



BOARD OF SELECTMEN
139 Main Street • PO Box 275
Rowley, MA 01969
Phone (978) 948-2372
Fax (978) 948-8202
selectmen@townofrowley.org

Town of Rowley

Massachusetts 01969

TOWN ADMINISTRATOR
139 Main Street • PO Box 275
Rowley, MA 01969
Phone (978) 948-2705
Fax (978) 948-8202
debbie@townofrowley.org

Dear Rowley Retail Establishment Owner:

We are writing to alert you to a change in the way that retailers in Rowley will have to conduct business starting **September 8, 2023**. That will be the first anniversary of the **Plastic Bag Restriction Bylaw**, a Town regulation that will prevent most retail establishments from distributing or selling plastic checkout bags.

1. What is Prohibited? What is Allowed? The ban is aimed at thin-film, single-use plastic bags. Reusable bags may be distributed or sold, meaning a sewn bag with stitched handles that is specifically designed to be used more than once and is made of polyester, polypropylene, cotton or some other natural fiber. Paper bags are OK, too.

2. Who is Affected? The ban applies to all “retail establishments,” meaning grocery stores, pharmacies, liquor stores, mini-marts and other retail stores or vendors selling clothes, food or household or personal items.

3. What are the Exceptions? Some kinds of plastic bags are exempt from the ban, including those that contain dry cleaning, newspapers, produce, meat, bulk foods and wet items.

4. What are the Penalties for Violation? A first violation will result in a written warning that the offender has 30 days to stop using plastic checkout bags. The next violation will bring a \$50 fine, and any fine after that will be \$100 for each new offense.

5. What Should You Do If You Have Questions? First, please read the new bylaw. A copy is enclosed. Then, feel free to call our office at (978) 948-2372 or the Town Administrator at (978) 948-2705.

Start planning NOW to ensure that your business complies by **September 8, 2023!**

The Rowley Board of Selectmen

Town of Rowley, Commonwealth of Massachusetts
ANNUAL TOWN MEETING MINUTES
May 2, 2022

ARTICLE 38. To see if the Town will vote to adopt the following Plastic Bag Restriction General Bylaw to read as follows:

Plastic Bag Restriction General Bylaw

1. Purpose and intent.

The production and use of thin-film single-use plastic bags significantly impacts the marine and land environments of coastal communities. Their negative effects include but are not limited to the following: contributing to the death of marine animals through ingestion or entanglement; contributing to pollution of the land and sea; burdening solid waste collection and recycling facilities; clogging our storm drainage systems; and requiring the use of millions of barrels of crude oil for their manufacture. The purpose of this article is to eliminate the usage of thin-film single-use plastic bags by all retail establishments in the Town of Rowley.

2. Definitions.

For purposes of this article the following definitions shall apply:

1. "Plastic Checkout Bag" shall mean any checkout bag made of plastic that does not meet the definition of "Reusable Bag," typically with integral plastic handles, and intended for transport of purchased products.
2. "Reusable Bag" shall mean a sewn bag with stitched handles that is specifically designed for multiple uses and is made of either polyester, polypropylene, cotton or other natural fiber material.
3. "Retail Establishment" shall mean any business facility that sells goods directly to consumers including, but not limited to, grocery stores, pharmacies, liquor stores, "mini marts," or retail stores and vendors selling clothing, food, household or personal items.

3. Use regulations.

- A. Plastic Checkout Bags shall not be distributed or sold from any Retail Establishment within the Town of Rowley.
- B. Customers are encouraged to take their own Reusable Bags to stores. Retail Establishments may provide Reusable Bags or paper bags at no charge, or to impose a fee, as they so desire. Retail Establishments are strongly encouraged to make Reusable Bags available for sale to customers at a reasonable price.
- C. Plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items or similar merchandise, typically without handles, are exempt from the

provisions of this article.

4. Education and training.

Not later than one month after this Bylaw becomes effective under M.G.L. c. 40, s. 32 through its approval by the Attorney General and the posting and publishing required by the said statute, the Town shall send written notice detailing the restrictions imposed by this regulation to those Retail Establishments likely to be subject to this Bylaw.

5. Administration and enforcement.

- A. This bylaw shall be enforced by one or more designees of the Board of Selectmen.
- B. This bylaw may be enforced through any lawful means, including but not limited to criminal disposition under MGL c. 40, § 21 and non-criminal disposition pursuant to MGL c. 40, § 21D. Any Retail Establishment that violates any provision of this bylaw shall be subject to the following penalties:
 - (1) Upon the first violation, the Board of Selectmen's designee shall provide the violator with written notice of such violation and issue a written warning that any subsequent violations shall result in the imposition of a fine. The violator will then be entitled to 30 days after receipt of such notice to cure the violation before imposition of the fine.
 - (2) After the 30-day period, if the violation has not been cured, the following fines shall apply:
 - (a) A fine of \$50 for the first violation following receipt of the written notice referred to in Subsection B (1) above; and
 - (b) A fine of \$100 for any further violation.
 - (3) Each day that a Retail Establishment continues to distribute Plastic Checkout Bags shall constitute a separate violation of this bylaw.

6. Severability and effective date.

- A. If any provision of this bylaw is determined to be invalid for any reason, such determination shall not affect the remaining provisions of this bylaw.
- B. The use regulations set forth in Section 3 of this Bylaw shall not be enforceable until one year after this Bylaw becomes effective under M.G.L. c. 40, s. 32 through its approval by the Attorney General and the posting and publishing required by the said statute, in order to allow Retail Establishments to comply with the said restrictions.

or take any other action relative thereto.

(Inserted by the Board of Selectmen)

Finance Committee Recommendation Not Required

Explanatory Note: The Board of Selectmen placed a non-binding referendum on the May 11, 2021 Annual Town Election Ballot asking the voters if they should propose a plastic bag reduction bylaw that would regulate and limit the type of bags offered at checkout by retail establishments in Town. The results were Yes -337 and No - 261.