



TOWN OF WAYLAND

2017 ANNUAL TOWN MEETING WARRANT SUNDAY, APRIL 2, 2017

This bylaw was approved by the voters at the 2017 Annual Town Meeting. It was reviewed and approved by the Massachusetts Attorney General on July 21, 2017, and was posted and published on August 3, 2017.

This bylaw will go into effect February 4, 2018, six months after all statutory duties were fulfilled.

ARTICLE 23: PLASTIC BAG REDUCTION BYLAW

Voted: that the Town amend the Code of the Town of Wayland, by adopting a General Bylaw entitled "Plastic Bag Reduction Bylaw" as set forth in Article 23 on Pages 78 through 79 of the Warrant for the 2017 Annual Town Meeting as amended:

Section 1. Purpose and Intent

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. The purpose of this bylaw is to protect the Town's unique natural beauty and its water and natural resources by eliminating single-use plastic checkout bags that are distributed in the Town of Wayland and to promote the use of reusable bags.

Section 2. Definitions

2.1 *Checkout bag* means 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.

2.2 *Grocery Store* means 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.

2.3 *Retail Store* means 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.

2.4 *Reusable checkout bag* means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 Mils in thickness.

2.5 *Thin-film single-use plastic bags* are 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.

2.6 *Recyclable paper bag* means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words “recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag.

2.7 BoPW means the Board of Public Works or the Board of Public Works’ designee, which may be the Department of Public Works.

2.8 This bylaw shall be known as the *Plastic Bag Reduction Bylaw*.

Section 3. Use Regulations

3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store or grocery store within the Town of Wayland.

3.2 If a retail store provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags.

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

Section 4. Effective Date

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or January 1, 2018, whichever is later. Upon application of the owner or the owner’s representative, the Board of Selectmen or their designee may exempt a retail store from the requirements of this section for a period of up to six (6) months upon a finding by the Board of Selectmen that (1) the requirements of this section would cause undue hardship; or (2) a retail store requires additional time in order to draw down an existing inventory of checkout bags.

Section 5. Enforcement

5.1 Enforcement of this bylaw shall be the responsibility of the Board of Selectmen or their designee. The Board of Selectmen or their designee shall determine the monitoring process to be followed, which may be limited to responding to citizen reports, incorporating the process into other town duties as appropriate.

5.2 Any retail or grocery store distributing plastic checkout bags in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Section 2-2 of the bylaws, Noncriminal disposition of violations; enforcement. Any such fines shall be paid to the Town of Wayland.

5.3 Section 2-2 is amended to add a new section as follows:

Violation of the Plastic Bag Reduction Bylaw

- (1) Penalty: 1st offense – Warning;
 2nd offense - \$50 per day; 3rd and each subsequent offense - \$100 per day.
- (2) Enforcing persons: Board of Selectmen or their designee

Section 6. Severability

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