

Articles postponed from the 2020 Annual Town Meeting.

These 11 were postponed by voters who were promised they would be put on the Warrant for the next Town Meeting. (The hope is for fall of 2020):

Article 1: To Hear Reports

Article 19: Appropriation from CPA Funds – **Kallander Field Construction**

Article 20: Appropriation from CPA Funds – **St. Mark's Church Bell Tower Renovation**

Article 22: Amend Town Code – **Increase Qualification Period for Appointments**

Article 23: Adopt MGL to **Reduce Speed Limit in Thickly Settled Areas**

Article 24: Adopt MGL to **Designate Safety Zones**

Article 25: Adopt MGL to **Implement Local Meals Tax**

Article 26: Amend Town Code – **Southborough Public Accessibility Committee**

Article 27: **Adopt MGL for Saturday Office Hours**

Article 31: Citizen Petition – Amend Town Code: **Noise Bylaw**

Article 32: Citizen Petition – Amend Town Code: **Reduce Plastic Waste**

These 3 Articles were postponed "to be referred to the Planning Board for further study, hearing and report to the next Town Meeting." That means they may not come back verbatim.

Article 28: Amend Town Code – Zoning – **Miscellaneous Provisions**

Article 29: Amend Town Code – Zoning – **Outdoor Illumination**

Article 30: Amend Town Code – Zoning – **Site Plan Review**

Note: When they do return, they will likely be assigned new numbers.

Below is the text that was originally included for in the 2020 Annual Town Meeting Warrant for the postponed Articles – except for the three zoning Articles.

(For Articles 28-30, you'll need to refer to the Warrant. The Zoning Articles are to amend existing zoning. They include "strikethrough" marks that represent deletions to current Town Code. Unfortunately, my copy and paste was not picking up those marks.)

ARTICLE 1: To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *To hear reports of Town Boards, Committees or Commissions.*

ARTICLE 19: To see if the Town will vote to appropriate \$238,750 from the CPA Fund FY2021 Budgeted Reserve for the renovation and restoration of Kallander Field, located on Kallander Drive in Southborough (Parcel ID 56-0000-012-0) for recreation purposes as requested by the Recreation Department. This consists of \$210,100 in project costs and an additional \$28,650 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of

Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *Under the direction of the Recreation Director Tim Davis and the Southborough Recreation Department, said funds will be used to restore and renovate Kallander Field, to address significant drainage issues that plague the field.*

ARTICLE 20: To see if the Town will vote to appropriate \$300,000 for the restoration and preservation of the Historic St. Mark's Bell Tower located at 27 Main Street Southborough for Historic purposes. \$23,061.76 from the CPA Historic Preservation Reserve Fund and \$276,938.24 from CPA General Unreserved Fund. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *Under the direction of the St. Mark's Building Committee said funds will be used to restore and preserve the St. Marks Bell Tower in conformance with a Preservation Restriction held by the Massachusetts Historical Commission. The goal is to preserve St. Mark's Bell Tower for many future generations of Southborough residents to enjoy. Built in 1891 on land donated by Joseph Burnett, the tower has fallen into major disrepair over the years. Issues include water penetration, unevenly faced stones, cracked mortar joints, and stone slippage. Without restoration of the tower, the historic viewscape of our town will be forever changed. Satisfying the Community Preservation Act goal to preserve and maintain historic landmarks, this project would preserve the tower and keep its historical significance. St. Mark's Church is part of the Southborough Historical Commission project to add downtown Southborough to the State and National Register of Historic Places. The tower restoration project strictly falls under historic preservation and does not contain any religious depiction. This \$300,000 request is for partial funding of total project costs of \$565,000 with remainder raised by St. Mark's.*

ARTICLE 22: To see if the Town will vote to amend Section 9-24 "Qualification of elected and appointed officials" of the Town Code, by deleting the text in its entirety, and replacing with the following:

"All elected and appointed officials shall be qualified by the Town Clerk within 30 days of their election except where a different period is specified in the General Laws. If an appointed official is not qualified in this period, his/her appointment shall terminate, and the appointing authority shall be so notified by the Town Clerk."

