



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 32

To see if the town will vote to amend the Town's Bylaws to the extent necessary to eliminate the automatic distribution of single-use plastic straws and stirrers by all business establishments in the Town of Mansfield, except upon request. The production and use of single-use plastic straws and stirrers have significant impacts on the environment, including, but not limited to: contributing to pollution of the environment; creating a burden to solid waste collection and recycling facilities; entering storm drains that lead to waterways leading to the ocean causing the potential death of marine animals through ingestion; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

Plastic Straw/Stirrer Reduction Proposed Bylaw

§ n. Purpose and intent.

This bylaw is enacted for the purpose of eliminating the automatic distribution of single-use plastic straws and stirrers by all business establishments in the Town of Mansfield, except upon individual customer request. The production and use of single-use plastic straws and stirrers have significant impacts on the environment, including, but not limited to: contributing to pollution of our land and ocean environments; creating a burden to solid waste collection and recycling facilities; entering storm drains that lead to waterways leading to the ocean causing the harm and potential death of marine animals through ingestion; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

§ n. Definitions.

BUSINESS ESTABLISHMENT — Means the following businesses as defined in the Mansfield Zoning Bylaw: a retail store; supermarket; general department store; restaurant; and take-out restaurant serving liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption, not including nursing homes or nursing care or assisted living facilities or doctors or nurses or emergency medical technicians providing straws to patients.

TOWN-SPONSORED EVENT — Means any event organized or sponsored by the Town of Mansfield or any department of the Town of Mansfield.

PLASTIC BEVERAGE STRAW — Means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. "Plastic beverage straw" includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from nonplastic materials, such as, but not limited to, paper, sugar cane, hay, and bamboo.

PLASTIC STIRRER — Means a device that is used to mix beverages, intended for only

one-time use, and made predominantly of plastic derived from either petroleum or abiologically based polymer, such as corn or other plant source. "Plastic stirrer" includes compostable and biodegradable petroleum or biologically based polymer stirrers, but does not include stirrers that are made from nonplastic materials, such as, but not limited to, paper, sugar cane, and bamboo.

§ n. Use regulations.

A. Effective January 1, 2021, plastic beverage straws and plastic stirrers shall not be used or dispensed or sold except upon request in conjunction with the serving by business establishments or at any town-sponsored event of liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

B. Nothing in this bylaw prohibits the sale of plastic straws by supermarkets and general department stores in packages not in conjunction with the service of liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

C. Nothing in this bylaw prohibits customers from using their own straws of any material for personal use in any business establishment.

§ n. Enforcement.

A. The Health Agent or its designee is hereby designated and authorized as the officer charged with the enforcement of this bylaw.

B. Penalty for violation.

(1) Whoever violates any provision of this bylaw shall be punished as follows: first offense: written warning; second offense: \$50; third and subsequent offenses: \$100 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 Health Agent 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 a written warning for the first offense, \$50 for the second offense, \$100 for the third offense and each subsequent offense.

D. Hearing to suspend or revoke food service permit. The Health Agent, after a hearing may suspend or revoke the food service permit for any business establishment failing to comply with this bylaw.

SPONSOR: Lisa Morley, 154 Essex Street

Explanation:

What does the Bylaw do?

As of January 1, 2021, businesses in Mansfield cannot automatically include plastic straws or plastic stirrers in a customer's order for dine-in, drive-through, take-out or delivery. These items can only be provided upon customer request.

Which businesses does this apply to?

All retail food and beverage establishments are required to comply, including sit-down and fast food restaurants, food carts, bars, coffee and tea shops, grocery stores, convenience stores, hotels and motels, caterers and food service contractors. This includes any event organized or sponsored by the Town of Mansfield or any department of the Town of Mansfield.

Does this law apply to drive-thrus?

Yes.

What if myself or someone that I know has a need for a straw, can we still get a straw?

Yes. You can be provided a straw upon request.

Can establishments just leave these items (plastic straws, plastic stirrers) out for customers to help themselves?

No. Establishments may not leave plastic straws or plastic stirrers out for self-service (i.e passive distribution). Plastic straws/stirrers must be kept “behind the counter” and only provided upon the customer’s request.

Does this law ban plastic straws or plastic stirrers?

No. This law does not prohibit or make these items illegal in Mansfield. It only regulates how they are distributed or provided to customers. These items can only be provided upon customer request.

Can items that aren’t single-use plastic be given out? Like paper straws?

Yes. This law does not prevent any establishment from providing paper or non-plastic straws/stirrers without a request.

What about items like prepackaged juice boxes with plastic straws? Are those banned?

Any beverage packaged outside of Mansfield is exempt from the requirements of the law. So juice boxes and similar items with plastic straws attached can still be served.

What about signs for customers?

We suggest (but do not require) posting a sign to let customers know they need to ask for these items.

Who is put in charge of enforcing the reduction?

The Town of Mansfield Health Agent, Amy Donovan-Palmer. adpalmer@mansfieldma.com. Phone: 508-261-7366. First offense: written warning; second offense: \$50; third and subsequent offenses: \$100 for each offense

ARTICLE 32 - VOTE

I move that the town vote to amend the Town’s Bylaws to the extent necessary to eliminate the automatic distribution of single-use plastic straws and stirrers by all business establishments in the Town of Mansfield, except upon request. The production and use of single-use plastic straws and stirrers have significant impacts on the environment, including, but not limited to: contributing to pollution of the environment; creating a burden to solid waste collection and recycling facilities; entering storm drains that lead to waterways leading to the ocean causing the potential death of marine animals through ingestion; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

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PASSED BY A UNANIMOUS SHOW OF HANDS

Marianne E. Staples
Town Clerk