

*START DATE AFTER  
Legal Posting  
10/10/19*

**TOWN OF SWAMPSCOTT  
OFFICE OF THE TOWN CLERK  
SUSAN J. DUPLIN**

**COPY OF VOTE AS RECORDED AT THE ADJOURNED MAY 21, 2019  
ANNUAL TOWN MEETING**

**ARTICLE 29 ADOPTION OF BYLAW PROHIBITING SINGLE USE PLASTIC STRAWS  
AND PLASTIC BEVERAGE STIRRERS**

**VOTED as Amended** that the Town amend the General Bylaws of the Town of Swampscott by inserting a new bylaw entitled, Single Use Plastic Beverage Straw and Stirrer Reduction in Business Establishments, as follows, and to authorize the Town Clerk to assign appropriate numbering therefor:

**ARTICLE XXV. Single Use Plastic Beverage Straw and Stirrer Reduction in Business Establishments**

**Section 1. Purpose and Intent**

This bylaw is enacted for the purpose of eliminating the distribution of single use plastic straws and stirrers by all Business Establishments in the Town of Swampscott. 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 land 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.

**Section 2. Definitions**

"Business Establishment" means the following businesses: a retail store; supermarket; general department store; bar, tavern, lounge; 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 Swampscott or any department of the Town of Swampscott.

"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 non-plastic materials, such as, but not limited to, paper, sugar cane, 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 a biologically 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 non-plastic materials, such as, but not limited to, paper, sugar cane, and bamboo.

### **Section 3. Use Regulations**

A. Plastic Beverage Straws and Plastic Stirrers shall not be used or dispensed or sold 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. The Town of Swampscott shall accept from Business Establishments any stock remaining after that date for disposal free of charge through January 30, 2020, at the DPW.

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.

### **Section 4. Enforcement**

A. This Bylaw may be enforced by any agents of the Board of Health. This Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c.40, §21D and Article XII of the Town's General Bylaws. If non-criminal disposition is elected, then any Business Establishment which violates any provision of this regulation shall be subject to the following penalties:

First Offense:	Written warning
2nd Offense:	\$50 fine
3rd Offense:	\$100 fine
4th and Subsequent Offenses:	\$300 fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

### **Section 5. Severability**

If any provision of this Bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby.

, or take any other action relative thereto.

**ARTICLE 29. APPROVED AS AMENDED. MAJORITY VOTE/PASSED**

**5/21/19 ATM**