

ARTICLE 3 -26

POLYSTYRENE RESTRICTIONS **(10/2019)**

Section I Purpose

The purpose of this By-Law is to reduce the use of polystyrene in the Town of Hanson.

Section II Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

Disposable food service container shall mean 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. It does not include single-use disposable packaging for unprepared foods.

Food establishment shall mean 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 division.

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).

Prepared food shall mean 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 III Regulated Conduct

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

Section IV Enforcement

- a. The Board of Health and its Health Agent shall have the authority to administer and enforce this By-Law.
- b. For the first violation, the enforcing authority, upon a determination that a violation has occurred, shall issue a written warning notice to the establishment specifying the violation. c. The following penalties shall apply:
 - 1. A fine of \$50 shall apply for the first violation following the issuance of a written warning notice.
 - 2. A fine of \$100 shall apply for the second violation and each additional violation of this By-Law after the issuance of a written warning notice.
- c. Fines shall be cumulative and each day on which a violation occurs shall constitute a separate offense.

Section V Effective Date

- a. This By-Law shall take effect July 1, 2020.

Section VI Regulations

- a. The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this By-Law.

Section VII Severability

- a. If any provision of this By-Law is declared invalid or unenforceable the other provisions shall not be affected thereby.

(10/2019)