

The Town of Chelmsford
CITIZEN PETITION
Fall 2018 Annual Town Meeting Article
In accordance with M.G.L. c. 39 § 10

RECEIVED

2018 AUG -6 AM 9:51

INSTRUCTION TO PETITIONER

1. The Petitioner will be the contact name listed in the Warrant and should be the first registered voter to sign this petition form.
2. Before gathering signatures, please consult the Board of Selectmen's office to confirm that the language of your article is actionable. It will be voted at Town Meeting Exactly as worded in your typed submission.
3. Return this citizen petition to the Town Manager's Office when complete. A minimum of 10 signatures is required for an Annual Town Meeting article. It is suggested you obtain more than that for verification.

TOWN OF CHELMSFORD
PATRICIA E. DZURIS
TOWN CLERK

Date and Time received by Town Clerk/Registrar

DEADLINE: 5 PM, - Monday, August 6, 2018

- Citizen petitions must be FIRST submitted to the Town Manager's Office. The Town Manager's office will submit document to Town Clerk/Registrar of Voters for certification of names.

Name of Petitioner: Cynthia Fiekers

Address: 67 Pine Hill Road, Chelmsford, MA 01824

Street & number apartment/unit Chelmsford zip code

Phone: 978-250-4632 Work/Cell: 978-987-8106

Email: cfiekers@comcast.net

Proposed Warrant Article:

ARTICLE ____ To see if the Town will vote to add to the Code of the Town of Chelmsford by adopting a new bylaw to ban polystyrene containers

ARTICLE 1. Polystyrene in Food Establishments

Section ____-1 Purpose and Intent

This bylaw is enacted for the purpose of eliminating the distribution of polystyrene containers by all Food Establishments in the Town of Chelmsford:

- Whereas, the Town has a duty to protect the health of its citizens and the natural environment.
- Whereas, Styrofoam is the brand name for polystyrene (Dow Chemical Co.), a synthetic plastic that biodegrades so slowly (hundreds of years) it is considered to be nonbiodegradable.
- Whereas, expanded polystyrene containers are not part of the Town's regular recycling program.
- Whereas, styrene, the key ingredient in expanded polystyrene, was recently added to the National Toxicology Program's list of carcinogens (U.S. Depart. of Health and Human Services). Styrene can leach from polystyrene containers into food and beverages. It has become a major component of plastic debris in the ocean and animals often mistake it for food. It is also hazardous to marine life, transferring toxic chemicals to the food chain.
- Whereas, several communities in Massachusetts have banned disposable food service containers, including Amherst, Brookline, Great Barrington, Nantucket, Somerville, South Hadley, Williamstown as well as major cities such as Los Angeles, Chicago, Miami Beach, New York City, Portland, and Seattle. This bylaw is patterned after similar ones enacted in Massachusetts.
- Whereas, appropriate alternative products are readily available from vendors and are already being used by many of our businesses.

Section ____-2 Effective Date

This bylaw shall take effect July 1, 2019.

Section ____-3 Definitions.

____-3.1 "Disposable Food Service Container" shall mean single-use disposable products for serving or transporting prepared, ready to consume food or beverages, including, without limitation, take out

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- Whereas, appropriate alternative products are readily available from vendors and are already being used by many of our businesses.

Section __-2 Effective Date

This bylaw shall take effect July 1, 2019.

Section __- 3 Definitions.

___-3.1 “Disposable Food Service Container” shall mean single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages, including, without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a food establishment. This includes, but is not limited to plates, cups, bowls, trays, hinged or lidded containers, cups, lids, straws, and utensils. It does not include single-use disposable packaging for unprepared foods.

___3.2 “Expanded Polystyrene” shall mean blown polystyrene (polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blow molding (extruded foam polystyrene). The term also includes clear or solid polystyrene, which is also known as “oriented,” or referenced in this bylaw as “Rigid Polystyrene.” Rigid Polystyrene is generally used to make clear clamshell containers, lids, and cutlery.

___3.3 “Fineable Offense” is defined as a knowing common use of item or items restricted by the bylaw. Common use refers to item or items that are part of one’s normal or daily use.

___3.4 “Food Establishment” shall mean any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et seq., shall be considered a food establishment for purposes of this bylaw.

___3.5 “Prepared Food” shall mean any food or beverage prepared on the food establishment’s premises using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten on or off the food establishment’s premises.

___3.6 “Town Facility” shall mean any building, structure, land, or recreational area owned, leased, or operated by the Town of Chelmsford.

