# TOWN OF WEST BRIDGEWATER

# GENERAL BY-LAWS

## Revised, 2019

Approved by the Office of the Attorney General, September 5, 2019, effective September 6, 2019.

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# ARTICLE 1
# GENERAL PROVISIONS

Section 1. The by-laws contained in this article and in the articles following shall constitute and be designated as the "The Town of West Bridgewater General By-laws, Revised 2004," and may be so cited. Insofar as their provisions are the same, in effect, as those of previously existing by-laws, they shall be construed as a continuation of such by-laws. Where their provisions are not the same in effect as those previously existing by-laws, such preexisting by-laws are hereby repealed from and after the effective date of these by-laws.

Section 2. The repeal of any by-law shall not affect any act done or any right accruing, accrued or established, or any litigation or proceeding commenced before the time such litigation or proceeding commenced before the time such repeal shall take effect, nor any offence committed, nor any penalty incurred, nor any litigation or prosecution pending at the time for any offence committed, nor for the recovery of any penalty already incurred. Any by-law hereafter which shall repeal a former by-law, shall not, when itself repealed, be construed to revive such former by-law, clause or provision, unless expressly provided in the repealing by-law.

Section 3. The Town of West Bridgewater General By-laws, Revised 2004 and the amendments or additions thereto shall be in full force and effect upon enactment at a Town Meeting, review by the Attorney General of the Commonwealth of Massachusetts, and certification and publication by the Town Clerk for a period of seven (7) days or as may be otherwise provided by the Massachusetts General Laws.

Section 4. Whenever the Town shall adopt any by-law in amendment of, or in addition to, these general by-laws, it shall be by amending or repealing the specific section of a specific article dealing with the subject matter of the proposed change. Such article and section must be referred to by number to maintain the existing structure of these by-laws. Amendments, additions and subject matter of proposed bylaws shall be enacted in accordance with the provisions of the Massachusetts General Laws and these General By-laws.

Section 5. The catchlines of sections under each article of these by-laws are intended as mere catchwords to indicate the contents of the sections, and shall not be deemed or taken to be titles of such section, nor, unless expressly so provided, shall they be so deemed when any of such sections including the catchlines, are amended or reenacted.

Section 6. It is declared to be the intention of the Town that the sections, paragraphs, sentences, clauses and phrases of this collection of by-laws are severable, and if any phrase, clause, sentence, paragraph or section shall be declared unconstitutional or invalid by judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections.

Section 7. All fines and penalties for the violation of any by-law of the Town when recovered, shall inure to the use of the Town, and be paid into the Treasury, unless otherwise directed by the General Laws or a Town By-law.

Section 8. It is the intention of these by-laws that the various boards, departments, committees and officers of the Town wherein authorized by the Town by-law establishing the duties of such board, department, committee or office, shall make such regulations as required and necessary to carry out said duties. Regulations so established shall have the effect of a by-law unless the same shall be declared unconstitutional, invalid or shall be curtailed by a Town Meeting vote. Copies of such regulations shall be filed with the Town Clerk and be made available to the public.

## ARTICLE 2
## TOWN MEETING

Section 1. The annual town meeting for the conduct of the Town's business shall be held, pursuant to the provisions of Chapter 39, Section 9 of the General Laws, at a time ordered by the Board of Selectmen provided that such annual town meeting shall be completed by June thirtieth. Special town meetings shall be held at such times as the Board of Selectmen may direct or as otherwise provided by law.

Section 2. Notice of every annual town meeting shall be given by posting attested copies of the warrant for the meeting not less than seven (7) days before the day on which the meeting is to be held. Notice of every special town meeting shall be given by posting attested copies of the warrant for the meeting not less than fourteen (14) days before the day on which the meeting is to be held

Section 3. There shall be no quorum requirement for either the annual town meeting nor for special town meetings.

Section 4. The annual election of town officers shall be held on the second Saturday in April.

Section 5. No action shall be initiated on any article in the warrant for the annual town meeting or for a special town meeting after the hour of 11:00 p.m., except by a two-thirds vote of those present and voting.

## ARTICLE 3
## PROCEDURE AT TOWN MEETINGS

Section 1. Check lists at the entrance to the town meeting shall be used to determine the legal voters. Non-voters shall be admitted to a town meeting only after all voters have been admitted. Non-voters may be admitted and seated as directed by the Moderator unless there is an objection. Upon an objection, non-voters may be admitted by a majority vote of the meeting.

Section 2. All articles in the warrant shall be acted upon in the order of their arrangement, unless the meeting by vote otherwise determines.

Section 3. Any report, resolution or motion shall be reduced to writing if the Moderator so directs.

Section 4. No person shall address the meeting unless recognized by the Moderator, nor speak more than once on the same subject to the exclusion of any other who may desire to speak.

Section 5. Any person who is employed as an agent by another interested in any matter under discussion at a town meeting shall disclose the fact of his employment before speaking thereon.

Section 6. In case of motions to amend, or to fill blanks, the one expressing the largest sum or the longest time shall be put first, and an affirmative vote thereon shall be a negative vote on any smaller sum or shorter time.

Section 7. All committees shall be appointed by the Moderator, unless the town otherwise directs, and shall report as directed by the town. If a committee does not report as directed or at the next annual town meeting held thereafter, it shall be deemed discharged, unless an extension of time be granted by the town.

Section 8. When a report of a committee is placed in the hands of the Moderator, it shall be deemed to be properly before the meeting for its action thereon, and a vote to accept the same shall discharge the committee. For the adoption of recommendations of the committee, however, a specific vote shall be required. No appropriation shall be made under the report of any committee of the Town until the matter has been considered and reported upon by the Finance Committee.

Section 9. No vote after being once passed at a meeting shall be reconsidered at the meeting or at an adjournment thereof, except by a two-thirds vote. Reconsideration may be moved or requested by any voter. If defeated, a motion to reconsider any vote may not be made again. A motion to reconsider may be denied by the Moderator, if, in the opinion of the Moderator, the motion made is arbitrary, capricious or made as a parliamentary maneuver, and is totally lacking in a new or compelling reason.

Section 10. Any voter may immediately rise to question the determination of a voice vote by the Moderator, and if supported by (6) six or more voters, may request a counted vote.

Section 11. On matters requiring a two-thirds vote by statute, a count need not be taken and the vote recorded unless the vote so declared is immediately questioned by seven (7) or more voters as provided for by M.G.L., Chapter 39, Section 15 or as otherwise provided in these by-laws.

Section 12. A ballot vote on any article may be requested by the Board of Selectmen, Finance Committee or Town Moderator. Also, any voter from the floor may request a ballot vote if supported by seven (7) voters.

Section 13. No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant has been duly considered and acted upon, but this shall not preclude the postponement of the consideration of any article to an adjournment of the meeting to a stated time.

Section 14. The duties of the Moderator not especially provided by law or these by-laws, shall be determined by the rules of practice contained in Town Meeting Time, a Handbook of Parliamentary Law, so far as the same is applicable to the town meeting.

Section 15. The use of electronic visual aids at all Town Meetings will be allowed at the discretion of the Moderator under the following guidelines:

A draft of all such presentations must be submitted to the Moderator for approval of the format no later than ten (10) business days prior to the first day of the Town Meeting.

The final presentation is to be submitted to the Moderator and Town Administrator's Office no later than five (5) business days prior to the first day of the Town Meeting.

Presentations must use Microsoft PowerPoint or other forms compatible with town office equipment.

No presentation shall exceed ten (10) minutes in length, unless approved by the Moderator.