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *Currently, elected and appointed officials have 15 days to be sworn in by the Town Clerk's office; this article will allow those officials additional time to be sworn in following their appointment or election. The current requirement of 15 days was found to be too limiting, as appointment dates often conflicted with the 4th of July holiday and summer vacations. The Board of Selectmen was having to reappoint certain positions multiple times due to the inability of individuals to be sworn in within the required timeframe.*

ARTICLE 23: To see if the Town will vote to adopt MGL c.90, Section 17C to allow the Board of Selectmen to reduce the statutory speed limit from 30MPH to 25MPH on any or all town-owned roadways in thickly settled or business district areas, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support

Summary: *This article provides the Selectmen with the authority to reduce speed limits on certain town-owned streets in the interest of public safety.*

ARTICLE 24: To see if the Town will vote to adopt MGL c.90, Section 18B to allow the Board of Selectmen to establish regulatory 20MPH safety zones on public streets within the Town of Southborough, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Not Support

Summary: *This article provides the Selectmen with the authority to establish safety zones on streets in the interest of public safety.*

ARTICLE 25: To see if the Town will vote to impose a .75% meals tax on the sales of restaurant meals by accepting Massachusetts General Laws, Chapter 64L, Section 2(a), or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support

Summary: *This article will require all local restaurants to charge an additional .75% in meals tax, which will come back to the Town as unallocated revenue through State Local Aid. Most other communities in our area have adopted this local option as well. The local meals tax has been identified as an additional revenue source to help alleviate increases to residential property taxes.*

ARTICLE 26: To see if the Town will vote to adopt as Chapter 9, Article IX Southborough Public Accessibility Committee, Sections 9.34 through 9.35 of the Town bylaws, the following:

Article IX Southborough Public Accessibility Committee

§9.34 Purpose

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee-1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.
- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)
- Massachusetts Service Animals Law – MGL Ch. 272 §§ 98A

Southborough supports a coordinated approach to monitoring and increasing public accessibility and ensuring compliance with local, state and federal requirements. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.

§9.34.A Establishment; Membership; Qualifications

There shall be a Southborough Public Accessibility Committee ("SPAC"), which shall consist of five voting members appointed by the Board of Selectmen, plus the non-voting, ex-officio members identified below. Any non-voting, ex-officio member shall not count toward the calculation of a quorum for the SPAC for voting purposes. Each voting member shall be a registered voter in the Town and shall not be a Town officer (where a "Town officer" means a Town official who serves in an elected position) or a Town employee (where a "Town employee" is any person holding a non-elected, paid position in the Town other than a volunteer who is deemed a Special Municipal employee solely for the purposes of MGL Chapter 268A).

The Board of Selectmen shall designate a Public Accessibility Coordinator ("Coordinator"), in consultation with the SPAC. The Coordinator shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned.

The Building Commissioner and Coordinator shall be ex-officio members of the SPAC.

§9.34.B Appointments; Terms

Voting members shall be appointed for two-year terms. The initial appointments shall be divided between one and two-year terms, so as to establish overlapping terms.

§9.34.C Organization

The voting SPAC members shall select annually, from among themselves by majority vote, a Chairman and a Secretary.

§9.34.D Funding

The SPAC shall have a budget, as may be approved through the Town's regular budget process, for consultants and other expenses. The SPAC shall submit its projected expenses annually as input to the Town's regular budget process. Any expenditures from the SPAC budget shall require a majority vote of the SPAC, and shall be subject to the Town's policies for such expenditures.

§9.35 Powers and Duties

The SPAC Powers and Duties include, but are not limited to, the following:

- To monitor and enhance the Town's compliance with all applicable laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public.
- In coordination with Town officers, departments, and other government entities, to endeavor to ensure that all Town citizens have equal access to:
 - Town government offices and communications
 - Public and commercial buildings
 - Programs
 - Goods and services
 - Transportation
 - Telecommunications, including the internet
 - Recreational facilities and programs
- To review existing and proposed facilities, programs, and projects undertaken by the Town, and to notify the responsible official or entity of its comments. The SPAC may request that other Town officials, committees, departments, and/or entities provide input to these reviews.
- To undertake public outreach and advocacy for accessibility in the Town,
- To periodically, but no less than once per calendar year, report to the Board of Selectmen and the Town Meeting on its activities and findings.
- To provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program.
- The SPAC (or its designee) shall maintain records of such concerns and their dispositions. To the extent permissible by law, the identities of persons raising such concerns shall be confidential, unless confidentiality is waived by such person.

