



Office of the Town Clerk

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Patricia E. Dzuris  
Town Clerk

**CERTIFICATE OF VOTE  
ARTICLE 23  
General By-law Amendment  
Adopt new section 144: Sustainable Community  
Regulate Retail Use of Plastic Straws and Stirrers  
2018 Fall Annual Town Meeting  
Second and Final Session – Thursday, October 18, 2018**

I, Patricia E. Dzuris, Town Clerk of Chelmsford, Massachusetts, do hereby certify the following vote taken under Article 22 at the second and final session of the 2018 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 104 members present which satisfied a quorum requirement of 82.

**ARTICLE 23.** 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 beverage straws and stirrers as follows:

ARTICLE III. Retail Use of Single Use Plastic Beverage Straws and Stirrers

Section 144-6.1. Purpose and Intent

This bylaw is enacted for the purpose of eliminating the distribution of single use plastic straws and stirrers by all Business Establishments in the Town of Chelmsford, except upon request. The production and use of single use plastic straws and stirrers 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; entering storm drains that lead to waterways leading to the ocean causing the potential death of marine animals through ingestion; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

Section 144-6.2. Definitions

144-6.2.1 “Business Establishment” means the following businesses as defined in Section 195-108 of the Chelmsford Zoning Bylaw: a retail store; supermarket; general department store; restaurant; and take out restaurant, serving liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption, not including nursing homes or nursing care or assisted living facilities or doctors or nurses or Emergency Medical Technicians providing straws to patients.

144-6.2.2 “Town Sponsored Event” means any event organized or sponsored by the Town of Chelmsford or any department of the Town of Chelmsford.

144-6.2.3 “Plastic Beverage Straw” means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. “Plastic Beverage Straw” includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as, but not limited to, paper, sugar cane, and bamboo.

144-6.2.4 “Plastic Stirrer” means a device that is used to mix beverages, intended for only one-time use, and made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant source. “Plastic Stirrer” includes compostable and biodegradable petroleum or biologically based polymer stirrers, but does not include stirrers that are made from non-plastic materials, such as, but not limited to, paper, sugar cane, and bamboo.

### Section 144-6-3. Use Regulations

144-6.3.1 Effective July 1, 2019, Plastic Beverage Straws and Plastic Stirrers shall not be used or dispensed or sold except upon request in conjunction with the serving by Business Establishments or at any Town Sponsored Event of liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption. ~~The Town of Chelmsford shall accept from Business Establishments any stock remaining after that date for disposal free of charge through July 30, 2019, at the DPW.~~

144-6.3.2 Nothing in this Bylaw prohibits the sale of Plastic Straws by supermarkets and general department stores in packages not in conjunction with the service of liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

144-6.3.3 Nothing in this Bylaw prohibits customers from using their own straws of any material for personal use in any Business Establishment.

### Section 144-6.4. Enforcement

144-6.4.1 The Board of Health or their designee is hereby designated and authorized as the officer charged with the enforcement of this bylaw.

144-6.4.2 Penalty for Violation. Whoever violated any provision of this bylaw shall be punished as follows: first offense one hundred dollars (\$100), second offense two hundred dollars (\$200), third and subsequent offenses three hundred dollars (\$300) for each offense.

Offenses occurring within two years of the date of first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense. Nothing contained herein shall preclude the Board of Health from seeking equitable relief to enforce this bylaw.

144-6.4.3. 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 for the first offense, \$50 for the second offense, and \$100 for the third and each subsequent offense.

144-6.4.4 Hearing to Suspend or Revoke Food Service Permit

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any Business Establishment failing to comply with this Bylaw.

**SEVERABILITY**

If any provision of this Bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby.

**SUBMITTED BY: Citizen Petition – Nicole Gead**

**Recommendations:**

Board of Selectmen: Unanimously recommends approval

Finance Committee: Voted 6-1 against approval of original motion

The electronic voting devices recorded the following votes:

YES: 55 NO: 45 ABSTENTIONS: 4

MOTION UNDER ARTICLE 23: Carries by majority vote

**A TRUE COPY ATTEST:**



Patricia E. Dzuris