## ARTICLE 4
## TOWN MODERATOR

Section 1. The Town Moderator shall be elected at the Annual Town Election for a term of three (3) years.

Section 2. The Moderator shall preside at all town meetings, decide all questions of order, and make public declaration of all votes.

Section 3. If there is a vacancy in the office of Moderator, the vacancy will be filled by voters of the Town. In the case of the absence of a Moderator, a temporary moderator may be elected by the town meeting. Until a moderator or temporary moderator is elected, the Town Clerk will preside at the town meeting.

## ARTICLE 5
## SELECTMEN

Section 1. The Selectmen shall have the general direction and management of the property and the affairs of the Town in all matters not otherwise provided by law or by these by-laws.

Section 2. The Selectmen may appear in the interest of the Town, either personally or by the Town Counsel, or by s1pecial Counsel, before any court, committee of the legislature, or any state or county board of commission. They shall have full authority as agents of the Town, acting upon the advice of the Town Counsel or special Counsel, to institute and prosecute any and all necessary suits and proceedings against or involving the Town's interest. They may, with the advice of counsel, settle all claims contested against the Town, which in their judgment cannot be successfully defended.

Section 3. All conveyances, under seal, which may hereafter be executed by the Town, pursuant to vote of the Town or otherwise, shall be sealed with the Town Seal, and subscribed by a majority of the Board of Selectmen, unless otherwise directed by the Town.

Section 4. The Board of Selectmen shall see that every conveyance to the Town of any interest in land is properly recorded in the Registry of Deeds.

Section 5. The Board of Selectmen shall have supervision and authority to make such regulations, not embodied elsewhere in these by-laws, to govern any action which, by its character, they consider to be a common nuisance or fire hazard.

Section 6. The Board of Selectmen may, at their discretion, appoint a Commission of Citizens, or a superintendent to care for Monument Grounds, Parks, Playgrounds or any Town property under the care of the Selectmen.

Section 7. The Board of Selectmen shall in their annual report, unless such information is contained in other reports to be published in the Annual Town Report, state in detail what projects and other actions have been completed during the preceding year and what projects are pending.

Section 8. The Board of Selectmen shall have the printed annual reports of the Town ready for distribution and shall have copies available to the public at the Town Hall and other designated public buildings at least two (2) weeks prior to the beginning of the annual Town Meeting. Copies of the annual town report will be made available to each Town resident at the Annual Town Meeting.

Section 9. The Board of Selectmen may appoint and remove a person as confidential secretary to the Board whose salary shall be set and determined by said Board. The confidential secretary shall be entitled to those fringe benefits that shall be equal to and not less than those benefits received by any Town employee in the same or similar capacity.

## ARTICLE 6
## ELECTED TOWN OFFICIALS

Section 1. The annual town election to fill elected town offices shall be held on the second Saturday in April.

Section 2. At such annual town election, the Town shall choose by ballot from its registered voters the following town officers for the following terms of office:

a. For the term of three years - one Town Clerk, one Moderator, one Tree Warden, two Constables.

b. For the term of three years, one to be elected each year, three members of the Board of Selectmen, three members of the Board of Assessors, three Water Commissioners, and three members of the Board of Health; for the term of three years, five members of the School Committee, two to be elected in each of two years, and one to be elected in the third year; and for a term of three years, six Library Trustees, two to be elected in each of three years.

c. For the term of five years (one to be elected each year) - five members of the Planning Board and four members of the Housing Authority. One of the five members of the Housing Authority is appointed by the State.

Section 3. All Town officers and committees not named in Section 2 above shall be appointed by the Board of Selectmen, the Board of Health or the Moderator as provided for in these by-laws, except such appointments as are otherwise provided for by statute.

## ARTICLE 7
## DUTIES OF TOWN OFFICERS

Section 1. Each officer, board or committee in charge of a department shall annually, on or before the fifteenth day of January of each year, submit to the Board of Selectmen, in writing, a report containing a statement of the acts and doings of the department for the past calendar year to be printed in the Annual Report as the Selectmen may deem expedient.

Section 2. Each officer, board or committee in charge of a department shall annually, on or before the fifteenth day of January of each year, submit to the Board of Selectmen an estimate of the expenditures of the department for the ensuing fiscal year.

Section 3. Except in an emergency, a notice of every meeting of any governmental body of the Town shall be filed with the Town Clerk, and the notice or a copy thereof shall, at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in the office of the Town Clerk or on the principal official bulletin board of the Town. The notice shall contain the date, time and place of such meeting.

## ARTICLE 8
## TOWN COUNSEL

Section 1. Appointment. The Board of Selectmen shall annually, and whenever a vacancy shall exist, appoint a Town Counsel for a term of one year. The Town Counsel shall be an attorney qualified to practice in the courts of the Commonwealth and, if associated with a law firm, may be assisted by members of that firm. He shall be paid such compensation as the Board of Selectmen shall from time to time determine.

Section 2. Powers and Duties. The Town Counsel shall have the following powers and duties:

a. Prepare and draft all legal instruments in which the Town may be interested and which by law, usage or agreement the Town is at the expense of drawing.

b. Commence and prosecute all actions and suits begun by the Town.

c. Defend all actions brought against the Town or its officers in their official capacity in any courts or tribunals in this Commonwealth.

d. Appear before any tribunal, whether in law, equity or otherwise, or before any board, committee, commissioners, arbitrators or any other tribunal in matters in which the town may be a party or in which the town may be interested.

e. Give his legal opinion and professional advice on any subject relating to the affairs of the Town or the duties of any of its officers.

Section 3. Employment of Additional Counsel. The Town Counsel in special cases, with the approval of the Board of Selectmen and subject to appropriation, may secure the advice or services of such additional counsel as he may deem necessary.

## ARTICLE 9
## TOWN CLERK

Section 1. The Town Clerk, before entering upon the duties of his position, shall give bond to the Town, with good and sufficient surety, to be approved by the Board of Selectmen. The bond shall be upon the condition that he shall well and faithfully discharge the duties of his office during his incumbency thereof.

Section 2. The Town Clerk shall perform all the duties prescribed by law and by these by-laws for the position.

Section 3. The Town Clerk shall keep a file of all Town reports, reports submitted by all committees chosen by the Town, and all original documents relating to the affairs of the Town which come into his custody. He shall suitably index all such reports and all records of the Town in his custody in a manner convenient for reference and examination.

Section 4. The Town Clerk issues licenses and permits, collects vital statistics and serves as recording officer and as custodian of valuable municipal records.

Section 5. The Town Clerk shall not allow original papers or any documents of the Town in his possession to be taken from his office, except as they remain in his custody, or by authority of law.

Section 6. The Town Clerk, after consulting with the Town Administrator, shall have the authority to establish the format of Town bylaws and require that the format of proposed additions or amendments be altered to make the format of the additions to amendments consistent with the Town bylaw format. Such formatting as required should be accomplished prior to presentation to Town Meeting. Further, the Town Clerk shall be responsible for reviewing the format of all existing and proposed Town bylaws, exclusive of zoning by laws, or amendments thereto and shall make appropriate formatting changes. Such change may include changes to spacing, capitalization, font and font size, the use of underlining or italics. These changes shall not in any way alter the language/intent of the bylaw. The Town Clerk is also authorized to renumber sections or subsections of the bylaws where such renumbering may include reordering of bylaw sections or subsections and may include changing from numeric numbering to alphabetic numbering, or the reverse.

## ARTICLE 10
## TOWN TREASURER - TAX COLLECTOR

Section 1. The Board of Selectmen shall appoint the incumbent of this position for a term of three years. The person so appointed shall have the powers and duties vested in the office of Treasurer and in the office of Tax Collector.

