



# *Town of Mansfield*

*6 Park Row, Mansfield, Massachusetts 02048*

*Town Clerk*

*Marianne E. Staples, CMMC*

To Whom It May Concern:

This is to certify that the following is a vote taken at the May 15th session of the April 10th, 2018 Annual Town Meeting. Said meeting was held at the Mansfield High School Auditorium, 250 East Street, Mansfield, Massachusetts. There was a quorum present and voting.

## **ARTICLE 45**

### **Citizens Petition:**

“To see if the town will vote to amend the town charter to the extent necessary to change Part 2: General Legislation, Chapter 180: Solid Waste, by adding Article III (180-16): Waste Reduction, as follows:

The purpose of this Bylaw is to protect the Town’s natural beauty and irreplaceable natural resources by reducing the number of single-use plastic check-out bags that are distributed and used in the Town of Mansfield and to promote the use of reusable bags.

See the full proposed 2-page article attached here, titled “**Article III, Chapter 180-16. Plastic Waste Reduction-Proposed Article**”.

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#### **Section I Purpose**

The purpose of this Bylaw is to protect the Town’s natural beauty and irreplaceable natural resources by reducing the number of single-use plastic check-out bags that are distributed and used in the Town of Mansfield and to promote the use of reusable bags.

#### **Section II Definitions**

The following words shall, unless the context clearly 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 Mansfield Health Department.
- c. "Health Agent" shall mean the Health Agent for the Mansfield 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 recycled content 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; and,
  - (3) is either
    - (a) made of natural fibers (such as cotton or linen); or
    - (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 mils thick.
- f. "Retail Establishment" shall mean any business facility that sells goods 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 businesses.
- 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 less than 4.0 mils in thickness.

### **Section III Regulated Conduct**

- a. No Retail Establishment in the Town of Mansfield shall provide Thin-Film, Single-Use Plastic Check-Out Bags to customers.
- b. If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of 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 newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this bylaw.

### **Section V Enforcement**

- a. The Board of Health and its Health Agent shall have the authority to administer and enforce this bylaw.

b. 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. c. The following penalties shall apply:

1. A fine of \$50 shall apply for the first violation following the issuance of a written warning notice.
2. A fine of \$100 shall apply for the second violation and each additional violation of this by-law after the issuance of a written warning notice.
- d. Fines shall be cumulative and each day on which a violation occurs shall constitute a separate offense.

## **Section VI Effective Date**

- a. This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or on November 1, 2018, whichever is later for Retail Establishments with a floor area equal to or exceeding 3,500 square feet or with at least two (2) locations under the same name within the Town of Mansfield that total 3,500 square feet or more. This ordinance shall take effect one (1) year after passage for Retail Establishments less than 3,500 square feet. The Director may exempt a Retail Establishment from the requirements of this section for a period of up to six (6) 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.

## **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 of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

## **End of Article**

### ***Explanation \*Not part of bylaw or article\****

*Plastic check-out bags have a significant impact on the marine and terrestrial environment, including but not limited to: 1) harming marine and terrestrial animals through ingestion and entanglement; 2) polluting and degrading the terrestrial and marine environments; 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 even 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 bags. For these reasons this article has been created to reduce non-recyclable plastic waste by reducing the amount of single-use bags used every year."*

SPONSOR: Barry Cioe and 21 others

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*Explanation: As provided in the petition.*

## ARTICLE 45 - VOTE

I move that the Town vote the article as printed in the warrant (as shown below).

“To see if the town will vote to amend the town bylaws to the extent necessary as follows:

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- and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.
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      - (a) made of natural fibers (such as cotton or linen); or
      - (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 mils thick.
  - f. “Retail Establishment” shall mean any business facility that sells goods 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 businesses.
  - 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 less than 4.0 mils in thickness.

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- b. If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of the following:
  - 1. Recyclable paper bag; or
  - 2. Reusable Check-Out bag.
- c. Retail Establishments with a floor area equal to or exceeding 3,500 square feet or with at least two (2) locations under the same name within the Town of Mansfield that total 3,500 square feet or more, that make available Thin-Film, Single-Use Plastic Check-Out Bags, with or without handles, that are exempted under this bylaw are required to provide for in-store collection and proper recycling of returned Thin-Film, Single-Use Plastic Check-Out Bags. Retail Establishments with a floor area less than 3,500 square feet that make available Thin-Film, Single-Use Plastic Check-Out Bags, with or without handles, exempted under this bylaw, are required to provide for in-store collection and are required to properly recycle collected Thin-Film, Single-Use Plastic Check-Out Bags if an in-town drop off location or other no-fee option is available. In-store collection locations must be prominently displayed and easily accessible.

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

## **Section V Enforcement**

a. The Board of Health and its Health Agent shall have the authority to administer and enforce this bylaw.

b. 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. c.

The following penalties shall apply:

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

## **End of Article**

**PASSED BY UNANIMOUS SHOW OF HANDS (AMENDED)**

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Marianne E. Staples  
Town Clerk