



TOWN OF WAYLAND

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ANNUAL TOWN MEETING VOTE CERTIFICATE

At a legal meeting of the qualified voters of the TOWN OF WAYLAND, held on April 2nd, 2017, the following business was transacted under Article 24:

ARTICLE 24: POLYSTYRENE FOOD CONTAINER BYLAW

Voted that the Town vote to amend the Code of the Town of Wayland, by adopting a General Bylaw entitled "Polystyrene Food Container Bylaw" as set forth in Article 24 on Pages 81 through 82 of the Warrant for the 2017 Annual Town Meeting.

Section 1. Purpose and Intent

Polystyrene contains dangerous substances which when heated release toxic chemicals that may be carcinogenic. Eliminating polystyrene food and beverage containers is in the best interest of the health and welfare of the inhabitants of the Town of Wayland. Expanded polystyrene food containers form a significant portion of the solid waste going into our landfills. Polystyrene is not biodegradable; once buried in a landfill it will remain there for centuries.

Section 2. Definitions

1. "*Disposable Food Service Container*" means single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers. This definition includes single-use disposable items such as straws, cup lids, or utensils.
2. "*Food Establishment*" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Food Establishment shall include any fixed or mobile place, structure or vehicle whether permanent, transient, or temporary, private, public or non-profit, routinely serving the public; or any other eating and drinking establishment or place in which food or drink is prepared for sale or for service to the public on the premises or elsewhere. School cafeterias are included in this ordinance.
3. "*Polystyrene*" means and includes blown polystyrene and expanded and extruded foams (sometimes called "Styrofoam," a Dow Chemical Co. trademarked form of EPS insulation) also referred to as expanded polystyrene (EPS), 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); and in this bylaw is referenced as "Foam Polystyrene." Foam Polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. The term also means and includes clear or solid polystyrene which is also known as "oriented," and referenced in this bylaw as "Rigid Polystyrene." "Rigid Polystyrene" is generally used to make clear clamshell containers, and clear or colored straws, lids and utensils.
4. "*Prepared Food*" means any food or beverage prepared on the Food Establishment's premises for consumption on the premises or elsewhere, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

5. BOH means the Board of Health or the Board of Health's designee, which may be the Health Department.

6. This bylaw shall be known as the *Polystyrene Food Container Bylaw*.

Section 3. Use Regulations

Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in Disposable Food Service Containers made from Polystyrene.

Section 4. Effective Date

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or January 1, 2018, whichever is later. Upon application of the owner or the owner's representative, the Board of Health may exempt a food establishment from the requirements of this section for a period of up to six (6) months upon a finding by the Board of Health that (1) the requirements of this section would cause undue hardship; or (2) a food establishment requires additional time in order to draw down an existing inventory of polystyrene disposable food service containers.

Section 5. Enforcement

5.1 Enforcement of this bylaw shall be the responsibility of the Board of Health. The Board of Health shall determine the monitoring process to be followed, which may be limited to responding to citizen reports, and/or incorporating inspections into existing food establishment inspections.

5.2 Any food establishment in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Section 2-2 of the bylaws, Noncriminal disposition of violations; enforcement. Any such fines shall be paid to the Town of Wayland.

5.3 Section 2-2 is amended to add a new section as follows:

Violation of the Polystyrene Food Container Bylaw.

- (1) Penalty: 1st offense – Warning;
2nd offense - \$50 per day; 3rd and each subsequent offense - \$100 per day.

- (2) Enforcing persons: BOH

Section 6. Severability

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

VOTED:

IN FAVOR: 167
OPPOSED: 22 MOTION PASSED

A true copy, Attest:



Beth R. Klein
Town Clerk