Section 2. The Treasurer-Tax Collector, before entering upon the duties of his position, shall give bond to the Town, with good and sufficient surety, to be approved by the Board of Selectmen. The bond shall be upon the condition that he shall well and faithfully discharge the duties of his office during his incumbency thereof.

Section 3. The Treasurer shall perform such duties as are prescribed for the position by statute and these by-laws.

Section 4. The Treasurer shall receive and take charge of all money belonging to the Town, and he shall pay over and account for the same according to the order of the Town or its authorized officers.

Section 5. The Treasurer shall be the custodian of all fiduciary bonds, except as is otherwise provided by these by-laws, of all notes, bonds and coupons which have been paid, and all deeds, conveyances, releases and polices of insurance.

Section 6. The Treasurer shall keep a record of the amount and expiration of all policies of insurance and shall notify the Selectmen not less than ten days before such policies expire.

Section 7. The Treasurer shall, immediately after the first day of each month, make to the Town Accountant a detailed report of all receipts during the preceding month and shall give a duplicate copy of such report to the Selectmen. He shall also prepare such other financial statements as from time to time may be required by the Selectmen.

Section 8. The Treasurer shall make an annual report which shall contain a statement of the amount of money received and paid out by him during the year; a full exhibit of all the monies, properties and securities which may be placed in his charge by virtue of a vote of the Town or of any statute or by-law; a list of all notes issued during the year showing the purpose for which the money was borrowed and giving the date, term, rate of interest, time of maturity, and the premium, if any, received thereon; a list of all notes paid during the year; and a list of all outstanding notes with dates on which they mature. His report, however, need not contain such details as are required by law to be shown in the report of the Town Accountant.

Section 9. The Treasurer shall have the custody, management and sale of all lands for taxes after the title of the Town has become absolute by the foreclosure of the right of

redemption according to the law. He is authorized and empowered, with the approval of the Board of Selectmen, in the name of and on behalf of the Town to sell and convey such lands and to execute, acknowledge and deliver proper deeds for that purpose.

Section 10. The Treasurer, acting as the Tax Collector, shall perform such duties as are prescribed for the position by statute and these by-laws.

Section 11. The Treasurer, acting as the Tax Collector, shall make such statements of collections and other financial statements to the Town Accountant and to the Selectmen as either may require.

Section 12. The Treasurer, acting as the Tax Collector, shall furnish the Selectmen for publication in the Town's Annual Report a summarized statement of his collections for the fiscal year and a statement of all taxes, water bills or other charges committed to him for collection which are outstanding at the end of such year.

## ARTICLE 11
## FINANCES

Section 1. The head of every department, board or committee authorized to expend money shall at the close of the fiscal year, furnish the town accountant a list of all outstanding liabilities of such department, board or committee, showing to whom the same are due and the amounts thereof.

Section 2. Funds given to the Town or deposited with the Town in trust or otherwise shall be held in a separate account and used only in accordance with the terms of the gift.

## ARTICLE 12
## FINANCE COMMITTEE

Section 1. There shall be a Finance Committee consisting of nine members, to be appointed at large, and three Selectmen, the latter acting as ex officio members. If a vacancy occurs during the year, the remaining members of the Committee and the Board of Selectmen shall appoint a new member to serve until the next annual Town Meeting or until another is qualified.

Section 2. Within sixty days (60) of the annual town meeting the Moderator shall appoint a committee of five members who shall in turn appoint the appointive members of the Finance Committee for the ensuing term. Members of the Moderator’s Committee To Appoint the Finance Committee shall serve a one year term and may be reappointed. No elective officer or employee of the Town shall be eligible for appointment to the Finance Committee or to the committee to appoint the Finance Committee.

Section 3. The term for each member of the Finance Committee shall be three years, so staggered that three members are appointed each year. Initially three members shall be appointed for one year; three for two years and three for three years.

Section 4. The Finance Committee shall choose its own officers and adopt such rules regarding its procedures as may from time to time be deemed necessary. The appointive members of the Finance Committee shall constitute its executive board. The executive board shall examine all articles in the Warrant for the Town Meeting. The executive board shall keep the Selectmen informed as to all its actions.

Section 5. The meetings of the Finance Committee may be called by the Chairman of the Committee or by the Selectmen.

Section 6. The Finance Committee shall call on all officers, committee chairmen, and departments heads for full information regarding recommendations, appropriations, expenditures and reports. The Assessors and Selectmen shall furnish the Finance Committee with estimates of income as well as reports of expenditures. The Finance Committee shall have the power to investigate books, accounts and general financial management of any and all departments of the town.

Section 7. The Finance Committee shall consider all articles in the warrant for any Town Meeting and shall recommend appropriate action thereon to the voters of the Town.

Section 8. The Finance Committee shall, at least two (2) weeks prior to any annual town meeting, submit to the voters a written report stating the Committee's recommendations and its reasons therefor on all warrant articles.

Section 9. If called upon by any voter at the Annual or any Special Town Meeting, any member of the Finance Committee shall explain their recommendation.

## ARTICLE 13
## ACCOUNTING AND AUDITING

Section 1. All accounts of the Town shall be kept in accordance with the system established by the Massachusetts Department of Revenue and said accounts shall be audited annually. The audit may be performed by an independent auditor retained by the Town.

Section 2. The Town Accountant shall in an annual report furnish a condensed statement of the financial condition of the Town.

## ARTICLE 14
## CABLE TELEVISION COMMITTEE

Section 1. Selectmen Authority. The Board of Selectmen, hereinafter referred to as the Issuing Authority, shall have the exclusive power to license, create policy for and/or regulate Community Antenna Television or Cable Television as set forth in M.G.L. Ch. 166A and applicable Regulations of the Massachusetts Cable T.V. Commission codified as 207 CMR 3.00.

Section 2. Cable T.V. Committee.

a. A permanent Cable Television Committee shall be established by the Board of Selectmen. The Board shall invest said Committee with authority to create policy and/or regulate on-going matters related to a license. The Issuing Authority shall retain ultimate authority and approval as an Appeal Board. The Licensee shall recognize the Cable Television Committee as properly delegated with extension of powers and rights of the Issuing Authority.

b. The Cable Television Committee shall consist of six (6) members, two of which shall be appointed each year for three (3) year terms by the Issuing Authority. Initially two members shall be appointed for a one (1) year term, two for a two (2) year term and two for a three (3) year term.

c. The Cable Television Committee shall organize and elect a chairman, vice-chairman and a clerk. The Committee shall hold regular public meetings as necessary to carry out the requirements of this by-law, keep permanent public records and do all things required by law of a public body.

Section 3. Rules and Regulations. The Cable Television Committee shall adopt rules and regulations necessary to carry out the provisions of the license, subject to the approval of the Issuing Authority.

Section 4. Committee Duties. The Cable Television Committee, in addition to any other functions which may from time to time be assigned to it by the Issuing Authority, shall be required to:

a. Advise the Issuing Authority on matters which may constitute grounds for revocation of the franchise in accordance with the license and any applicable law or regulation.

b. Provide for the hearing and disposition of complaints from any person, firm, corporation or other entity relating to the operation of the system.

c. Report annually, on or before the fifteenth day of January, to the Issuing Authority, in writing, on the regulation of rates and the addition or discontinuance of any

services and the modification or other revision of any term or condition in the license. This report shall include any recommendations and the basis therefor. The report shall also include an account of franchise fees received and distributed, the total number of hours of utilization of access channels, hourly sub-totals for various programs and categories and a review of any plan submitted during the year by the Licensee for development of new services.

d. Work with the Licensee's Program Director in order to help stimulate community programming of the access channels in order to help coordinate the Licensee's consultant services for the best use of facilities and access channels.

e. Supervise cable operations to insure fair and nondiscriminatory availability of public access channels.

f. Audit all license records required of the Licensee by M.G.L. ch. 166A, by the CATV Commission, or the Federal Communications Commission, and at the committee's discretion to require the preparation and filing of information additional to that required herein.

g. Conduct evaluations of the system and the license annually with the Licensee and pursuant thereto, make recommendations to the Issuing Authority for amendments to the license.

h. Maintain vigilance regarding possible abuses of privacy.

