



*Town of Mansfield*  
6 Park Row, Mansfield, Massachusetts 02048  
*Town Clerk*  
Marianne E. Staples, CMMC

To Whom It May Concern:

This is to certify that the following is a vote taken at the June 23, 2020 session of the April 14, 2020 Annual Town Meeting. Said meeting was held at the Xfinity Center, 885 South Main Street, Mansfield, Massachusetts. There was a quorum present and voting.

ARTICLE 33

To see if the town will vote to amend the town bylaws to the extent necessary to eliminate the distribution of polystyrene containers by all food establishments in the Town of Mansfield.

**Polystyrene Container Reduction Proposed**

Purpose and intent.

This bylaw is enacted for the purpose of eliminating the distribution of polystyrene containers by all food establishments in the Town of Mansfield:

- A. Whereas, the Town has a duty to protect the health of its citizens and thenatural environment.
- B. Whereas, Styrofoam is the brand name for polystyrene (Dow Chemical Co.), asynthetic plastic that biodegrades so slowly (hundreds of years) it is consideredto be nonbiodegradable.
- C. Whereas, expanded polystyrene containers are not part of the Town's regularrecycling program.
- D. Whereas, styrene, the key ingredient in expanded polystyrene, was recentlyadded to the National Toxicology Program's list of carcinogens (United StatesDepartment of Health and Human Services). Styrene can leach from polystyrenecontainers into food and beverages. It has become a major component of plasticdebris in the ocean and animals often mistake it for food. It is also hazardous tomarine life, transferring toxic chemicals to the food chain.
- E. Whereas, several communities in Massachusetts have banned disposablefood service containers, including Amherst, Brookline, Chelmsford, Great Barrington, Nantucket, Somerville, South Hadley, Williamstown as well as majorcities such as Los Angeles, Chicago, Miami Beach, New York City, Portland, andSeattle. This bylaw is patterned after similar ones enacted in Massachusetts.F. Whereas, appropriate alternative

products are readily available from vendors and are already being used by many of our businesses.

§ Effective date. This bylaw shall take effect January 1, 2021.

§ Definitions.

### **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, cups, lids, straws, and utensils. It does 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 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). The term also includes clear or solid polystyrene, which is also known as "oriented," or referenced in this bylaw as "rigid polystyrene." Rigid polystyrene is generally used to make clear clamshell containers, lids, and cutlery.

### **FINEABLE OFFENSE**

Is defined as a knowing common use of item or items restricted by the bylaw. Common use refers to item or items that are part of one's normal or daily use.

### **FOOD ESTABLISHMENT**

Shall mean any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105CMR 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**

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.

### **TOWN FACILITY**

Shall mean any building, structure, land, or recreational area owned, leased, or operated by the Town of Mansfield.

§ Prohibitions.

A. Except as provided herein, food establishments are prohibited from dispensing prepared food and drink in disposable food service containers made from expanded polystyrene. All food establishments are strongly encouraged to use reusable food service containers and cutlery, and when possible biodegradable, compostable alternatives. Compostable materials must meet ASTM (American Society of the International Association for Testing and Materials) Standards for compostability.

B. Town departments or agencies shall not purchase or use disposable food service containers made from expanded polystyrene while in the performance of official Town duties.

C. Individuals, contractors, vendors, or other entities shall not use disposable food service containers made from expanded polystyrene in a Town facility or Town property while acting or performing under a Town contract, lease, license, permit, grant, or other agreement.

D. Nothing in this section shall prohibit someone from purchasing or using said containers for personal use, nor shall it prohibit any individual from purchasing or using said containers for a private function or when serving food on property owned by that person.

§ Variance.

A. Any food establishment or Town Department and its agencies may make a written application to the Board of Health for a variance from this bylaw.

B. Every application for a variance is subject to a public hearing. Notice of the hearing shall be posted as part of a public notice of the Board of Health meeting at which the application will be considered. Notice shall be posted 5 business days, or the maximum allowed under current bylaws, before the meeting.

C. By vote of a majority of its full authorized membership, the Board of Health may grant a variance only in cases where a suitable biodegradable, compostable, reusable or recyclable alternative does not exist for a specific usage, and/or enforcement of this bylaw would cause undue hardship to that food establishment or Town Department.

D. A variance may be granted for up to six months and extended for like periods upon submission of a renewal application.

E. Any variance granted by the Board shall be in writing.

F. A copy of the variance granted under this section shall be available for public inspection on the premises for which it is issued.

§ Enforcement, penalties and fines.

A. Enforcement. The Town Health Director or its designee shall have primary responsibility for enforcement of this bylaw. This shall include:

establishment of regulations or administrative procedures, inspections, and issuance of citations for violations.

B. Penalty for violation.

(1) Whoever violates any provision of this bylaw shall be punished as follows:

first offense: \$100; second offense: \$200; third and subsequent offenses:

\$300 for each offense.

(2) Offenses occurring within two years of the date of first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense. Nothing contained herein shall preclude the Board of Health from seeking equitable relief to enforce this bylaw.

C. Noncriminal disposition. In addition to the procedure for enforcement as described above, the provisions of this bylaw may also be enforced by noncriminal disposition, as provided in Massachusetts General Laws, Chapter 40, § 21D. The penalty for such violation shall be \$25 for the first offense, \$50 for the second offense, and \$100 for the third and each subsequent offense.

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

SPONSOR: Barry Cioe, 12 Deer Path Circle

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*Explanation: No explanation provided.*

### ARTICLE 33 - VOTE

I move that the town vote to amend the town bylaws to the extent necessary to eliminate the distribution of polystyrene containers by all food establishments in the Town of Mansfield.

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**PASSED BY A MAJORITY SHOW OF HANDS**

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Marianne E. Staples  
Town Clerk