



ELISABETH E. HORAN  
INTERIM TOWN CLERK

# TOWN OF FAIRHAVEN TOWN CLERK'S OFFICE

TOWN HALL · 40 CENTER STREET · FAIRHAVEN, MA 02719

ANNUAL TOWN MEETING - SATURDAY, MAY 6, 2023  
WALTER SILVEIRA AUDITORIUM- ELIZABETH HASTINGS MIDDLE SCHOOL  
TOWN MEETING MEMBERS PRESENT 217 – QUORUM REQUIRED 100

## ARTICLE 21: AMEND BYLAWS, CHAPTER 164 SOLID WASTE

By majority vote, the Town voted to amend The Town of Fairhaven General By-Laws Chapter 164 Solid Waste by adding a new section, § 11, **Single-Use Plastic Reduction** as follows, or to take any other action relative thereto effective January 1, 2024.

### **A. Purpose**

The Town seeks to reduce and eliminate the use of single-use plastic bags, polystyrene and expanded polystyrene (Styrofoam) disposable food containers, and to promote the use of reusable alternatives. This bylaw is enacted to protect the health, safety and welfare of the inhabitants of the Town by protecting the environment, advancing solid waste reduction, reducing greenhouse gas emissions, and protecting waterways.

### **B. General Prohibition and Regulation.**

No retail establishment, retail food establishment, nonprofit and/or Town facility food provider shall transfer merchandise to end consumers in a thin- film single-use plastic bag, and shall only use check-out bags that are:

- a. Reusable checkout bags
- b. Recyclable paper bags.

1. No retail establishment, or retail food establishment, nonprofit and/or Town facility food provider shall transfer prepared food to consumers in polystyrene or expanded polystyrene disposable food service ware. No retail establishment shall sell cups, coolers, ice chests, or similar containers made in whole or in any part with foam polystyrene that is not wholly encapsulated within a more durable material.

2. No retail establishment, or retail food establishment, nonprofit and/or Town facility food provider shall automatically provide single use plastics straws, stirrers, splash sticks, or cutlery to customers unless requested by the customer for health reasons or other.

**C. Penalties and enforcement.**

1. Any person, firm or corporation who violates or refuses to comply with any applicable provision of this bylaw shall be fined a sum not to exceed two-hundred dollars (\$200) for each such violation.

2. This bylaw may be enforced by the Town Administrator or his/her designee or the Health Agent by the noncriminal disposition method under MGL c. 40, § 21D, in which case the penalties shall be as follows: first violation – written warning, second violation fifty dollar (\$50), third one-hundred dollars (\$100), and subsequent violations two-hundred dollars (\$200) each day that any violation is permitted to exist after written notification thereof by the Town Administrator or his/her designee or Health Agent shall constitute a separate offense. The Town shall be the beneficiary of all fines and penalties paid, including the costs of prosecuting any legal action if allowable by law.

Exemptions. This bylaw shall not apply to the following items:

1. Flexible transparent covering (commonly referred to as "plastic wrap").
2. Thin-film plastic bags used to contain produce, dry cleaning, dog waste or newspapers.
3. Foods or merchandise prepared or packaged outside the Town of Fairhaven for transfer to consumers in the Town of Fairhaven.

**A TRUE COPY, ATTEST:**



**ELISABETH E. HORAN, INTERIM TOWN CLERK**