## ARTICLE 15
## COUNCIL ON AGING

Section 1. Establishment and Purpose. The Town's Council on Aging was established by Town meeting on March 16, 1971, pursuant to the provisions of Chapter 40, Section 8B of the General Laws. The basic purposes of the Council are:

a. To identify the total needs of elders in the community.

b. To educate citizens and enlist the support and participation of all to meet the needs of elders and to recognize such assistance.

c. To design, advocate for and implement services to fill these needs and to coordinate the existing programs and services.

d. To communicate with the Massachusetts Executive Office of Elder Affairs, Old Colony Elderly Services, and the Old Colony Planning Council Area Agency on Aging, and to be cognizant of state and federal legislation and programs regarding elders.

Section 2. Membership. The Council consists of ten (10) members appointed by the Board of Selectmen on a rotating basis so that one-third of all members shall be appointed annually, each for a three (3) year term. The Council membership shall be comprised of at least fifty-one percent (51%) elders who are of age sixty and over. Employees of the Council on Aging Department, Town employees, and Elected Town officials may not serve as members of the council, provided however that employees of the Town currently serving as a member of the Council shall be permitted to serve their current term and any renewal of their term. Vacancies shall be filled by the Board through recommendation of the Council.

Section 3. Meetings of Members. Meetings of the Council shall be held as follows:

a. Regular Meetings. Regular meetings of the Council shall be held once a month.

b. Notice of Regular Meetings. Notice of the regular meetings shall be given in accordance with the Open Meeting Law (G.L. c. 39 §23B).

c. Emergency Meetings. Emergency meetings of the Council may be called at any time by the Chair at the request of three members or a majority of the Council.

d. Annual Meeting. The meeting of the Council for the purpose of electing officers shall be held at the Annual Meeting.

e. Quorum. At all meetings of the Council, the presence of a simple majority of the total membership shall be necessary and sufficient to constitute a quorum for the transaction of any business. Votes shall be cast only by members in attendance. The meetings shall be conducted in accordance with Roberts' Rules of Order.

f. Attendance at Meetings. As a matter of policy, regular attendance at meetings is expected of all members. In the event of the absence of any member for three (3) consecutive meetings, except for reasons of health or extenuating circumstances, the Council may request the resignation of that member through the Selectmen. On the occasion of six (6) absences of a member during any calendar year, the Council may recommend to the Selectmen the dismissal of such member from the Council.

Section 4. Officers. The officers of the Council shall consist of a Chair, Vice-Chair, Secretary and Treasurer.

Section 5. Director of Elder Services. The Board of Selectmen shall appoint a Director of Elder Services from candidates recommended by the Council On Aging Board of Directors. The Director shall be particularly fitted by education, training and experience to perform the duties of the position. The Director shall receive the salary established for the position by the Board of Selectmen. The Directors' powers and duties shall be set forth in a job description approved by the Council On Aging Directors.

Section 6. Executive Board. The Council shall have an Executive Board consisting of the Chair, Vice-Chair, Secretary, Treasurer and the Director of Elder Services. A meeting of the Board may be convened at any time by the Chair.

Section 7. Ad Hoc Committees. The Council may establish ad hoc committees. Each member of the Council shall serve on at least one ad hoc committee.

Section 8. Policies and Procedures. The Council On Aging Board of Directors may develop its own set of operational Policies and Procedures which shall take effect upon approval of a majority of the Board so voted at any regular meeting.

## ARTICLE 16
## PERSONNEL

Section 1. Application. A Personnel By-Law is hereby established for the Town. The provisions of this by-law, except as is otherwise provided herein, shall apply to all employees of the Town, except employees under the direction and control of the School Committee, employees governed by collective bargaining agreements, and employees with separate employment contracts where these provisions are regulated. Nothing contained herein shall be construed to conflict with the provisions of Chapter 31 and Chapter 150E of the General Laws and any rules and regulations promulgated thereunder.

Section 2. Definitions. As used in this by-law, unless otherwise expressly provided or unless a different construction is clearly required by the context or by the provisions of the General Laws, the following words and phrases shall have the following meanings:

a. Town - Town of West Bridgewater.

b. Administrative Authority – The elected official or board or the appointed official having jurisdiction over a function or activity.

c. Benefit eligible employee – An employee who works a regularly scheduled workweek of no less than twenty (20) hours or more a week.

d. Board – The Board of Selectmen who shall be the enforcement authority of this by-law.

e. Department – Any department, board, committee, commission, or other agency of the Town employing persons who are subject to this by-law.

f. Seasonal employees – A seasonal employee is one who is employed in a position which is filled only on a seasonal basis.

g. Continuous employment – Full-time or part-time employment which is uninterrupted, except for absences on military leave, vacation leave, sick leave, court leave and other authorized leaves of absence provided for herein.

h. Overtime – Hours, authorized by a department head, worked by a full-time employee in excess of a forty (40) hour workweek.

i. Holiday pay – Pay authorized for holidays in accordance with the provisions of this by-law.

j. Veteran – A person who is a veteran within the meaning of Section 1 of Chapter 31 of the General Laws.

k. Employee organization – Any lawful association, organization, federation or council having as a primary purpose the improvement of wages, hours and other conditions of employment.

l. Probationary period - The first six (6) months of continuous employment of an employee shall constitute his/her probationary period. No transfer, layoff, suspension, discipline or discharge made during an employee's said probationary period shall be construed as a violation of any of the provisions of this by-law.

m. Employment year - The period of time in each calendar year which coincides with the time period beginning with the date of the employee's initial employment and ending one year from such date.

Section 3. The Board shall perform the following duties:

a. Administer the provisions of this by-law, except for such duties as may be specifically assigned by statute or by Town by-laws to other town officers or boards, and decide all questions relating to the interpretation and application of this by-law.

b. Oversee the maintenance of personnel records of all Town employees, including elected and appointed officials. Said records shall contain all the vital statistics and other pertinent data on each such employee and may be kept in the Town Hall. It shall be the duty of each Town official and employee to furnish to the Board, upon its request, such information as is required for the completion of personnel reports.

c. Recommend to the Town any changes in this by-law which it considers necessary and desirable.

Section 4. Hours of Duty. The administrative workweek for employees of the Town shall be Sunday through Saturday. The regular workweek of full-time and part-time employees shall be scheduled within said administrative workweek by the department head. The starting

and ending times of the daily work schedules of all employees shall be determined and fixed by the department head, and such schedules may be changed from time to time to meet changing conditions of operations.

Section 5. Overtime. Each full-time employee, except department heads, who shall be required to be on duty in excess of forty (40) hours in a workweek shall be paid for such overtime duty at the rate of one and one-half times his regular hourly rate of compensation. Overtime work shall be required only when necessary operations cannot be performed by on duty employees during their regular workweek. Overtime shall be distributed on a seniority basis among employees qualified to do the work.

