

Town



of Danvers,
Massachusetts 01923

Joseph L. Collins, Director of Administrative Services
Treasurer/Collector/Clerk

978-777-0001 Phone
978-777-1025 Fax
icollins@danversma.gov mail

September 24, 2018

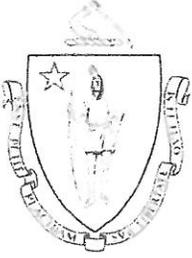
TO WHOM IT MAY CONCERN:

Attached hereto please find Articles 9 and 16 which were passed by the Danvers Annual Town Meeting held on May 21, 2018, with the approval of the Attorney General endorsed thereon.

Joseph L. Collins,
Town Clerk

I, Patrick Ambrose, Constable of the Town of Danvers, this day posted attested copies of the amendment to the General and Zoning By-laws passed at the Danvers Annual Town Meeting of the Town of Danvers held on May 21, 2018, under Articles 9 and 16 in 4 public places in the Town, namely, the Town Hall, Danvers High School, Central Fire Station, and Post Office.

Patrick Ambrose,
Constable



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

September 21, 2018

Joseph L. Collins, Town Clerk
Town of Danvers
1 Sylvan Street
Danvers, MA 01923

**Re: Danvers Annual Town Meeting of May 21, 2018 -- Case # 9077
Warrant Article # 9 and 16 (General)**

Dear Mr. Collins:

Articles 9 and 16 - We approve Articles 9 and 16 from the Danvers Annual Town Meeting of May 21, 2018.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
Chief, Central Massachusetts Division
Director, Municipal Law Unit
Ten Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 x 4402

cc: Town Counsel David DeLuca

POSTED

SEP 24 2018

TOWN CLERK DANVERS

Town



of Danvers,
Massachusetts 01923

Joseph L. Collins, Director of Administrative Services
Treasurer/Collector/Clerk

978-777-0001 Phone
978-777-1025 Fax
jcollins@danversma.gov Email

December 14, 2017

TO WHOM IT MAY CONCERN:

Certification is hereby made that the following is a true copy of Article 15 and the vote thereon of the Special Town Meeting held on June 22, 1998, at the Danvers High School Auditorium, 60 Cabot Road, Danvers, Massachusetts:

ARTICLE 15: To see if the Town will vote to amend the provisions of Chapter II of the General Bylaws of the Town by the addition of the following:

"Section 5. In accordance with the provisions of M.G.L. Ch. 39, §15, the Moderator may, upon a voice vote, declare passage of any measure requiring a two-thirds vote, and such declaration shall be binding unless immediately challenged by seven or more Town Meeting members." or take any other action thereon.

ARTICLE 15: The Finance Committee recommended that the Town vote to amend the provisions of Chapter II of the General by-laws of the Town by the addition of the following:

"Section 5. In accordance with the provisions of M.G.L. Ch. 39, §15, the Moderator may, upon a voice vote, declare passage of any measure requiring a two-thirds vote, and such declaration shall be binding unless immediately challenged by seven or more Town Meeting members."

Then Bruce Eaton submitted an amendment which failed by a voice vote.

Then the recommendation of the Finance Committee became the motion before the house and was voted by a voice vote.

ATTEST:

Joseph L. Collins,
Town Clerk
JLC:cse

Town



of Danvers,
Massachusetts 01923

Joseph L. Collins, Director of Administrative Services
Treasurer/Collector/Clerk

978-777-0001 Phone
978-406-4191 Fax
jcollins@danversma.gov Email

May 30, 2018

TO WHOM IT MAY CONCERN:

Certification is hereby made that the following is a true copy of Article 9 and the vote thereon of the Annual/Special Town Meeting held on Monday, May 21, 2018, at the Danvers High School Cabot Road, Danvers, Massachusetts:

ARTICLE 9: Amendment to Town By-law – Commercial Trash Pick-up. To see if the Town will vote to amend Chapter XXXII, entitled “Commercial Trash Pick-up,” by adding the language which appears below [deletion underlined; additions in italics], or take any other action thereon.

ARTICLE 9: The Finance Committee recommended that Town Meeting vote to amend *Chapter XXXII, entitled “Commercial Trash Pick-up,” by adding the language which appears below [deletion underlined; additions in italics].*

Section 1: As of the effective date of this By-law, no commercial trash pickup or refuse removal within the Town of Danvers may occur prior to 7:00 A.M. or after 7:00 P.M. Commercial trash pickup and refuse removal includes all business, lessees and property owners and commercial trash haulers under contract to said business and property owners.

