

TOWN OF NORTH READING
MASSACHUSETTS



OFFICE OF THE TOWN CLERK
NOTICE OF APPROVAL

In accordance with MGL Chapter 40 Section 32, notice is hereby given of the approval by the Attorney General's Office for the following change to the *Code of North Reading General By-laws* under Article 27 of the June 2019 Annual Town Meeting Warrant, and as voted on June 10, 2019 for an amendment/addition to the *Code of North Reading* as follows:

- **Article 27** – GBL – Add new “Chapter 60, Environmental Hazards – Article 1 – Plastic Bags” as follows:

North Reading Annual Town Meeting
June 10, 2019

**ARTICLE 27 -- Amend Code – General By-laws – Add New Chapter:
Environmental Hazards – Article 1 – Plastic Bags**

§ 60-1. Purpose and Intent

A. The production and use of thin-film single-use plastic bags have significant impacts on the environment of our community, including, but not limited to: unsightly plastic bags caught in trees and shrubs defiling our shared open space, parks and forest; blowing into our yards and spoiling our view; contributing to the potential death of animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to our solid waste collection and recycling facility; clogging our storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

B. The purpose of this bylaw is to eliminate the usage of thin-film single-use plastic bags by all retail establishments in the Town of North Reading.

§ 60-2. Definitions

ASTM D6400 STANDARD -- Means the testing standard developed by the American Society for Testing and Materials for compostable plastics.

BIODEGRADABLE BAG -- Means a bag that:

- A. Contains no polymers derived from fossil fuels; and
- B. Is intended for single use and will decompose in a natural setting at a rate comparable to other biodegradable materials, such as paper, leaves, and food waste.

RECYCLABLE PAPER BAG -- Means 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 the word “recyclable” or a symbol identifying the bag as recyclable

RETAIL ESTABLISHMENT -- Means a business or vendor that sells or provides food, merchandise, goods, or personal services to the public, but not a bazaar or festival operated by a noncommercial entity.

REUSABLE BAG -- Means a bag that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

THIN-FILM SINGLE-USE PLASTIC BAGS -- Means bags, with integral handles, and a thickness of 2.5 mils or less that are intended to be used for the transport of products provided by a retail establishment at the point of sale.

§ 60-3. Use Regulations

A. No retail establishment in the Town of North Reading shall distribute, use or sell thin-film single-use plastic bags that do not meet or exceed the ASTM D6400 standards.

B. Retail establishments may provide customers with recyclable paper bags, biodegradable bags, or reusable bags at no charge or for a fee.

C. Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, shall be exempt from the prohibitions of this bylaw.

§ 60-4. Administration and Enforcement

A. Retail establishments may apply to the Board of Health for approval of new single-use bag products as they come on the market that meet, or exceed, the ASTM D6400 standards. The Board of Health shall be authorized to promulgate reasonable regulations for the effective administration and enforcement of this bylaw, including to determine the appropriate procedure for establishments to apply for approval of single-use bag products and to establish reasonable reporting requirements for establishments to demonstrate compliance.

B. This bylaw shall be enforced through any lawful means in law or in equity, including, but not limited to, noncriminal disposition pursuant to MGL c. 40, § 21D. For purposes of noncriminal disposition, the Board of Health and the Health Agent / Health Director of the Town of North Reading shall be the enforcing authority.

C. Enforcement using noncriminal disposition.

- (1) If enforced using noncriminal disposition, the following fine schedule shall apply:
 - (a) Warning for a first offense;
 - (b) \$50 for the second offense;
 - (c) \$100 for the third offense and any successive offense.

- (2) Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. A warning or fine may be appealed to the Board of Health within five days of issuance so long as any appeal by the offender is still filed with the District Court within 21 days as provided by MGL c. 40, § 21D.

§60-5. Applicability

While this bylaw shall be effective upon approval by the Attorney General and in accordance with MGL c.40, § 32, it shall be applicable to retail establishments in the Town beginning January 1, 2020.

Article 27: CARRIED by voice vote.

Claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within 90 days of the second date of publication of this notice. Complete text of Article 27 as specified under the June 2019 Annual Town Meeting Warrant and as voted at the June 10, 2019 Annual Town Meeting may be examined and obtained at the Office of the Town Clerk during regular business hours on Mondays through Thursdays from 8:00 am to 4:00 pm, and on Fridays from 8:00 am to 1:00 pm. Article 27 was approved by Assistant Attorney General Nicole B. Caprioli on September 25, 2019.

ATTEST: Barbara Stats, Town Clerk