

Town of Provincetown
Public Notice
Amendments to the Provincetown General By-Laws
October 2014 Special Town Meeting

Notice is hereby given that the following amendments to the Provincetown General By-Laws, as voted by the October 27, 2014 Special Town Meeting, were approved by the Massachusetts Attorney General under MGL C.40§32 on January 26, 2015 and shall take effect on Thursday, February 12, 2015 at 12:01 a.m. Copies of the General By-Laws may be examined or obtained from the Office of the Town Clerk, Town of Provincetown, 260 Commercial Street, Provincetown, MA 02657, or on the town website at www.provincetown-ma.gov.

Article 7. General Bylaw Amendment/Delivery Hours. To amend the General Bylaw as follows:

13-3-8. Delivery vehicle restrictions.

13-3-8-1. Deliveries during spring, summer and fall. From April first through October thirty-first, all deliveries on Commercial Street, between Pearl and Central streets, will be allowed only until 12:00 p.m. Said deliveries may be made in this area anywhere along Commercial Street that is not designated as otherwise illegal parking. Any person making deliveries on Commercial Street shall first make deliveries to businesses located between Ryder Street (260 Commercial Street) and Winthrop Street (171 Commercial Street) before any other section of Commercial Street. Exceptions thereto may only be made by the Chief of Police or his or her designee.

13-3-8-2. Alternate unloading zones. For the period of April first through October thirty-first, the Board of Selectmen shall establish off-Commercial Street alternative unloading zones within the area of Pearl and Central streets for deliveries to establishments on Commercial Street made after 12:00 p.m. No other off-Commercial Street unloading zones between Pearl and Central Streets shall be used after 12:00 p.m.

Article 8. General Bylaw Amendment/Plastic Bag Reduction. To amend the General Bylaw by adding a new Section 13-6 to the General Bylaws as follows:

13-6 Provincetown Single-Use Plastic Bag Reduction Bylaw

13-6-1. Purpose and Intent

The use and disposition of single-use plastic bags, including bags made of high-density polyethylene, low-density polyethylene, “biodegradable,” “compostable” or “oxo-biodegradable” materials, have significant impacts on the marine and terrestrial environment of all coastal communities, including but not limited to:

- 1) Contributing to the injury and potential death of marine and terrestrial animals through ingestion and entanglement;
- 2) Contributing to pollution and degradation of the terrestrial and coastal environment;
- 3) Clogging storm drainage systems; and
- 4) Creating mechanical and disposal burdens for solid waste collection and recycling facilities.

Studies have shown that even those plastic bags made from “biodegradable,” “compostable” or “oxo-biodegradable” materials, which all require very specific and controlled environments to fulfill their claims, are for all intents and purposes identical to single-use high or low-density polyethylene plastic bags in their potential impacts to the environment as set forth above. Bags of these types are therefore also subject to the requirements herein.

The goal of this Bylaw is to protect, conserve and enhance the Town’s unique natural beauty and irreplaceable natural resources through the elimination, within the retail sector, of certain single-use plastic bags and by encouraging the use of reusable bags within the retail and municipal sectors.

Therefore the Town of Provincetown seeks to phase out the use of single-use plastic bags by April 15, 2015.

13-6-2. Definitions

An “Establishment” means any business in Provincetown selling goods, articles, food or personal services to the public, including but not limited to markets, restaurants, bars, take-out food purveyors, merchandise retailers, florists and galleries.

A “single-use plastic bag” for the purposes of this Bylaw is defined as a bag made of plastic, including but not limited to bags made of high-density polyethylene, low-density polyethylene, “biodegradable,” “compostable” or “oxo-biodegradable” materials, with a thickness of less than 1.5 mils provided at the checkout stand, cash register, point of sale or other point of departure and that are intended for the purpose of transporting food or merchandise out of the Establishment.

Single-use plastic bags **do not include** plastic bags which are a maximum of 11 inches by 17 inches and are without handles provided to the customer:

- (1) To transport produce, bulk food, candy or meat from a department within a store to the point of sale;
- (2) To hold prescription medication dispensed from a pharmacy;
- (3) To segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a point-of-sale bag;
- (4) To distribute newspapers; or
- (5) To protect clothing in dry-cleaning establishments.

A “reusable bag” is defined as a bag with handles that is specifically designed and manufactured for multiple reuse and is either:

- (1) Made of cloth or other machine washable fabric;
- (2) Made of durable plastic that is at least 1.5 mils thick; or
- (3) Other durable material suitable for reuse.

13-6-3. Use Regulations

Single-use plastic bags shall not be distributed or sold at any Establishment beginning April 15, 2015, by which date existing stock of single-use plastic bags shall be phased out; any stock remaining after that date shall be disposed of properly (e.g., recycled or returned to manufacturer) by the Establishment.

Customers are encouraged to bring their own reusable shopping bags to Establishments.

Establishments may provide paper or reusable bags at no charge, or charge a fee which would be kept by the Establishment, as they so desire.

13-6-4. Administration and Enforcement

This Bylaw may be enforced by any Town police officer, enforcement officer or agent of the Board of Health or Licensing Department. This Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D and Chapter 2 of the Town’s General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties:

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| First Offense: | \$50 fine |
| Second Offense: | \$100 fine |
| Third and Subsequent Offenses: | \$200 for each fine |

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first reported offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Article 9. General Bylaw Amendment/Schedule A- Fines. To amend Schedule A of the General Bylaw as follows:

Licensing regulations:

1st Offense:	\$100.00
2nd Offense:	\$200.00
3rd and Subsequent Offenses:	\$300.00

Doug Johnstone
Provincetown Town Clerk

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