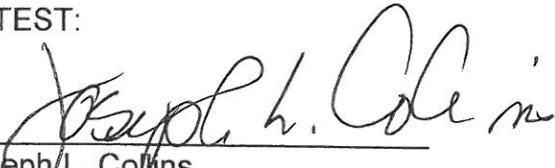
Section 3: A violation of this By-Law shall result in the following penalty or penalties:

First Offense:	Warning
Second Offense:	Twenty-Five Dollars (\$25)
Third Offense:	Fifty Dollars (\$50)
Fourth and Each Subsequent Offense:	One Hundred Dollars (\$100)

Offense	Business and/or Property Owner	Commercial Trash Hauler
<i>First Offense</i>	<i>Warning</i>	<i>Warning</i>
<i>Second Offense</i>	<i>Twenty-Five Dollars (\$25)</i>	<i>Second Offense & each subsequent offense – Three Hundred Dollars (\$300)</i>
<i>Third Offense & each subsequent offense</i>	<i>Fifty Dollars (\$50)</i>	

This recommendation and the language contained therein being put to vote was approved by voice vote.

ATTEST:



 Joseph L. Collins
 Town Clerk

JLC:cse

Town



of Danvers,
Massachusetts 01923

Joseph L. Collins, Director of Administrative Services
Treasurer/Collector/Clerk

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May 30, 2018

TO WHOM IT MAY CONCERN:

Certification is hereby made that the following is a true copy of Article 16 and the vote thereon of the Annual/Special Town Meeting held on Monday, May 21, 2018, at the Danvers High School Cabot Road, Danvers, Massachusetts:

ARTICLE 16: Amendment to Town By-laws – Plastic Bag Reduction. To see if the Town will vote to amend the Town Bylaws by the addition of a plastic bag reduction bylaw, as follows, or take any other action thereon.

ARTICLE 16: The Finance Committee recommended that Town Meeting vote to amend the Town Bylaws by the addition of a plastic bag reduction bylaw, as follows:

PURPOSE AND INTENT: The production and use of disposable plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. The purpose of this bylaw is to eliminate the usage of disposable plastic checkout bags by all retail and grocery stores in the Town of Danvers, effective June 1, 2019.

DEFINITIONS

Checkout bag: A carryout bag provided at the check stand, cash register, point of sale, or other point of departure for transporting food or merchandise from the Establishment.

Checkout bags shall not include:

1. Bags whether plastic or not in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the retail establishment.
2. Laundry or dry cleaner bags
3. Bags used to contain phone books, magazines or newspapers
4. Bags used to contain or wrap frozen goods, meats or fish, whether prepackaged or not, to prevent leakage or contain moisture

Disposable plastic checkout bag: Any checkout bag made of plastic that does not meet the definition of "Reusable checkout bag," typically with plastic handles, and intended for transport of purchased products.

Recyclable paper checkout bag: Paper bags with or without handles that (1) are one-hundred percent (100%) recyclable, (2) contain a minimum of forty percent (40%) postconsumer recycled paper content.

Reusable checkout bag: Sewn bags with stitched handles that (1) are specifically designed and manufactured for multiple reuse, (2) can comfortably carry 25 pounds over a distance of 300 feet, (3) can hold a minimum of 15 liters or quarts, (4) can be readily washed or disinfected by hand or machine, and (5) is made of thick cloth, fabric or other durable materials.

Grocery Store: A retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer home care and personal care products.

Retail Store: An establishment that offers the sale and display of merchandise within a building. Any retail establishment or non-profit that provides goods – including food and/or beverages – and/or services directly to consumers, with or without charge; sporadic, temporary, part- or full-time; commercial, religious, educational, foundation-related, or governmental; whether on private, public, religious, or school property. "Retail establishment" shall mean any business facility that sells goods directly to consumers including, but not limited to, grocery stores, pharmacies, liquor stores, "mini marts", restaurants or retail stores and vendors selling clothing.

USE REGULATIONS

Disposable plastic checkout bags shall not be distributed, used, or sold for checkout or other purposes at any retail or grocery store within the Town of Danvers.

Nothing in this section should be read to preclude any establishment from utilizing recyclable paper bags at checkout or making reusable checkout bags available for sale to customers.

Customers are encouraged to bring their own reusable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

ENFORCEMENT PROCESS

Enforcement of this bylaw shall be the responsibility of the Board of Health/Town Manager or his/her designee. The Board of Health/Town Manager shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any retail or grocery store distributing plastic grocery bags in violation of this bylaw shall be subject to penalty as follows:

First offense	Warning
Second offense	\$50 penalty
Third & each subsequent offense	\$100 penalty

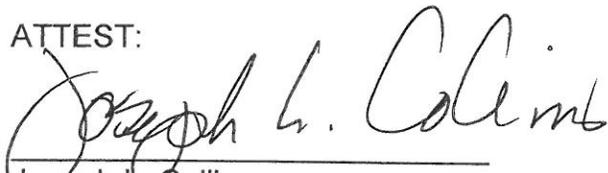
No more than one penalty shall be imposed upon a retail establishment within a seven-day calendar period.

Alleged violations shall be subject to non-criminal disposition process, pursuant to MGL c.40, §.21d.

The Board of Health/Town Manager may promulgate additional guidelines and regulations consistent with the foregoing for the effective enforcement of this bylaw

This recommendation and the language contained therein being put to vote was approved by voice vote.

ATTEST:



Joseph L. Collins
Town Clerk

JLC:cse