Section 6. Longevity Pay.

a. A full-time employee, including department heads, who completes the number of years indicated below of creditable service shall be granted a longevity lump-sum payment in the amount set forth below for the number of years of such service he has completed.

| | |
|---|---|
| Five (5) years | $300.00 |
| Ten (10) years | $500.00 |
| Fifteen (15) years | $750.00 |
| Twenty (20) years | $900.00 |
| Twenty-five (25) years | $1,450.00 |

b. The longevity pay to which an employee is entitled shall be paid in a lump-sum payment by means of a check separate from his regular compensation check in the first pay period next following the date on which he completes the number of years of service and shall continue to be so paid each year thereafter on the anniversary of such pay period.

c. Each part-time worker who is a benefit eligible employee who completes the number of years of continuous employment indicated in paragraph a. above shall be granted a longevity lump-sum payment annually in a amount proportionate to the amount paid full-time employees under paragraph a. above. Such amount shall be in the proportion of his regularly scheduled workweek bears to the regular workweek scheduled for full-time employees.

Section 7. Holiday Pay

a. The following days shall be considered holidays:

The first day of January, New Year's Day
Martin Luther King’s Birthday
The third Monday in February, Presidents' Day

The third Monday in April, Patriot's Day
The last Monday in May, Memorial Day
The fourth day of July, Independence Day
The first Monday in September, Labor Day
The second Monday in October, Columbus Day
Veterans' Day
Thanksgiving Day
Day after Thanksgiving
One-half (½) Day before Christmas Day
Christmas Day
One-half (½) Day before New Year's Day

b. Each benefit-eligible employee whose presence on duty is not required to maintain essential services shall be excused from duty on said holidays and shall receive holiday pay at his regular hourly rate for the number of hours equal to his regular daily work schedule.

c. Each benefit-eligible employee who is required to work on any of said holidays shall be paid in addition to the holiday pay for which he is entitled as set forth in paragraph 7.b above, his regular hourly rate for each hour worked not to exceed the number of hours in his regular daily work schedule.

d. Holiday pay is in lieu of other paid leave to which an employee might otherwise be entitled on his holiday. Accordingly, an employee who is on vacation leave or sick leave on any of the aforementioned holidays shall not be charged such leave but shall receive holiday pay in lieu thereof.

e. To be eligible for holiday pay, an employee must be in a pay status on his scheduled workday immediately prior to and his scheduled workday immediately after the holiday.

f. The department head will determine the number and categories of employees needed for holiday work. Any employee who is scheduled to work on a holiday and who does not report for work on said day shall not receive holiday pay, but shall be charged as being absent without leave unless such absence is based on an extreme emergency situation and is excused by the department head.

Section 8. Vacation Leave.

a. Vacation leave with pay will be granted in accordance with the provisions of this Section to each full-time employee and benefit eligible part-time employee, including department heads, commensurate with the length of his continuous employment with the Town. Benefit-eligible part-time employees will be granted

vacation leave on a pro-rated basis in the ratio that their part-time employment bears to full-time employment.

b. Employees shall be entitled to vacation leave as follows:

(1) An employee with one (1) year but less than five (5) years of continuous employment with the Town shall be entitled to ten (10) days of vacation leave in his employment year.

(2) An employee with five (5) years but less than eleven (11) years of continuous employment with the Town shall be entitled to fifteen (15) days of vacation leave in his employment year.

(3) An employee with eleven (11) years but less than sixteen (16) years of continuous employment with the Town shall be entitled to twenty (20) days of vacation leave in his employment year.

(4) An employee with sixteen (16) but less than twenty-one (21) years of continuous employment with the Town shall be entitled to twenty-five (25) days of vacation leave in his employment year.

(5) An employee with twenty-one (21) years or more of continuous employment with the Town shall be entitled to thirty (30) days of vacation leave in his employment year.

c. The department head shall determine the time when any employee shall be granted his vacation leave. Seniority as well as work requirements will be the determining factors in the granting of vacation leave.

d. Vacation leave may be taken at any time during the employment year after which it has been earned. It shall not be accumulated from employment year to employment year, except for department heads, who will be allowed to carry over a maximum of ten (10) days of vacation leave, subject to prior approval of the Board.

Section 9. Personal Leave Days.

a. Each benefit-eligible employee, who has completed his six (6) month probationary period of employment with the Town, shall be granted, at the discretion of the appropriate department head, days off without loss of pay, hereinafter called personal leave days, to attend to personal matters that cannot reasonably be attended to outside of the regular workday. Personal leave days shall not exceed three (3) in number in any one employment year and shall not be granted, except in cases of emergency, on the day before or the day after a holiday or a vacation period, or a day on which the employee is not in a pay status.

b. Requests for personal leave days shall be submitted in writing to the appropriate department head with the reasons for the request forty eight hours in advance of the day for which the personal leave is requested, except in cases of emergency.

Section 10. Sick Leave.

a. Sick leave with pay will be granted in accordance with the provisions of this Section to each full-time employee and benefit-eligible part-time employee, including department heads. Benefit-eligible part-time employees will be granted sick leave on a pro-rated basis in the ratio that their part-time employment bears to full-time employment. Sick leave will be granted when the employee:

(1) Is incapacitated for the performance of his duties by non-occupational sickness or injury, except any sickness or injury resulting in whole or in part from the voluntary use of intoxicating liquor, drugs or narcotics and any injury which is incurred in gainful employment or self-employment other than as an employee of the Town; or

(2) Is required to give care and attendance to his spouse, child, parent or other member of his immediate household who is afflicted with a contagious disease or a serious illness; or

(3) Would jeopardize the health of others by his presence on duty because of exposure to a contagious disease.

b. Each employee shall accrue sick leave at the rate of one and one-quarter (1 ¼) days for each month of actual work performed up to a total of fifteen days per employment year. Leave shall be accumulative from one employment year to the next subject to a maximum accumulation of one hundred twenty (120) days.

c. The department head or administrative authority, as the case may be, is authorized to approve or disapprove requests for sick leave. An employee who is absent from duty on account of sickness or injury shall notify the person authorized to approve sick leave of the reason for his absence before or at the beginning of his scheduled tour of duty. Sick leave not in excess of five (5) days will ordinarily be approved without a medical certificate from the employee's attending physician. In those cases, however, that indicate excessive absence on account of sickness or where there appears to be an abuse of the sick leave privilege, a medical certificate may be required for any absence attributable to sickness. Absences on sick leave in excess of five (5) days must be supported by a medical certificate. In those cases where an employee's request for sick leave is not approved, his absence shall be considered to be unauthorized, and he shall receive no pay for the period of such absence. Disciplinary action may also be taken against the employee.

d. An employee who is unable to work because of an occupational injury, which is incurred in the course of his employment by the Town and which is compensable under the provisions of the Massachusetts Workers' Compensation Act, Chapter 152 of the General Laws, shall, upon his written request to his department head, receive as a charge against his accrued sick leave the difference between his current salary and the amount he receives as workers' compensation.

e. Notwithstanding any provisions of this by-law, the 1993 Federal Family Medical Leave Act shall be followed in accordance with its provisions.

Section 11. Personal Injury Sustained in the Line of Duty. Each employee subject to the provisions of Chapter 152 of the General Laws, who is incapacitated for duty by reason of any injury or illness arising out of and in the course of his employment by the Town, shall receive the benefits of said Chapter.

