act~~ anything in relation thereto.