

ARTICLE 3: To see if the Town will vote to approve the following bylaw and take any other action relative thereto:

Plastic Water and Soft Drink Bottle Bylaw

Section 1: Findings and Purpose

Water and soda bottles made of plastic are hazardous to health, economy, and the environment. The purpose of this bylaw is to restrict the sale and distribution of such bottles.

For example:

1. Plastic bottle waste is overwhelming society's ability to manage it. Americans discard an estimated 30 million tons of plastic annually, with only 8 percent recycled.
2. Chemical components of plastic are detected in biological systems, including human beings. Exposure comes through food, water, and clothing, and has been associated with a range of health effects.
3. More than 8 million tons of plastic flows into our oceans annually, impacting wildlife and breaking down into smaller and smaller pieces, called micro-plastics.
4. Micro-plastics are found in the fish and shellfish we eat, and in the bottled water we drink.
5. Action is occurring worldwide to address this problem. Regionally, Nantucket and several MA towns have banned plastic water bottles.
6. Action on Martha's Vineyard includes placement of water bottle refill stations in every school and in public places. More are planned.
7. This Island community has an opportunity to provide leadership to reduce reliance on plastic. It is the right thing to do for the sake of our food, our water, our health, and our planet.

Section 2: Regulated Conduct

2.1 It shall be unlawful to sell or distribute (a) non-carbonated, unflavored water, and (b) soft drinks in plastic (including polyethylene terephthalate – PET) bottles of less than 34 ounces in the Town of West Tisbury. For the purposes of this bylaw, 'soft drink' means any beverage containing carbonated water, a sweetener (including fruit juice) and/or a flavoring.

2.2 Sales or distribution of drinking water in plastic bottles occurring subsequent to a declaration (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) of an emergency 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 3: Enforcement Process and Violations

3.1 Enforcement of this bylaw shall be the responsibility of the Board of Health or its designee(s). The Board of Health shall determine the inspection process and shall incorporate the process into other Town duties as appropriate.

3.2 Any person, individually or by his servant or agent, who violates any provision of this bylaw may be penalized by a non-criminal disposition pursuant to G.L. Chapter 40, Section 21D and the Town's non-criminal disposition bylaw. The following penalties apply:

- first violation: written warning
- second violation: \$50 fine
- third and subsequent violations: \$100 fine

Each day the violation continues constitutes a separate violation.

Section 4. Suspension of the Bylaw

4.1 If the Board of Health determines that the cost of implementing and enforcing this bylaw has become unreasonable, the Board of Health shall so advise the Board of Selectmen, and the Board of Selectmen shall conduct a Public Hearing to inform the citizens of such costs. Subsequent to the Public Hearing, the Board of Selectmen may continue this bylaw in force or may suspend it permanently or for such length of time as the Board of Selectmen may determine.

Section 5: Effective Date

5.1 This bylaw takes effect on January 1, 2020
PASSED UNANIMOUSLY AS AMENDED
Effective date: May 1, 2020.

(RECOMMENDED 5-0)

Approved by the AG October 4, 2019