, or act or do anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article replaces the current ad-hoc Accessibility Compliance Committee with a standing committee. The existing committee was established to address the issues raised by the 1990 Americans with Disabilities Act,*

and was thought to be needed for a short time. In the time since, regulations in this area have increased and public demand for accessibility has increased. Since the need has persisted for several decades, a standing committee that is not limited to the ADA is the more appropriate construct.

ARTICLE 27: To see if the Town will accept the provisions of Chapter 41, Sec. 110A of the Massachusetts General Laws “Office hours on Saturday”: “Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday.”

;or do or act anything in relation thereto.

Proposed by: TOWN CLERK

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *Acceptance of this provision of the General Law would extend a voter registration deadline which occurs on a Saturday to the following Monday.*

ARTICLE 31: To see if the Town of Southborough will vote to approve the Southborough Noise Bylaw proposal attached to this document, as amended, or do or act anything in relation thereto.

SOUTHBOROUGH NOISE BYLAW

1.1 Declaration of Policy

Whereas excessive sound can be a serious hazard to the public health and welfare and safety and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas the citizens of Southborough have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Southborough (the “Town”) to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens and/or degrade the quality of life.

It shall be unlawful for any person to make, continue to make, permit or cause to be made or continued, any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities. Furthermore, it shall be unlawful for any person who has custody and control of the premises to allow or permit another person to make, continue or permit to be made or continued any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities within the limits of the Town of Southborough.

1.2 Definitions

Except as may be specified herein, acoustical terminology used throughout this Bylaw is that approved as American National Standard Acoustical Terminology [ANSI S1.1-1994] by the American National Standards Institute (ANSI). The following words, phrases and terms as used in this Bylaw shall have the meanings as indicated below:

A. **BACKGROUND SOUND LEVEL** shall mean the sound level associated with a given environment, being a composite of sounds from all sources excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

B. **CONSTRUCTION** shall mean those activities requiring a building permit, and shall also include any site preparation, cemetery burial and caretaking operations, seismic surveys grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.

C. The abbreviation dBA shall mean the A-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals. The abbreviation dBC shall mean the C-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals.

D. **EMERGENCY VEHICLE:** shall mean any vehicle operated in an effort to protect, provide or restore public safety, including, but not limited to, ambulances, police vehicles and fire vehicles.

E. EMERGENCY WORK: shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service or any work performed for the purpose of preventing or alleviating the physical trauma or physical damage threatened or caused by an emergence – an occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

F. ENFORCING PERSON: shall mean any police officer, building official or public health official of the Town or any other Town employee designated by the Town Manager for this purpose.

G. IMPACT DEVICE: shall mean a construction device in which or by which a hammer, meaning a moving mass of hard solid material, is mechanically by means of a working fluid or compressed air caused to repetitively impact upon and transmit kinetic energy to a tool. The tool may be included as a part of the device, as in the case of a moil on a paving breaker or the drill steel of a jackhammer, or it may be a mass to which the impact device is temporarily connected as in the case of a pile and pile driver. Examples of impact devices are pile drivers, paving breakers, power impact hammers, impact wrenches, riveters and stud drivers.

H. INTRUDING NOISE: shall mean the total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.

I. PERSON: shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.

J. SOUND LEVEL: shall mean the instantaneous A-weighted sound pressure level, in decibels, (dBA) as measured with a sound level meter set to the “A” weighting scale, slow response. On the decibel scale a sound level increase of 10 means the sound is 10 times more intense or powerful.

Decibel levels of some common activities are listed below:

Sound Level - dB	Source
50 - 65	normal conversation
60 - 65	laughter
70	hair dryer, vacuum
V Increasing risk of hearing loss V	
80	garbage disposal
85 - 90	lawnmower
100	garbage truck
120	walk behind leaf blower
130	jet takeoff/landing
145	fireworks

K. SOUND LEVEL METER: shall mean an instrument meeting American National Standard Institute's (ANSI) Standard S1.4-1983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

1.3 Designated Noise Zones

The properties hereinafter described are hereby assigned to the following noise zones:

NOISE ZONE I: All properties utilized as residential uses in accordance with the Town of Southborough Zoning Bylaws and the grounds of any school, hospital or similar health care institution, house of worship or library while the same is in use, and any Cemetery or Open Space.

