

Office of the Town Clerk

Town of Rowley
139 Main St., P O Box 351
Rowley, MA 01969
Phone: 978-948-2081
Fax: 978-948-2162

August 22, 2022


Re: Rowley Annual Town Meeting – May 2, 2022
By Law Decision from the Attorney General Office
Warrant Article #38

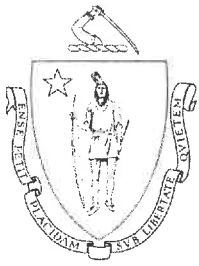
To Whom It May Concern:

Please be advised the letter of decision from the Attorney General's Office for the above referenced bylaw is attached, along with the certified vote from the May 2, 2022 Annual Town Meeting.

Pursuant to G.L. c. 40 §32, this bylaw takes effect August 22, 2023.

ATTEST:


Catherine M. McClenaghan
Town Clerk



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

August 15, 2022

Catherine McClenaghan, Town Clerk
Town of Rowley
139 Main Street, P.O. Box 351
Rowley, MA 01969

**RE: Rowley Annual Town Meeting of May 2, 2022 - Case # 10560
Warrant Article # 38 (General)**

2022 AUG 15 PM 1:32
TOWN OF ROWLEY
TOWN CLERK

Dear Ms. McClenaghan:

Article 38 – We approve Article 38 adopted at the Rowley May 2, 2022 Annual Town Meeting.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
MAURA HEALEY
ATTORNEY GENERAL
Kelli E. Gunagan
By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Thomas A. Mullen

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.

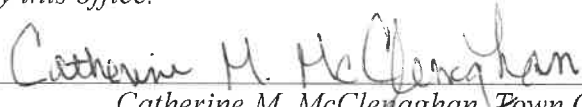
Based on the favorable results to this ballot question, the Board of Selectmen developed this bylaw, which meets the spirit of the ballot question.

A motion to amend the wording of Article 38 was made by Bernard Cullen, seconded by Ralph Deil.

After discussion a vote was taken to accept the amendment. A voice vote could not be determined. A hand count was taken; 30 yes to accept, 116 no. The motion to amend failed at 8:09 pm.


Motion by Cliff Pierce, seconded by Deana Ziev; A voice vote could not be determined. A hand count was taken; 106 yes and 41 no. The original motion passed at 8:09 pm.

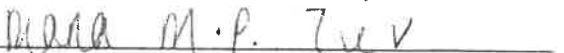
Certification: *I, Catherine M. McClenaghan, duly elected and qualified Town Clerk for the Town of Rowley do hereby swear and affirm that the statements contained above with regard to the May 2, 2022 Annual Town Meeting to be true and accurate according to records maintained by this office.*


Catherine M. McClenaghan, Town Clerk,
Town of Rowley


May 24, 2022


And you are hereby instructed to serve this warrant by posting copies thereof at Town Hall, Town Hall Annex and the Rowley Public Library and on the Town's website not less than fourteen days before the day fixed for such meeting, as directed by the laws of the Town and to make due return of the Warrant to the Town Clerk at least two days before said meeting. Given under our hands this 11th day of April in the year two thousand twenty-two.


Clifford Pierce, Chairman


Deana M. P. Ziey, Vice Chairman

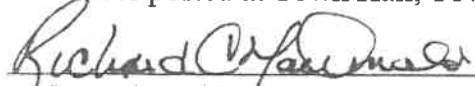

Robert Snow, Clerk


Joseph Perry


David Petersen

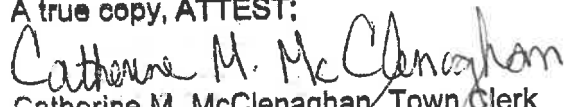
I have served this Warrant by posting at Town Hall, Town Hall Annex, and the Rowley Public Library not less than fourteen days before the day fixed for such meeting and have made the return of the Warrant to the Town Clerk at least two days before the time of said meeting.

Notices posted at Town Hall, Town Hall Annex, Rowley Public Library.


Constable of Rowley


Date

A true copy, ATTEST:


Catherine M. McClenaghan, Town Clerk
Rowley, MA 01969

