

Article 18- Expanded Polystyrene Food and Beverage Containers Prohibited

To see if the Town will vote to amend the Town of Dennis General Bylaws by adding a new Chapter: Environmental Hazards, Reduction of Waste

Expanded Polystyrene Food and Beverage Containers Prohibited

Purpose and Intent

A. Expanded polystyrene food and beverage containers form a significant portion of the solid waste stream going into our transfer station. Expanded polystyrene food and beverage containers are not biodegradable. The elimination of expanded polystyrene food and beverage containers is in the best interest of the health and welfare of the inhabitants of the Town of Dennis.

B. This bylaw shall take effect twelve (12) months following the effective date of the bylaw to allow time for Restaurants and Retail Food Establishments to use their existing inventory of Expanded Polystyrene food or beverage containers and to convert to alternative materials.

DEFINITIONS

As used in this article, the following terms shall have the meanings indicated:

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

“Expanded Polystyrene” shall mean 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), sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam.

“Food Establishment” shall mean an 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 bylaw.

“Prepared Food or Beverage” shall mean any food or beverage prepared on the restaurant and/or retail food establishment’s premises using any cooking or food preparation technique. Prepared

food shall 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.

USE REGULATIONS

Expanded Polystyrene food or beverage containers shall not be used as Disposable Food Service Containers by Food Establishments within the Town of Dennis. This bylaw only applies for Prepared Food or Beverage, and shall not apply to the packaging of uncooked meat, uncooked poultry, and/or uncooked fish.

List of available alternatives

Not later than sixty (60) days following approval hereof by the Attorney General, the Board of Health shall adopt a list of available suitable affordable biodegradable/compostable or recyclable alternatives for each product type, which the Board of Health shall be updated regularly.

Enforcement; Violations and Penalties

A. This bylaw may be enforced by any Town police officer, enforcement officers or agents of the Board of Health.

B. This bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, noncriminal disposition pursuant to MGL Ch. 40 § 21D, and the appropriate chapter of the General Bylaws of the Town of Dennis. If noncriminal disposition is elected, by the Board of Selectmen in its enforcement policies then any establishment which violates any provision of this bylaw shall be subject to the following penalties.

(1) First offense: \$50 fine.

(2) Second offense: \$100 fine

(3) Third and subsequent offense: \$200 fine.

C. Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offence.

D. The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any Food Establishment failing to comply with this bylaw.

Or take any other action relative thereto;

(By The Selectmen)

Finance Committee: Voted 6-1-0 to recommend the article.