Section 12. Group Health and Life Insurance.

a. The Town, to the extent such is possible, will provide employees with group indemnity type health insurance substantially equivalent to that which is being provided employees on the effective date of this by-law. The Town shall also provide employees with group life insurance and group accidental and dismemberment insurance in the amount of ten thousand dollars ($10,000.00). The Town shall pay fifty percent (50%), and the employee shall pay fifty percent (50%) of the premium for the group indemnity type health insurance and of the premium for the group life insurance.

b. The Town, to the extent such is possible, will make available to employees, in accordance with the provisions of Section 16 of Chapter 32B of the Massachusetts General Laws, the services of health maintenance organizations (HMOs). The Town and the employee shall pay the same percentages of the premiums for HMOs as are negotiated by the Town in its collective bargaining agreements with employee organizations.

c. The Town will also make available to its employees a group dental plan. The premiums for participation in such plan will be paid entirely by the employee..

d. Any claims or disputes concerning eligibility for or payment of benefits under said insurance plans shall be determined in accordance with the applicable insurance policies and contracts.

Section 13. Court Leave. A benefit-eligible employee called for jury duty shall be paid the difference between his regular pay and the compensation received by him as a juror, exclusive of travel allowances. An employee summoned as a witness on behalf of the Town shall be granted leave and shall be paid the difference between his regular pay and his witness fees, exclusive of travel allowances. An employee who is required to appear in court as a defendant or

litigant in other than Town matters shall be granted leave without pay for such purpose. An employee may use vacation or personal time to attend court for matters other than Town matters.

Section 14. Military Leave.

a. A full-time employee, who has been employed by the Town for a period of six (6) consecutive months and who is ordered into temporary active duty with the military reserves or the National Guard, shall be paid for a period not to exceed fourteen (14) days the difference between his regular pay and that which he receives from the Federal or State Government during the period of his temporary active duty. For any period of such absence in excess of fourteen (14) days such employee shall be granted leave without pay.

b. A full-time employee who is inducted or enlists in any branch of the armed forces of the United States during any wartime emergency shall be granted a military leave of absence without pay. Within sixty (60) days of his separation from the armed forces he shall be reinstated, if he so requests, to the same or a comparable position and will have restored to him all benefits as if his service had been continuous.

Section 15. Bereavement Leave. All employees may be granted, at the discretion of the department head, leaves of absence without loss of pay for periods not in excess of three (3) days in the event of a death in their immediate families. Immediate family shall include parent, brother, sister, husband, wife, child, father-in-law, mother-in-law, grandparent, sister-in-law, and brother-in-law and/or a member of the employee's household.

Section 16. Leave of Absence without Pay.

a. A full-time employee, who is subject to the Civil Service Law, may be granted by the Board of Selectmen a leave of absence without pay for a period of not to exceed three (3) months in any period of twelve (12) consecutive months. Requests for such leave of absence shall be submitted to the Board of Selectmen through the Department Head and shall contain a detailed statement of the reasons for the request.

b. The provisions of Chapter 31, Section 37 of the General Laws shall be followed in approving leaves of absence without pay for periods in excess of three (3) months for employees subject to the Civil Service Law, in reinstating employees at the end of the period of approved absence, and in terminating the employment of an employee who does not return to duty at the end of the period of approved absence.

c. Employees not subject to the Civil Service Law and covered by this by-law may be granted leaves of absence without pay by the Administrative Authority. Requests for leave of absences without pay shall be submitted to the Administrative Authority in writing and shall contain a detailed statement of the reasons for the request

and a projected return to work date. All requests must be received at least 30 days prior to the requested start date.

d. The Town, in acting upon the request of employees for leaves of absence without pay, shall comply with the provisions of The Family Leave Act of 1993 (29 U.S.C. 2601 et seq.) and the Federal Regulations (29 CFR Part 825) implementing such Act.

e. In accordance with Massachusetts General Law Chapter 149 Section 52E, relative to *Employment Leave for Victims and Family Members of Abusive Behavior* (the "Law") which was enacted as Section 10 of Chapter 260 of the Acts of 2014 entitled "An Act Relative to Domestic Violence," the Board of Selectmen promulgates the following:

***Consideration of Paid or Unpaid Leave***: The employee, after consuming all available vacation time, personal days, sick days and availability of sick days through a Sick Bank, if applicable, may take leave applicable to the Law in a paid status at his or her regular and customary compensation.

***Consideration of Documented Evidence***: In recognition of the sensitivity of any leave associated with this Law, documentation will be determined to be required on a case by case, as decided by the Town Administrator.

Section 17. Absence Without Leave. When an employee is absent from work without authorization he will be charged as being without leave and will receive no pay for the period of such absence. In addition to receiving no pay for a period of absence without leave, an employee may be subject to disciplinary action for such unauthorized absence.

Section 18. Retirement Policy.

a. All regularly scheduled full-time and part-time employees are eligible for membership in the Plymouth County Retirement System. Temporary, provisional, seasonal or substitute employees are to participate in the Town's 457 deferred compensation plan, unless excluded by law.

b. In the event an employee's employment is terminated by his retirement in accordance with and under the provisions of the Plymouth County Retirement System or by his death, he or his spouse or designated beneficiary shall be paid in a lump-sum for the unused sick leave which has accumulated to his credit at time of termination of his employment.

Section 19. Anti-Harassment Policy. The Anti-Harassment Policy, adopted by the Board of Selectmen on September 22, 2009, is incorporated herein by reference and is applicable to all employees.

Section 20. Drug and Alcohol Policy. The drug and alcohol policy, adopted by the Board of Selectmen on February 1, 1996, is incorporated herein by reference and is applicable to all employees.

Section 21. Amendment and Severance.

a. These by-laws may be altered, repealed, or amended by a majority vote at any annual meeting or any other Town meeting specially called for that purpose, an article or articles for such purpose having been inserted in the warrant for such meeting.

b. The provisions of this by-law are hereby declared to be severable, and if any such provision or the application of any such provision to any person or circumstances shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not be construed to affect the validity, legality or constitutionality of any of the remaining provisions or the application of said by-law to persons or circumstances other than those which it is held invalid, illegal or unconstitutional.

## ARTICLE 17
## ANIMAL CONTROL OFFICERS

Section 1. Appointment. The Board of Selectmen shall annually appoint Animal Control Officers who shall hold office for one year or until their successors take office. The compensation to be paid Animal Control Officers shall be determined from time to time by the Chief of Police.

Section 2. Duties. The Animal Control Officers, under the general supervision and control of the Board of Selectmen and the Chief of Police, shall perform the following duties:

a. Enforce the provisions of this by-law and all other by-laws which may from time to time be adopted by the Town for the purpose of regulating animals.

b. Enforce the applicable provisions of Chapter 140 of the General Laws relating to the regulation of dogs.

c. Investigate complaints regarding dogs.

d. Apprehend dogs who are running at large or who are a public nuisance and keep them until the owner is found or until the dogs are otherwise disposed of.

e. Inspect or cause to be inspected any kennel.

f. Collect all delinquent payments of dog licenses and kennel licenses on August first of each year. In this regard, the Town Clerk will submit a list of such unpaid

licenses to the Animal Control Officer who will issue a noncriminal citation of twenty five dollars ($25) Such charge shall be assessed in accordance with the provisions for the non-criminal disposition of violations contained in General Laws Chapter 40, Section 21D and in Article 46 of these by-laws.

g. Perform such other duties which are the responsibility of the Animal Control Officer under this by-law and Chapter 140 of the General Laws.

Section 3. Regulation of Dogs. The provisions of this by-law relating to the regulation of dogs are adopted pursuant to the provisions of Chapter 140, Section 147A and 173 of the General Laws. The provisions of Chapter 140, Sections 136A through 174D, inclusive, except as modified herein, are incorporated into this by-law by reference.

