

Section 47. Limitation on Number of Marijuana Dispensaries in Town

Marijuana Establishment Bylaw

A. The number of licenses for registered, retail "Marijuana Establishments", as defined by G.L. Chapter 94G, Section 1, may be limited or granted at the discretion of the Selectboard, serving as the Licensing Board, provided that the minimum number of establishments licensed shall not be less than 20% of the number of liquor licenses presently issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold (pursuant to G.L. Chapter 138, section 15).

Section 48. Prohibition on Sale, Distribution, and Disposal of Balloons

1. Purpose and Intent

The purpose of this Bylaw is to address public concerns regarding the environmental hazards to wildlife and marine life in the Town of Wellfleet posed by the release and improper disposal of balloons.

2. Definitions

Plastic, latex, rubber, or Mylar balloon inflatable with liquid, air, or any other substance.

3. Applicability

Effective June 1, 2020, no person shall sell, or distribute to the public, any type of balloon (including, but not limited to inflatable plastic, latex, rubber or Mylar balloons). With respect to disposal, no person shall throw, deposit, discard, or otherwise discharge balloons in any condition into any street, alley, waterway, park, beach, or other public or private venue in the Town of Wellfleet, except that deflated balloons may be disposed of in any appropriate trash receptacle.

4. Exemptions

Launching or operation of lighter-than-air aircraft, or the launching of balloons inflated with lighter-than-air gas by government agencies or scientific organizations is allowed.

5. Enforcement

This bylaw may be enforced by any Town of Wellfleet police officer or other designee/agent authorized by the Selectboard.

6. Fines and Penalties

Any person or Establishment violating this section shall be punished by a non-criminal fine of fifty dollars (\$50) for each offense.

Section 49. Commercial Single-Use Plastic Water Bottle Ban.

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 Wellfleet.

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 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 4. 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.

ARTICLE VIII BYLAW PROCEDURE and ENFORCEMENT

Section 1. Any of the foregoing bylaws may be repealed or amended ONLY at a Town Meeting under an article in the Warrant for this purpose.

Section 2. Repealed.

Section 3. All bylaws or parts of bylaws inconsistent herewith are hereby repealed including all bylaws accepted and adopted at the Annual Town Meeting of February 13, 1935, upon the approval of the bylaws adopted herewith.

Section 4. The Town Clerk shall hereby be authorized to assign appropriate numbers to by-law sections, subsections, paragraphs and subparagraphs, where none are approved by Town Meeting, and, if such are approved by Town Meeting, after consultation with the Town Administrator, to make non-substantive, editorial revisions to ensure consistent and appropriate sequencing and numbering, provided that such editorial revisions shall be identified by a footnote or other convention. (Adopted April 28, 2015, ATM, Art. 30, approved by Attorney General August 14, 2015).

ARTICLE IX

Section 1. Non-criminal enforcement of bylaws and regulations. Non-criminal disposition to be an