

## Selectboard warrant article to amend Section 49: Commercial Single Use Plastic Bottle Ban

### Recycling Committee Recommendation

The Selectboard amendment, as written, would ban milk, fruit juices, cider, and iced tea in plastic containers of less than one gallon.

We do not think plastic milk, juice, cider, or iced tea bottles in take-home plastic bottle sizes should be included in this amendment ban.

Please consider retaining the plastic water bottle paragraph as is, and adding a separate paragraph for the sale of non-alcoholic carbonated and/or flavored beverages.

A ban on plastic water bottles less than 1 gallon is appropriate since tap water is readily available.

A ban on plastic beverage bottles of less than 21 oz, as NYC did in their municipal city plastic bottle ban, would target single-serve soda and beverage bottles specifically. Another option is to ban bottles less than 34 oz (less than 1 quart or 1 liter), as W. Tisbury and other MVY towns have done.

### **Section 49. Commercial Single Use Plastic Bottle Ban**

#### 1: Sale of Single-use Plastic Water Bottles

Effective on September 1, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Wellfleet. Enforcement of this regulation will begin September 1, 2021.

#### Section 2. Sale of Single Use Plastic Flavored Beverage Bottle Ban

Effective on May 1, 2023, it shall be unlawful to sell carbonated and/or flavored beverages in single-use plastic bottles of less than ????. Enforcement of this regulation will begin May 1, 2023.

#### Section 3. Definitions

A single-use plastic bottle is a beverage container made from any type of plastic resin.

#### Section 4. Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the ability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

#### Section 5. Enforcement

Enforcement of this article shall be the responsibility of the Town Administrator or his/her designee. The Town Administrator shall determine the inspection process to be followed,

incorporating the process into other Town duties as appropriate. Any establishment conducting sales in violation of this article shall be subject to a non- criminal disposition fine as specified in G.L. Chapter 40 21D. The following penalties apply:

- First violation: Written Warning
- Second violation: \$150.00 fine.
- Third and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Wellfleet. All businesses will be routinely inspected until the Town Administrator deems the inspection to no longer be required.

## SELECTBOARD SECTION 49 AMMENDMENT

### **Section 49. ~~Commercial Single-Use Plastic~~ Non-Alcoholic Beverage Water Bottle Ban.**

#### **~~Section 1:~~ Sale of Single-use Plastic ~~Water~~ Bottles**

~~Effective on September-May 1, 2023~~, ~~the Commerical Single Use Plastic Water Bottle Ban will be amended as printed. Effective May 1, 2023~~ it shall be unlawful to sell bottled non-alcoholic beverages non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Wellfleet.

Enforcement of this regulation will begin ~~on May~~September 1, 2023~~+~~.

#### **~~Section 2.~~ Definitions**

A single-use plastic bottle is a beverage container made from any type of plastic resin.

#### **~~Section 3.~~ Exemptions**

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring ~~subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the ability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.~~

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