

*Manchester by the Sea*  
**ARTICLE X POLICE and OTHER REGS**

D. The Board of Selectmen may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in M.G.L. C. 268, §1, in the business or activity conducted in or on said property.

E. As limited by M.G.L. C. 40, §57, this bylaw shall not apply to licenses and permits for the following: open burning; bicycles permits; sales of articles for charitable purposes; children work permits; clubs, associations dispensing food or beverage licenses; dog licenses; fishing, hunting, trapping licenses; marriage licenses; and theatrical events, public exhibition permits. **[Added 2013]**

**SECTION 41: Stretch Energy Code**

A. Adoption. The Town of Manchester-by-the-Sea has adopted the provisions of 780 CMR 115.AA (i.e., Appendix 115.AA of the State Building Code or the "Stretch Energy Code"), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

B. Purpose. The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code. **[Added 2013]**

*Art X* **SECTION 42: Plastic Bag Reduction**

A. Purpose and Intent

The production and use of thin-film single-use plastic bags have significant impacts on the marine and land environment of all coastal communities, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to our solid waste collection and recycling facility; clogging our storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this legislation is to eliminate the usage of thin-film single-use plastic bags by all retail establishments in the Town of Manchester-by-the-Sea.

B. Definitions

"Thin-film single-use plastic bags" means bags with integral handles and a thickness of 2.5 mils or less that are intended to be used for the transport of products purchased at a retail establishment. .

"ASTM D6400 standard" means the testing standard developed by the American Society for Testing and Materials for compostable plastics.

“Biodegradable bag” means a bag that: 1) contains no polymers derived from fossil fuels; and 2) is intended for single use and will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.

Reusable bag” means a bag that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

#### C. Use Regulations

Thin-film single-use plastic bags shall not be distributed or sold at any retail establishment within the Town of Manchester-by-the-Sea.

Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail establishments may provide reusable or biodegradable thick plastic, paper, fabric or other types of bags at no charge, or charge a fee for paper or other bags, as they so desire. Retail establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are exempt from the provisions of this By-law.

#### D. Administration and Enforcement

Retail establishments may apply to the Board of Selectmen for approval of new single-use bag products, as they come on the market, that meet, or exceed the ASTM D6400 standard .

The Police Department will be the enforcement agent for this by-law and is authorized to issue notice of violation.

This by-law may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to GL. C. 40 section 21D. Fines for civil penalties shall be issued as follows: 1) \$50 per day for each day the violation persists; 2) \$100 per day for each day that a new violation occurs after the resolution of the first violation; 3) \$200 per day for each day of any future violations that occur after the resolution of the second violation.

#### E. Enactment

This new By-law shall go into effect as of July 1, 2013.

[Added 2013]