



Office of the Town Clerk

Town of Chelmsford
50 Billerica Road
Chelmsford, MA 01824
978 250 5205
tdzuris@townofchelmsford.us

Patricia E. Dzuris, CMC
Town Clerk

**CERTIFICATE OF VOTE
ARTICLE 32
General By-law Amendment
Amend the Town Code, “Section 144: Sustainable Community”
Plastic Bag Reduction in Business Establishments
2019 Fall Annual Town Meeting
Second Session – Thursday, October 24, 2019**

I, Patricia E. Dzuris, Town Clerk of Chelmsford, Massachusetts, do hereby certify the following vote taken under Article 32 at the second session of the 2019 Fall Annual Town Meeting held at the Chelmsford Senior Center 75 Groton Road, Chelmsford, MA 01863. The meeting was called to order at 7:30 PM by Moderator Jon H. Kurland. At the time of the vote, there were 137 members present which satisfied a quorum requirement of 82.

ARTICLE 32. To see if the Town will vote to amend the Code of the Town of Chelmsford by adopting a new section, “Section 144: Sustainable Community” and under said section adopting a new bylaw to regulate the retail use of single-use plastic checkout bags as follows:

Article I. Plastic Bag Reduction in Business Establishments

Section 144-1. Purpose and Intent

This bylaw is enacted for the purpose of eliminating the use of thin film single use plastic bags by all business establishments in the Town of Chelmsford. The production and use of thin film single use plastic checkout bags 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; clogging storm drainage systems; causing the potential death of marine animals through ingestion and entanglement; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

Section 144-2. Definitions

144-2.1 “Business establishment” means the following business uses as defined in Section 195-108 of the Chelmsford Zoning Bylaw: a retail store; supermarket and general department store; restaurant; and take out retail.

144-2.2 “Thin film single use plastic bags” means bags, typically with plastic handles, with a thickness of 4.0 mils or less and which are intended for single use transport of purchased products purchased at a business establishment.

144-2.3 Reusable bag” means a bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

Section 144-3 Use Regulations

144-3.1 Effective July 1, 2020, thin film single use plastic bags shall not be distributed, provided, or sold for checkout or other purposes at any business establishment within the Town of Chelmsford.

144-3.2 Thin film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods and other similar merchandise, typically without handles, are permissible.

144-3.3 Customers are encouraged to bring their own reusable bags to stores. Business establishments are encouraged to provide reusable thick plastic, paper, fabric, or other types of bags.

Section 144-4 Enforcement

144-4.1 The Inspector of Buildings of his designee is hereby designated and authorized as the officer charged with the enforcement of this bylaw.

144-4.2 Penalty for Violation. Whoever violates any provision of this bylaw shall be punished by a fine not exceeding one hundred dollars (\$100.00) for each offense. Nothing contained herein shall preclude the Building Inspector from seeking equitable relief to enforce this bylaw.

144-4.3 Noncriminal Disposition. In addition to the procedure for enforcement as described above, the provisions of this bylaw may also be enforced by noncriminal disposition, as provided in Massachusetts General Laws, Chapter 40, Section 21D. The penalty for such violation shall be \$25.00 for the first offense, \$50.00 for the second offense, and \$100.00 for the third and each subsequent offense.

; or act in relation thereto.

SUBMITTED BY: Recycling Committee

MOTION UNDER ARTICLE 32. I move that the Town amend the Code of the Town of Chelmsford by adopting a new section, “Section 144: Sustainable Community” and under said section adopting a new bylaw to regulate the retail use of single-use plastic checkout bags as follows:

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SUBMITTED BY: Recycling Committee

Recommendations:

Board of Selectmen: Unanimously recommends approval

Finance Committee: Majority recommends approval by a vote of 6 - 1

The electronic voting devices recorded the following votes:

YES: 96 NO: 41 ABSTENTIONS: 0

MOTION UNDER ARTICLE 32: Carries by majority vote

A TRUE COPY ATTEST:



Patricia E. Dzuris, CMC
Town Clerk