

To see if the town will vote to amend the town Bylaws to the extent necessary to change Part 2: General Bylaws, Chapter 779: Solid Waste, by adding Article V (779-16):

Section I: Purpose

The purpose of this Bylaw is to protect the Town's natural beauty and irreplaceable natural resources by reducing the number of single-use plastic check-out bags that are distributed and used in the Town of Walpole and to promote the use of reusable bags.

Section II: Definitions

- a. **Checkout bag** shall mean a bag provided by a retail 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 a consumer to deliver such items to the point of sale or checkout area of the store.
- b. **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, full- and quick-service restaurants, pharmacies, convenience stores, grocery stores, liquor stores, seasonal and temporary businesses.
- c. **Reusable checkout bag** shall mean a sewn bag with stitched handles that is specifically designed for multiple reuse that:
 - i. can carry 25 pounds over a distance of 300 feet;
 - ii. is machine washable or made of a material that can be cleaned or disinfected more than 125 times; and
 - iii. is made of either:
 - 1. natural fibers such as cotton or linen;
 - 2. durable, non-toxic plastic (other than polyethylene or polyvinyl chloride) that is generally considered a food-grade material and is more than 4.0 mils (0.004 inches) thick
- d. **Recyclable paper bag** shall mean a paper bag that is:
 - i. 100% recyclable
 - ii. contains at least 40% post-consumer recycled content; and
 - iii. 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. **Thin Film Single-Use Plastic Bags** shall mean bags that are less than 4.0 mils (0.004 inches) thick and 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).

Section III: Regulations

- a. No retail establishment in the Town of Walpole shall provide thin-film, single-use, plastic checkout bags to customers.
- b. If a retail establishment sells or distributes checkout bags, they must be either: recyclable paper bags, or reusable checkout bags. The retail establishment may charge for said bags.

Section IV: Enforcement and Penalties

- a. The Town of Walpole Board of Health, the Director of the Walpole Board of Health or the Director's designee, or the Board of Selectmen's designee shall have the authority to administer and enforce this bylaw.
- b. The first violation of the new bylaw, upon a determination that a violation has occurred, will result in the enforcing authorities issuing a written warning to the retail establishment describing the violation
- c. The penalty of each violation after receiving a written warning notice shall be:
 1. \$50 for the first violation
 2. \$100 for the second violation
 3. \$200 for the third and any violation following the third.
- d. Only one (1) penalty shall be given to a retail establishment within a seven (7) calendar day period.
- e. A retail establishment will be given fifteen (15) calendar days to pay the penalty after receiving the violation notice.
- f. Fines shall be cumulative and each day on which a violation occurs shall constitute a separate offense.

Section V: Effective Date

- a. This bylaw shall be put into effect by Walpole town officials, six (6) months after the approval from the attorney general for retail establishments with floor area equal to or exceeding 3,500 square feet. This bylaw shall take effect one (1) year after the approval from the attorney general for retail establishments with floor area less than 3,500 square feet. This might change due to COVID-19 related issues.
- b. The enforcing authorities may exempt a Retail Establishment from the requirements of this section for a period of up to six (6) months upon a finding 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 VI: Exceptions

- a. Thin-film plastic bags normally without handles that are used for the temporary storage of newspapers, meat, bulk foods, produce, wet items, or pet waste are still allowed under this bylaw.

- b. During a pandemic or other public health crisis, where it is deemed necessary by the state that, for hygiene purposes, plastic bags are to be used (instead of reusable bags) in order to reduce the spread of disease, the town of Walpole may choose to temporarily suspend the ban for the period of time recommended by the state. If the state does not have a recommended time period on the suspension, the suspension shall be active for a period of time decided upon by the enforcing authorities, after which time, the continued suspension of the plastic bag ban must be re-evaluated.

Section VII: Severability

- a. Each provision of this regulation shall be construed as separate to the end that, if any provision, or sentence, clause or phrase thereof, shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

Or do or act anything in relation thereto.