

ARTICLE 8

To see if the Town will vote to adopt a Polystyrene Reduction bylaw, or to take any other action in relation thereto:

PROPOSED MOTION

I move that the Town vote to adopt the following Polystyrene Reduction bylaw:

ARTICLE 8C: Polystyrene Reduction Bylaw

SECTION 1.

"Director", the Director of Public Health Services or the Town Manager/Board of Selectman designee.

"Disposable Food Service Container" means single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages, including without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a food establishment. This includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, or utensils. It does not include single-use disposable packaging for unprepared foods.

"Food Establishment" means any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a food establishment for purposes of this ordinance.

"Expanded Polystyrene" means blown polystyrene (polystyrene that has been expanded or "blown" using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blow molding (extruded foam polystyrene).

"Prepared Food" means any food or beverage prepared on the food establishment's premises, using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten on or off the food establishment's premises.

SECTION 2.

Food establishments are prohibited from dispensing prepared food to customers in disposable food service containers made from expanded polystyrene.

SECTION 3.

(a) The Director may promulgate rules and regulations to implement this section.

(b) Each Food Establishment as defined in Section 1, above, located in the Town of Shrewsbury shall comply with this by-law.

(1) If it is determined that a violation has occurred the Director shall issue a warning notice to the Food Establishment for the initial violation.

(2) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the Food Establishment.

(3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:

A) \$50 for the SECOND offense paid with 21 days to the Department of Health

B) \$100 for the THIRD offense and all subsequent offenses.

(4) No more than one (1) penalty shall be imposed upon a Food Establishment within a seven (7) calendar day period.

(5) A Food Establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

(6) All subsequent offenses may be penalized by a non criminal disposition as provided in the General Laws, Chapter 40, Section 21D

All of the requirements set forth in this by-law shall take effect January 1, 2020. In the event that compliance with the effective date of this by-law is not feasible for a Food Establishment because of either unavailability of alternative food service containers or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth above.

DESCRIPTION

This is a citizen's petition article brought by Ramesh Razdan, 94 Stoney Hill Road, Shrewsbury, MA. The Town Clerk has certified that at least 100 eligible voters have signed the petition requesting it be placed on this Warrant.

ARTICLE 9

To see if the Town will vote to amend Section IX (A.) – Establishment of Board of Appeals/Special Permit Granting Authority of the Zoning By-Law of the Town of Shrewsbury or taking any action in relation thereto:

PROPOSED MOTION

I move the Town vote to amend Section IX (A.) – Establishment of Board of Appeals/Special Permit Granting Authority of the Zoning By-Law by: