

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

February 20, 2020

TO: Town of Franklin Businesses
FROM: Jamie Hellen, Town Administrator
RE: Plastic Checkout Bag Prohibition

Dear Franklin Business Owner:

This letter is being sent to inform you that on February 12, 2020, The Franklin Town Council adopted Bylaw Amendment 20-847, a new local bylaw prohibiting the use of plastic checkout bags. On July 1, 2020, the use of thin-film, single use, plastic bags at checkout by any retailer in the Town of Franklin will be prohibited. Additionally, a three month extension waiver will be available to businesses for economic hardship or other good cause.

Attached with this letter is the Plastic Checkout Bag Prohibition Bylaw approved by the Council. There is also an instructional guide on how to apply for a free Three (3) Month Compliance Extension Waiver for the Plastic Bag Prohibition on our online permitting site at <https://franklinma.viewpointcloud.com/>. Please see the attached guide to apply for a waiver.

As of February 2020, 138 Massachusetts cities and towns, representing over 58% of the state's population, have passed legislation to regulate single-use plastic shopping bags. The Town of Franklin is happy to join in on this effort. If you have any additional questions please contact the Town Administrator's Office at **508-520-4949** to talk to any member of our staff.



**TOWN OF FRANKLIN
BYLAW AMENDMENT 20-847, AS AMENDED
NEW CHAPTER 130 PLASTIC CHECKOUT BAG PROHIBITION**

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN BY ADDING A NEW CHAPTER: CHAPTER 130 PLASTIC CHECKOUT BAG PROHIBITION.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT Chapter 130, Plastic Checkout Bag Prohibition is added in its entirety as follows to the Code of the Town of Franklin.

Chapter 130 Plastic Checkout Bag Prohibition

§ 130-1. Purpose and Intent.

- A. Plastic bag prohibition ordinances have proven to be effective in reducing plastic bag consumption and litter and are part of a growing global movement towards sustainability
- B. The purpose of this bylaw is to eliminate the usage of thin-film, single use plastic bags at checkout by all retailers in the Town of Franklin, on and after the effective date specified herein.

§ 130-2. Definitions

CHECKOUT BAGS

A carryout bag provided by a store to a customer at the point of sale or other point of departure for the purpose of transporting food or merchandise from the establishment. 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 stores.

RECYCLABLE PAPER BAG

A paper bag that is:

- A. 100% recyclable, including the handles.
- B. Contains at least 40% post-consumer recycled paper content; and
- C. Displays the words "recyclable" and "made from 40% post-consumer recycled content" (or other applicable amount) in a visible manner on the outside of the bag.

REUSABLE CHECKOUT BAG

A sewn bag with stitched handles that is:

- A. Specifically designed and manufactured for multiple reuse;
- B. Can carry 25 pounds over a distance of 300 feet; and

- C. Is made of cloth or other machine washable fabric, provided that it may not be constructed of polyethylene or polyvinyl chloride.

BIODEGRADABLE BAG

A bag that is capable of being decomposed by bacteria or other living organisms. Biodegradable bags are typically made from plant-based materials like corn and wheat starch rather than petroleum.

THIN FILM BAG

A single-use plastic bag, typically with plastic handles, with a thickness of 4.0 mils or less, intended for single-use transport of purchased products.

RETAIL ESTABLISHMENT

Any retail operation located in the Town which sells goods, food or provides personal services to the public, including restaurants.

§ 130-3. Requirements for Checkout Bags and Exceptions.

- A. If any retail establishment, as defined in **§130-2**, provides checkout bags to customers, the bag must be a recyclable paper bag, biodegradable bag, or a reusable checkout bag, as defined in **§130-2**.
- B. Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.
- C. Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, fresh produce, bulk foods, wet items, and other similar merchandise, typically without handles, are still permissible under this bylaw.

§ 130-4. Violations and Enforcement.

- A. Any retail establishment violating the requirement(s) contained in **§130-3** of this bylaw shall be subject to a fine as follows:
 - (1) First offense: warning.
 - (2) Second offense: \$50.
 - (3) Third and subsequent offenses: \$100
- B. Each day that a violation continues shall be treated as a separate offense.
- C. This bylaw shall be enforced by the Franklin Town Administrator, the Building Commissioner and Building Inspectors and the Board of Health Agent(s), or their respective designees.

§ 130-5. Effective Date.

This bylaw shall take effect on and after July 1st, 2020, subject to grant to an individual retail establishment of a one three-month long compliance extension; a compliance extension may be

granted by the Town Administrator, for economic hardship or other good cause, as he may determine.

This bylaw shall otherwise become effective in accordance with the provisions of the Franklin Home Rule Charter.

DATED: Feb 12th, 2020

VOTED: Passed

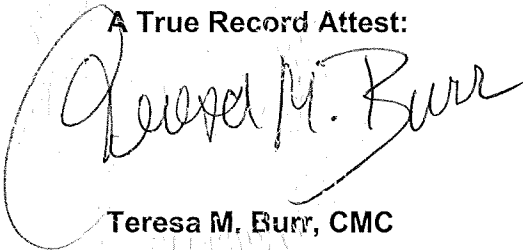
UNANIMOUS: passed

YES: 7 NO: 1


ABSTAIN: —

ABSENT: 1

A True Record Attest:



Teresa M. Burr, CMC
Town Clerk



Glenn Jones, Clerk
Franklin Town Council

INTERESTED IN A THREE-MONTH COMPLIANCE EXTENSION WAIVER?

Here is how to apply:

PLEASE NOTE: The Three (3) Month Compliance Extension Waiver will only be granted to businesses for economic hardship or other good cause as determined by the Town Administrator. The Three Month extension Waiver will expire on October 1, 2020. If a business has not complied by October 1, 2020 they will be subject to violation fees as outlined in Chapter 130, Section 4. "Violations and Enforcement", of the Franklin Town Code.

1. Go to <https://franklinma.viewpointcloud.com>
2. Click on the "Town Administration" tab
3. Select "Three (3) Month Compliance Extension Waver - Plastic Bag Prohibition"
4. At the top right corner of the page select "Apply Online"
5. Login with your Viewpoint ID or Create a New User Account if you have not used viewpoint in the past.
6. Fill out the application as instructed
7. Once the compliance waiver application is submitted, the Town Administrator will review and if approved, the waiver will be sent to you electronically.
8. Once you receive the waiver electronically, print it off and display it in your establishment where the public can view.