

The following is a certified copy of Article #41 and the "DOINGS" thereof from the Special Town Meeting of October 31, 2020:

ARTICLE 41. COMMERCIAL USE – SINGLE USE PLASTIC WATER BOTTLE BAN

To see if the Town will vote to adopt the following as a General Bylaw and to insert it into the Code of the Town of Orleans, Massachusetts, Chapter 129 Section 129-2.

Section 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 Orleans. Enforcement of this regulation will begin September 1, 2021.

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 availability 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 4. Enforcement

Enforcement of this article shall be the responsibility of the Board of Health or its designee. The Board of Health 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 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 Orleans.

All businesses will be routinely inspected until the Board of Health deems the inspection to no longer be required.

Or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #41 as printed in the warrant.

ACTION: Motion passes by necessary simple majority.

A TRUE COPY, ATTEST:

Cynthia S. May, Town Clerk