

## VOTER PETITION ARTICLE – CONTACT INFORMATION SHEET

This form must be submitted with each petitioned article.

Title/Subject Matter

Date: 02/20/2018

Of Petitioned Article: Better Bagging Petition to Reduce Plastic Bag Consumption in Littleton MA

Contact information for the lead petitioner:

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(Optional) Brief summary/explanation of the petitioned article

We believe that reducing plastic bag consumption will benefit everyone in our community. We  
support a bylaw to limit the distribution of plastic bags at check-out counters of retail establishments  
in Littleton, MA. Though the growing problem of plastic waste is worldwide, this local effort will  
help to clean up our town. If passed, retail establishments could not use regular plastic bags as  
check-out bags, and would instead be required to use paper bags.

For Board of Selectmen Use Only – Do Not Write in This Area

Date petition article submitted: \_\_\_\_\_

Date signatures verified by Town Clerk: \_\_\_\_\_

The following Board/ Committee(s) will comment on this article:

\_\_\_\_\_Board of Selectmen      \_\_\_\_\_Planning Board      \_\_\_\_\_Finance Committee

# VOTER PETITIONED ARTICLE FOR TOWN MEETING

To the Board of Selectmen:

We, the undersigned registered voters of the Town of Littleton, hereby petition the Board of Selectmen pursuant to MGL Ch 39, §10 to insert the following article into the Warrant for the   X   Annual        Special Town Meeting to be held on                     :

To see if the Town will vote to amend the Town Code by adding a new Chapter 140 for the purposes of regulating the distribution of plastic bags at retail establishments and promoting the use of recyclable and reusable bags.

## **Chapter 140: Plastic Check-Out Bag Reduction.**

### **Section I Findings and Purpose**

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.

The purpose of this Bylaw is to protect the Town’s unique natural beauty and irreplaceable natural resources by reducing the number of single-use plastic check-out bags that are distributed in the Town of Littleton 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 Littleton Health Department.
- c. “Health Agent” shall mean the Health Agent for the Littleton Board of Health or his/her designee.
- d. “Recyclable paper bag” shall mean a paper bag that is 100% recyclable, contains at least 40% post-consumer recycled content, contains no old growth fiber, 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) is machine washable; and (2) is made of natural fibers (such as cotton or linen).
- f. “Retail Establishment” shall mean any business facility, whether for profit or not for profit, that sells goods directly to the consumer, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

### **Section III Regulated Conduct**

- a. No Retail Establishment in the Town of Littleton shall provide 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 dry cleaning, 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. In addition to any other means of enforcement, the provisions of this bylaw and any regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.4 of the Town Code and Massachusetts General Laws, Chapter 40, Section 21D.
- 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 satisfaction of the posting/publishing requirements set forth in in Massachusetts General Laws, Chapter 40, Section 32, or January 1, 2019, whichever is later. The Board of Health 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 Board of Health 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.

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