

**Chapter 124A**  
**SINGLE-USE PLASTICS**



## ARTICLE I

**Regulation of Sale, Distribution and Commercial Use of Certain  
Single-Use Plastics  
[Adopted 10-10-2018 STM by Art. 16, approved 5-8-2019]**

**§ 124A-1. Definitions and purpose.**

## A. Definitions:

COMMERCIAL USE — Using the petroleum-based plastic products listed herein by a business, directly/indirectly for financial gain or convenience.

PETROLEUM-BASED PLASTIC — Plastics manufactured using petroleum-derived polymers. Plant-based plastics are exempted from this bylaw.

SINGLE-USE PLASTICS — Petroleum-based plastic products that are intended to be used only once before they are thrown away. They are "disposable" products. The items covered by this bylaw are listed herein.

- B. Purpose: The purpose of the bylaw is to protect the health and safety of Nantucket's present and future generations, protect the Town's single-source aquifer, its scenic visage, historic status, reduce litter, reduce the threat to the environment caused by rapid filling of the landfill space and by possible introduction of toxic by-products into the groundwater and general environment, protect marine animals and food sources and save the citizens of the Town money. There are safe alternatives for each of the single-use petroleum-based plastic items banned.

**§ 124A-2. Sale, distribution and commercial use of petroleum-based single-use plastic products.**

It shall be unlawful to sell, distribute or otherwise commercially use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2020:

- A. Straws and drink stirrers;
- B. Six-pack can and bottle flexible yokes;
- C. Single-use drinking cups and lids;
- D. Plates and noncompostable eating utensils;
- E. Drinking water in single-serve polyethylene terephthalate (PET) containers of one liter (34 ounces) or less; and
- F. Single-use, nonrecyclable coffee pods.

**§ 124A-3. Exemption for emergencies and other.**

- A. Drinking water. Sales occurring after a declaration of an emergency adversely affecting availability and/or quality of drinking water to Nantucket residents by the Emergency Management Director or other duly authorized Town, Commonwealth or United States official shall be exempt from this bylaw until seven calendar days after such declaration has ended.
- B. Medical packaging and medically required usage are exempted providing no recyclable alternatives are available.
- C. Plant-based plastics are exempted from this bylaw.

#### **§ 124A-4. Enforcement process.**

Enforcement of this bylaw shall be the discretionary responsibility of the Town Manager or her/his designee. Police officers and health agents have the authority to enforce this bylaw. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales, distribution or otherwise engaging in the commercial use of the prohibited plastic products in violation of this bylaw shall be subject to a noncriminal disposition fine as specified in Article II of Chapter 1 of the Code of the Town of Nantucket under MGL c. 40, § 21D. Any such fines shall be paid to the Town of Nantucket. Enforcement shall be through the process of noncriminal disposition under MGL c. 40, § 21D, and Article II of Chapter 1 of the Code of the Town of Nantucket.

#### **§ 124A-5. Suspension of bylaw.**

If the Town Manager determines that the cost of implementing and enforcing this bylaw has become unreasonable, then the Town Manager shall so advise the Select Board, and the Select Board shall conduct a public hearing to inform the citizens of such costs. After the public hearing, the Select Board may continue this bylaw in force or may suspend it permanently or for such length of time as they may determine.

#### **§ 124A-6. Severability.**

The provisions of this article are severable. If any part of this article should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the article, and the remainder of the article shall stay in full force and effect.