Section 4. Definitions. The following words and phrases as used herein shall have the following meanings:

a. Owner. Any person, partnership, corporation, society or other legal entity owning, keeping, or harboring one or more dogs. A dog shall be deemed to be harbored if it is fed or sheltered for seven (7) consecutive days or more.

b. Keeper. Any person, partnership, corporation, society, or other legal entity, other than the owner, harboring or having in his possession any dog.

c. Animal Control Officer. Any officer appointed under this by-law to enforce the laws relating to animals including, but not limited to MGL Ch 140 sections 136A to 174E, inclusive.

d. At Large. Any dog shall be deemed to be at large when it is off the property of its owner and not under the control of a competent person.

e. Commercial Kennel. A pack or a collection of dogs on a single premises maintained for sale, commercial breeding, boarding, grooming, training, hunting, or for any other commercial purposes, and including any shop where dogs are on sale.

f. Private Kennel. A pack or collection of more than four dogs, three months old or over, owned or kept by a person on a single premises and maintained exclusively as domestic pets and not maintained for sale, commercial breeding, boarding, grooming, training, hunting, or for any other commercial purposes.

g. Shelter. A public animal control facility, or any other facility which is operated by any organization or individual for the purpose of protecting animals from cruelty, neglect or abuse.

h. Dangerous or Vicious Animal. Any animal that has a documented record of, or is observed by an Animal Control Officer or any police officer in the act of (a) inflicting injury on a human being without provocation; or (b) has killed another animal without provocation; or (c) any animal harbored primarily, or in part, for the purpose of fighting another animal; or (d) any animal when unprovoked, chases any person upon the public ways or on any public or private property other than the animal's owner's own premises, in any menacing fashion, or in an apparent attitude of attack, or (e) any animal with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to otherwise threaten the safety of human beings or other animals; or (f) any non-domesticated or wild animal that is declared by an Animal Control Officer to be inherently dangerous, having the ability to inflict serious or life threatening injury to human beings or other domesticated animals.

Section 5. Licensing of Dogs.

a. Any person owning, keeping or having custody of any dog six (6) months of age or older shall cause it to be registered, numbered, described, and licensed annually during the licensing period. The registering, numbering, describing, and licensing of a dog shall be in the office of the Town Clerk. The owner of any dog may add descriptive words, not over ten (10) in number, upon the license form to further describe the dog. The licensing period shall begin April first of each year and terminate thereafter on the thirty-first day of March, both dates inclusive. Whoever violates the provisions of this section by failing to license his or her dog by July 1st shall be liable for a demand fine of twenty-five dollars ($25.00). Whoever violates the provisions of this section by failing to license his or her dog by August 1st shall be liable for an additional noncriminal citation of twenty-five dollars ($25.00) issued as mention in Section 2f of this bylaw.

b. Deleted

c. The Town Clerk shall not grant a license for any dog unless the owner provides a veterinarian's certification that the dog has been vaccinated for rabies in accordance with Chapter 140, Section 145B of the General Laws, or a certificate of exemption. A certificate from a veterinarian will be required for a spayed female or neutered male being licensed for the first time. If a certificate cannot be obtained, a notarized statement by a registered veterinarian, describing the dog and stating that he has examined the dog and that it appears to have been, and in his opinion has been, spayed or neutered, will be accepted.

d. Upon acceptance of the license application and fee, a tag shall be issued, stamped with an identification number, year of issuance, and name of Town of West Bridgewater. All applications issued must have a description of the symptoms of rabies

supplied by the Department of Public Health as required by Chapter 140, Section 145 of the General Laws. If a current tag is lost, a substitute tag can be obtained from the Town Clerk.

e. No person may use any license or tag for any dog other than the dog for which it was issued. Dogs must wear identification tags and collars at all times when off the premises of the owner.

f. License fees shall not be required for certified seeing-eye dogs, hearing dogs, governmental police dogs, or other certified dogs that are trained to assist the physically handicapped.

g. No license fee, or part thereof, shall be refunded because of the subsequent death, loss, spaying/neutering, or removal from the Town or other disposal of the dog.

h. The fee for dog licenses shall be fifteen dollars ($15.00) for altered males and spayed females and sixteen dollars ($16.00) for unaltered males and unspayed females.

Section 6. Licensing of Kennels.

a. Every person maintaining a kennel shall have a kennel license issued by the Town Clerk. The licensing period shall begin April first of each year and terminate thereafter on the thirty-first day of March, both dates inclusive. Any owner or keeper of less than four dogs three months old or over who does not maintain a kennel may elect to secure a kennel license in lieu of licensing such dogs under Section 5 hereof and during such time as he does not license such dogs there under shall have a kennel license and shall be subject to this section and other sections and statutes pertaining to kennels to the same extent as though he were maintaining a kennel. The Animal Control Officer shall inspect such kennel prior to the issuance of the license. Whoever violates the provisions of this section by failing to obtain a kennel license by July 1st shall be liable for a demand fine of twenty-five dollars ($25.00). Whoever violates the provisions of this section by failing to obtain a kennel license by August 1st shall be liable for an additional noncriminal citation of twenty-five dollars ($25.00) issued as mention in Section 2f of this bylaw.

b. Animal Control Officer may inspect or cause to be inspected any kennel within the Town. If unsanitary or inhumane conditions are found, or if records are not properly kept as required by law, the Animal Control Officer shall recommend to the Board of Selectmen the revocation or suspension of the kennel license.

c. The owner of a kennel shall submit to the Town Clerk a certification that all adult dogs on the premises have been properly inoculated.

d. The holder of a kennel license shall cause each dog kept therein to wear, while it is at large, a collar or harness of leather, or other suitable material, to which shall be

securely attached a tag upon which shall appear the number of such kennel license, the name of the Town of West Bridgewater, and the year of issue.

e. Upon the transfer of a dog from a kennel to an owner, the owner may use a certificate and tag from the kennel in lieu of a license for a period of two (2) weeks. The certificate shall contain the kennel number, date of purchase, and description of the dog. Upon the licensing of the dog, the Town Clerk will sign and return the certificate to the kennel.

f. If the license of any kennel is suspended or revoked, no fee can be recovered. Anyone maintaining a kennel after the license is revoked or during a suspension period shall be fined fifty dollars ($50.00).

g. Any person found guilty of cruelty to animals shall forfeit his license and will be ineligible for another license until two (2) years from the date of being found guilty. No fee can be recovered.

h. Kennel license fees shall not be required for domestic charitable corporations that are incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals.

i. The fee for a kennel license shall be sixty dollars ($60.00) if not more than five dogs are kept in the kennel, one hundred and five dollars ($105.00) if more than five but not more than ten dogs are kept therein, and two hundred forty dollars ($240.00) if more than ten dogs are kept therein.

j Any person wishing to open or maintain a kennel can only do so with a special permit granted by the Board of Appeals as mention in the West Bridgewater Zoning By-Laws section 4.4 TABLE OF USE REGULATIONS 13a and 13b.

Section 7. Abatement of Noise Nuisance.

a. It shall be unlawful for the owner or keeper of a dog or other animal to disrupt another person's right to peace or privacy by making loud or continuous noise.

b. Upon a complaint received by the Police Department of barking, howling or other objectionable noise made by an animal that is creating a noise nuisance, an Animal Control Officer or any police officer shall investigate said complaint. If after the investigation it is found that an animal is creating a noise nuisance for not less than ten continuous minutes, where said noise is plainly audible at a distance of one hundred fifty (150) feet from the building or premises, the Animal Control Officer or police officer

may issue a warning notice or a civil citation to the owner or keeper of the animal causing the noise nuisance.

c. If the owner or keeper of an animal that has been found to be creating a noise nuisance fails to immediately abate the nuisance, the Animal Control Officer or any police officer shall issue a civil citation in accordance with Article 46 of these by-laws.

d. The failure to permanently abate a noise nuisance, as described in subparagraph b and c immediately above, may result in penalties and other actions as voted by the Board of Selectmen in accordance with General Laws Chapter 140. Such actions may be an order to muzzle the animal, an order to banish it from the Town, or an order to destroy the animal.

e. Within ten (10) days after any such order, the owner or keeper of such dog may bring a petition in the Brockton District Court asking for a review of the order by the Court. The Court shall review the order and shall affirm it unless it shall appear that the order was made without proper cause or in bad faith, in which case the order shall be reversed. The decision of the Court shall be final and binding upon the parties.