NOISE ZONE II: All other property used in accordance with the Town's Zoning Bylaw.

1.4 Exterior Noise Standards

It shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level when measured on complainant's property to exceed the greater of:

- A. The maximum allowable exterior sound level outlined in Table I; or
- B. Five dB over the background sound level.

Table 1. Maximum Allowable Exterior Sound Level		
Noise Level	Daytime level 7:00 AM to 10:00 PM	Nighttime level 10:00 PM to 7:00 AM
I	60 dBA	50 dBA
II	70 dBA	65 dBA

If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the background sound level can be determined, the measured sound level obtained while the source is in operation shall be compared directly to the maximum allowable exterior sound level outlined in Table I.

1.5 Construction Noise Standards

A. Noise associated with construction is permitted between 7:00 AM and 6:00 PM on weekdays and 9:00 AM and 5:00 PM Saturdays provided the sound level from:

1. Non-impact devices do not exceed 70 dBA as measured over a time interval of 1 minute with the sound meter set to slow located on any other property, but at least 50 feet from the construction activity;
2. Impact devices does not exceed 90 dBA as measured with a sound level meter set to slow response located on any other property, but at least 30 feet from the construction activity.

B. Between the hours of 6:00 PM and 7:00 AM on weekdays and Saturday, noise associated with construction, shall be limited by the standards of Section 1.4.

C. Construction activities shall not be allowed on Sundays or legal holidays.

1.6 Maintenance Noise Standards

A. Noise associated with maintenance is permitted between 7:00 AM and 6:00 PM on weekdays, 8:00 AM and 6:00 PM on Saturdays and between the hours of 9:00 AM and 6:00 PM on Sunday, provided the sound level does not exceed 70 dBA as measured with a sound level meter set to slow response on any other property, but at least 50 feet from the maintenance;

B. Between the hours of 6:00 PM and 7:00 AM on weekdays, 6:00 PM and 8:00 AM on Saturday and between the hours of 6:00 PM and 9:00 AM on Sunday or a legal holiday, noise associated with maintenance, shall be limited by the standards of Section 1.4.

1.7 Commercial Trash Collection and Deliveries or Pick-up

A. The operation of commercial trash compactors or collection of trash, rubbish, refuse or debris, which generates noise in excess of the criteria given in Section 1.4 at any point of public or common pass-by between the hours of 7:00 PM and 7:00 AM is prohibited.

B. Deliveries or pick-ups for commercial or business purposes between 10:00 PM and 6:00 AM are prohibited unless the noise level of such deliveries or pick-ups in nearby residential areas does not exceed the noise criteria listed in Section 1.4.

1.8 Motor Vehicles or Motorcycles

Motor vehicles or motorcycles operated on public ways in the Town of Southborough or in any place where the public has the right of access as invitees or licensees may not exceed a maximum sound level of 85 dBA. It is also in violation of the Bylaw to operate a motor vehicle or motorcycle without a sound-limiting device connected to the exhaust system. This prohibits so-called "straight pipe" exhaust systems. This section shall not include screeching sounds emitted from emergency braking. Measurement for the purposes of this Section shall be at a distance of 36 inches from the noise source.

1.9 Special Provisions

Noise associated with the following activities shall be exempted from the provisions of this Bylaw:

- A. Emergency work or emergency vehicles.
- B. The operation of any vehicular alarm provided it terminates within 15 minutes of the initially recorded complaint.
- C. Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events.
- D. The intermittent or occasional use, during the daytime, of homeowners' light residential outdoor equipment
- E. Snow removal performed by snow blowers, snow throwers or snow plows when appropriately outfitted with a muffler.
- F. Any activity to the extent regulation thereof has been preempted by Town, State or Federal Law or by agreement between Town, State or the Federal Government.

1.10 Prima Facie Violations

Any measured noise exceeding the sound level standards as specified in Sections 1.4 through 1.10 may be deemed by the enforcing person to be prima facie evidence of a violation of the provisions of this Bylaw.