___-4 Prohibitions.

___4.1 Except as provided herein, food establishments are prohibited from dispensing prepared food and drink in disposable food service containers made from expanded polystyrene. All food establishments are strongly encouraged to use reusable food service containers and cutlery, and when possible biodegradable, compostable alternatives.

Compostable materials must meet ASTM (American Society of the International Association for Testing and Materials) Standards for compostability.

___4.2 Town departments or agencies shall not purchase or use disposable food service containers made from expanded polystyrene while in the performance of official Town duties.

___4.3 Individuals, contractors, vendors, or other entities shall not use disposable food service containers made from expanded polystyrene in a Town facility or Town property while acting or performing under a Town contract, lease, license, permit, grant, or other agreement.

___4.4 Nothing in this section shall prohibit someone from purchasing or using said containers for personal use, nor shall it prohibit any individual from purchasing or using said containers for a private function or when serving food on property owned by that person.

___-5 Variance.

___5.1 Any food establishment or Town Department and its agencies may make a written application to the Board of Health for a variance from this bylaw.

___5.2 Every application for a variance is subject to a public hearing. Notice of the hearing shall be posted as part of a public notice of the Board of Health meeting at which the application will be considered. Notice shall be posted no less than 48 hours before the meeting.

___5.3 By vote of a majority of its full authorized membership, the Board of Health may grant a variance in cases where a suitable biodegradable, compostable, reusable or recyclable alternative does not exist for a specific usage, and/ or enforcement of this bylaw would cause undue hardship to that food establishment or Town Department.

___5.4 A variance may be granted for up to six months and extended for like periods upon submission of a renewal application.

___5.5 Any variance granted by the Board shall be in writing.

___5.6 A copy of the variance granted under this Section shall be available for public inspection on the premises for which it is issued.

___6 Enforcement, Penalties and Fines

___6.1 Enforcement

The Board of Health or its designee shall have primary responsibility for enforcement of this bylaw. This shall include: establishment of regulations or administrative procedures, inspections, and issuance of citations for violations.

___ 6.2 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.

___ 6.3. 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.

___ 6.4 Hearing to Suspend or Revoke License or Permit

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and CMR 590.15, may suspend or revoke the license or permit for any 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;

Or act in relation thereto.

INSTRUCTIONS TO SIGNERS

- For your signature to be valid you must be a registered voter in the Town of Chelmsford and your signature should be written substantially as registered. If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.

SIGNERS' STATEMENT

We, the undersigned registered voters of Chelmsford, do hereby petition the Board of selectmen to include the Article printed on the reverse side of this form in the Warrant of the Fall 2018 Annual Town Meeting.

	CHECK	SIGNATURE To be made in person with name as registered	PRINT NAME LEGIBLY	ADDRESS As registered to vote in Chelmsford street, number, unit, and zip code	PRECINCT
1	✓	<i>Cynthia Fiekers</i>	CYNTHIA FIEKERS	67 Pine Hill Road	7
2	✓	<i>Frank B. Fiekers</i>	FRANK B. FIEKERS	67 Pine Hill Rd.	7
3	✓	<i>Charlene Wright</i>	CHARLENE WRIGHT	5 Gifford Rd Ln	7
4	✓	<i>Walter Wright</i>	WRIGHT WALTER	5 GIFFORD LN	H
5	✓	<i>Marcia Herchy</i>	MARCIA HERCHY	6 Gifford Ln.	7
6	✓	<i>Sandra Manno</i>	SANDRA MANNO	7 Gifford Lane	7
7	✓	<i>Gerald Bueska</i>	Gerald Bueska	11 Abbott Lane	10
8	✓	<i>Diana LeBlanc</i>	DIANA LEBLANC	5 Northgate Rd	
9	✓	<i>Susanne Delgado</i>	Susanne Delgado	208 Wellman Ave	
10	✓	<i>Carole McCaul</i>	CAROLE MCCAUL	4 Bartlett Str. #2B	1
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INSTRUCTIONS TO REGISTRARS

You must time stamp or write date and time on all papers received. Check this ✓ against the name of each qualified voter to be certified. For names not certified use the following code. Draw a line through any blank spaces not containing signatures. N - No such registered voter at that address or address is illegible; S - unable to identify signatures as that of voter because of form of signature, or signature is illegible; T - already signed same citizen petition article.

CERTIFICATION OF NAMES

At least three registrars names must be signed or stamped below:

Patricia C. Guiso
Month and day

We certify that: 10 *ten*
Number of names certified (use numbers and words)

Above signatures checked ✓ are the names of qualified voters from Chelmsford.

Thomas R. Fall
James M. Lane, Jr
Peter Dulchinos
Patricia C. Guiso