

**TOWN OF PLAINVILLE
PROCEEDINGS OF THE ANNUAL TOWN MEETING – June 3, 2019**

Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

185.5: Severability

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

185.6: Effective Date

Following Town Meeting approval of this bylaw, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.

And further, that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Code of Plainville or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

Article 22: Motion by Dawn Denizkurt, seconded by Stanley Widak - The Planning Board recommends, and I so move, that the Town vote to accept as a public way the street to be known as Hodgman Way and approve Article 22 as set forth in the warrant, and I further move that the reading of the Article be waived.

Majority Vote Required – Motion Carried

Warrant Article 22:

ARTICLE 22: To see if the Town will vote to accept as a Public Way, within the Town of Plainville, the street to be known as Hodgman Way, and to authorize the Board for Selectmen to acquire by gift, purchase or otherwise the necessary fee or other interest in land for public way purposes in a certain parcel of land situated off the easterly side of High Street, in the Town of Plainville, in the County of Norfolk, Commonwealth of Massachusetts, shown as Parcel A, containing 34,109 square feet, on a plan entitled "Definitive Subdivision Plan, Lot Layout Plan 1, High Plain Acres II, Plainville, Massachusetts", dated 09/01/2015, prepared by Advanced Concepts Engineering Corp., 40 Walnut Street, Plainville, MA 02762 and recorded in the Norfolk County Registry of Deeds in Plan Book 650 Page 33, a copy of which is on file with the Town Clerk or, any other interests in land necessary to provide for the use and maintenance of said way for all purposes for which public ways are used in the Town of Plainville, or do or act in any manner relative thereto.

(*Sponsor: Planning Board*)

Article 23: Motion by Annette Grady, seconded by Linda Evans - I so move, that the Town vote to amend the Town of Plainville Town Code by adding a new section to General Legislation Chapter 220, to be titled "Plastic Waste Reduction", which by-law should regulate the use of thin-film single-use plastic check-out bags in the Town of Plainville, as set forth and printed in the Town Meeting Warrant under Article 23. I further move that the reading of the Article be waived, that the Town Clerk be authorized to assign an appropriate number to said section, and that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Code of Plainville.

2/3rd Vote Required – Declared 2/3rd Majority

Warrant Article 23:

ARTICLE 23: To see if the Town will vote to amend the Town of Plainville Town Code by adding a new section to General Legislation Chapter 220, to be titled "Plastic Waste Reduction", which by-law should regulate the use of thin-film single-use plastic check-out bags in the Town of Plainville, as set forth below, or do or act in any manner relative thereto.

Section I Findings and Intent

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The production and use of thin-film single-use plastic check out bags have significant impacts on the environment, including, but not limited to: contributing to the death of marine animals through ingestion and entanglement, contributing to the pollution of land environment, creating a burden to recycling facilities, clogging storm drains, and requiring millions of barrels of crude oil nationally for their manufacture. Plastic bags do not biodegrade; instead they turn into micro-plastics displacing lower food sources ingested by a wide range of marine animals. By displacing lower food sources micro-plastics are entering into the food chain, including our own.

The purpose of this by-law is to reduce the number of thin-film single-use plastic check out bags and paper bags and to promote the use of reusable bags in Plainville.

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 Plainville Health Department.
- c. "Health Agent" shall mean the Health Agent for the Plainville 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 Plainville 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.
- 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 Plainville 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:
 1. A fine of \$50 shall apply for the first violation following the issuance of a written warning notice.

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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 the effective date of approval by the Attorney General 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 Plainville that total 3,500 square feet or more. This bylaw shall take effect one (1) year following the effective date of approval of the Attorney General for Retail Establishments less than 3,500 square feet. The Health Agent 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 Health Agent 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. *(Sponsor: Citizen's Petition)*

At 10:48pm a motion was made by Bruce Cates, seconded by Dawn Denizkurt to dissolve the meeting.

Majority Vote Required –Unanimous

Respectfully submitted,

Ellen M. Robertson, CMC/CMMC
Town Clerk