1.11 Penalties for Violations

- A. Violations under Article 1, in the discretion of the enforcing person, may be enforced by non-criminal disposition as provided in MGL Chapter 40, Section 21D.
- B. The penalty for a violation under this Bylaw shall be \$100 for a first offense, \$250 for a second offense, \$500 for a third offense, and for each succeeding offense each day or part thereof shall constitute a separate offense.

Proposed by: PETER LAPINE, et al.

Board of Selectmen Recommendation: Not Support

Advisory Committee Recommendation: At Town Meeting

Summary: *As the population of Southborough grows, it has transitioned from a rural community to one that is more suburban. People move to Southborough to enjoy its natural beauty and peaceful environment. With increased housing density, practices of earlier times increasingly encroach upon the tranquility of Town residents, resulting in conditions characterized as being out of balance. There is an ever-growing requirement to place limits on these practices – a rebalancing - so that everyone, business owners and homeowners alike, may prosper. This article, a Noise Bylaw, seeks to harmonize the needs of Town residents with those of local business owners.*

ARTICLE 32: To see if the Town of Southborough will vote to pass a bylaw to reduce plastic waste

Section 1 Purpose and Intent

The production and use of single-use plastics such as polystyrene food packing and thin-film plastic checkout bags have significant impacts on the environment, including, but not limited to, contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. Additionally, polystyrene contains known

carcinogens, and readily leaches into certain foodstuffs. Measurable levels of polystyrene are now found almost 100% of human fat samples.

The purpose of this bylaw is to preserve the Town's water, wildlife and natural resources—as well as to enhance the health of its citizens—by banning within the Town of Southborough two of the largest contributors of non-recyclable plastics to the environment—single-use polystyrene retail food packaging and single-use plastic checkout bags—while promoting the adoption of more environmentally friendly alternatives.

Section 2 Definitions

“Polystyrene food packaging” – means any holder of food or beverage made from polystyrene, either in solid or foam (Styrofoam) form, such as cups, plates, or take-out containers, as well all other single-use plastic products made to facilitate the consumption of foods, such as straws, lids and utensils made from polystyrene or other non-compostable plastic materials.

“Checkout bag” – means a carryout bag provided by a 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 the consumer to deliver such items to the point of sale or checkout area of the store.

“Retail Store” – means any business facility that sells goods directly to the consumer whether for or not-for-profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, as well as seasonal and temporary businesses.

“Reusable checkout bag” – means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 mils in thickness.

“Thin-film single-use plastic bags” – are those bags typically with handles, 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), if said film is less than 4.0 mils in thickness

“Recyclable paper bag” – means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words “recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag

Section 3 Use Regulations

(A) Polystyrene food packaging shall not be distributed, used, or sold by any retail store within the town of Southborough.

(B) Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store within the Town of Southborough.

(C) If a retail store provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags. The retail store may charge for said bags.

(D) Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

(E) Violation of the By-Law to Reduce Plastic Waste: First offense – written warning; 2nd offense - \$100 per offense; 3rd and subsequent offenses - \$250 per offense.

Section 4 Effective Date

This bylaw shall take effect six (6) months following Town Meeting approval of the bylaw. Upon application of the owner or the owner's representative, the Board of Selectmen or their designee may exempt a retail store from the requirements of this section for a period of up to two (2) months upon a finding by the Board of Selectmen or their designee that (1) the requirements of this section would cause undue hardship; or (2) a retail store requires additional time in order to draw down an existing inventory of straws or checkout bags.

Section 5 Enforcement

Enforcement of this bylaw shall be the responsibility of the Board of Selectmen or their designee. The Board of Selectmen or their designee shall determine the monitoring process to be followed, which may be limited to responding to citizen reports, and incorporating the monitoring process into other town duties as appropriate. Any retail store distributing plastics in violation of this bylaw shall be subject to fines as described in Section 3 (E) above. Any such fines shall be paid to the Town of Southborough. No licenses shall be renewed for any establishment with outstanding violations under this section.

Section 6 Severability

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

; or to do or act anything in relation thereto.

Proposed by: MICHAEL WEISHAN, ET AL.

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *This proposed bylaw would make a marked contribution to the health of both the citizens of Southborough and the overall environment by banning single-use plastic bags, Polystyrene cups, straws, utensils etc. at all retail establishments in Southborough.*