Section 8. Abatement of Noise at Kennel. Upon the petition of twenty-five (25) citizens filed with the Board stating that they are aggrieved or annoyed, to an unreasonable extent, by one or more dogs at a kennel because of the excessive barking or vicious disposition of said dogs or other conditions connected with such kennel constituting a public nuisance, the Board, within seven (7) days after the filing of such petition, shall give notice to all parties interested of a public hearing to be held within fourteen (14) days after the date of such notice. Within seven (7) days after such public hearing, the Board shall make an order either revoking or suspending such kennel license or otherwise regulating such kennel, or by dismissing the petition. Written notice of any such order shall be mailed forthwith to the Town Clerk and to the holder of such license.

Within ten (10) days after such order, the holder of such license may bring a petition in the Brockton District Court asking for a review of the order by the Court. The Court shall review the order and shall affirm it unless it shall appear that the order was made without proper cause or in bad faith, in which case the order shall be reversed. The decision of the Court shall be final and binding upon the parties.

Section 9. Vicious, or Other Dangerous Animals.

a. It shall be unlawful for the owner or keeper of an animal which is dangerous or vicious to fail to safeguard humans or other animals from attack or threat of attack from said animal.

b. Upon a complaint received by the Police Department of a vicious or dangerous animal, an Animal Control Officer or any police officer shall investigate said complaint. If after the investigation the animal is declared to be dangerous or vicious, the

owner or keeper may be issued a written notice to confine the animal so it is no longer a threat to human beings or other animals. A violation of a failure to comply with such confine order shall result in the owner or keeper being issued a civil citation in accordance with Article 46 of these by-laws. If the owner or keeper fails to comply with the notice or fails to remedy the situation, the Board of Selectmen, on complaint from an Animal Control Officer or any police officer, shall hold a hearing to determine the fate of said animal. Nothing in this section shall limit an Animal Control Officer or any police officer from immediately destroying any vicious or dangerous animal in the process of, or momentarily interrupted in, the attacking of any human being, domestic or farm animal.

c. Within ten (10) days after any such order, the owner or keeper of such dog may bring a petition in the Brockton District Court asking for a review of the order by the Court. The Court shall review the order and shall affirm it unless it shall appear that the order was made without proper cause or in bad faith, in which case the order shall be reversed. The decision of the Court shall be final and binding upon the parties.

Section 10. Fines and Penalties. Whoever violates any provision of Section 7 and Section 8 of this by-law pertaining to the abatement of noise nuisances shall be subject to a fine of twenty-five dollars ($25.00) for the first offense, and second offense, fifty dollars ($50.00) for the third offense and fourth offense and one hundred dollars ($100.00) for every offense thereafter. Whoever violates any provision of Section 9 of this by-law pertaining to vicious or other dangerous animals shall be subject to a fine of one hundred dollars ($100.00) for the first offense and two hundred dollars ($200.00) for the second offense and every offense thereafter. The fines and penalties provided for in this Article shall be assessed in accordance with the provisions for non-criminal disposition of Violations contained in General Laws Chapter 40, Section 21D and in Article 46 of these by-laws. This by-law shall be enforced by an Animal Control Officer or by a police officer.

## ARTICLE 18
## DOG LEASH

Section 1. No owner or keeper of a dog shall cause or permit such dog, whether licensed or unlicensed, to run at large or be a public nuisance within the Town of West Bridgewater. No owner or keeper of a dog shall, except as otherwise provided herein, take or permit such dog to be taken from his premises unless the dog is restrained and controlled by means of a leash which is made of suitable material and is not more than six feet (6') in length. A dog shall not be allowed to be on the private property of others without the express consent of the owner of such property.

Section 2. Any dog found to be at large in violation of this by-law shall be caught and confined by an Animal Control Officer, who shall notify forthwith the licensed owner or keeper of such dog. The owner or keeper of said dog shall have seven (7) days from the receipt of notice thereof to reclaim said dog from the Animal Control Officer. Return of the dog to the licensed owner or keeper shall be dependent on admission of ownership or the keeping of the

dog, the assumption of responsibility thereof, and the payment of any fee or charges due for such confinement as provided by this by-law.

Section 3. The owner or keeper of any dog so confined by the Animal Control Officer under the provisions of this by-law shall be responsible for the cost of confinement of dog at a local shelter or kennel for each day of confinement and for the costs incurred by the Town for the care and maintenance of such dog.

Section 4. Any dog under the confinement of the Animal Control Officer that shall not have been claimed by the owner or keeper as provided for in this By-law shall be disposed of by the Animal Control Officers as provided for by General Laws Chapter 140, Section 151A.

Section 5. Owners or keepers found to be in violation of this by-laws shall be liable to a fine of twenty five dollars ($25.00) for the first violation, thirty dollars ($30.00) for the second violation, forty dollars ($40.00) for the third or subsequent violation, and fifty dollars ($50.00) for each violation resulting in personal injury or property damage. These fines shall be assessed in accordance with the provisions for the non-criminal disposition of violations contained in General Laws Chapter 40, Section 21D and in Article 46 of these by-laws. The enforcing persons for this by-law shall be an Animal Control Officer or a police officer.

## ARTICLE 19
## CARE OF BURIAL GROUNDS AND LOTS

Section 1. The Town will accept and forever hold in trust any money or securities which may hereafter be deposited with the Town Treasurer for the perpetual preservation, care, improvement, or embellishment of any public or private burial place, or any lots or graves therein, agreeable to the provisions of the laws of the Commonwealth.

Section 2. The Selectmen are authorized to enter into agreements in behalf of the Town with holders of burial rights in any lot in the cemeteries of the Town to keep forever such lot, the structures and grass thereon and one-half of the boundary paths in good and neat condition, so far as the same can be done by an expenditure not exceeding the income per annum of any sum of money, or equal to the income from securities, which such holder may have deposited with the Town Treasurer for said purposes.

## ARTICLE 20
## DISORDERLY BEHAVIOR

Section 1. No person, with purpose to cause public inconvenience, annoyance or alarm, shall engage in fighting or threatening, or in violent or tumultuous behavior or shall create a

hazardous or physically offensive condition by any act which serves no legitimate purpose of the action, whether the harm is suffered in public by the public or in private by an individual.

Section 2. No person shall bathe in any of the waters of this Town in a state of nudity, in places exposed to public view, or in immediate sight of the occupants of any dwelling.

Section 3. No person shall throw stones, snowballs, sticks or other missiles, or kick at football, or play at any game in which a ball is used or fly any kite or balloon, or shoot with or use a bow and arrow, gun, air gun, or sling, in or across any of the public ways of the Town.

Section 4. No person shall loiter or continue to stand on any sidewalk or public places in the Town so as to obstruct the passage of or to impede or in any manner annoy other person; nor shall any person in a street or way stand or loiter after being directed by a police officer to move on.

Section 5. No person shall extinguish any street light, or extinguish or remove any light placed to warn the public against an obstruction or a defect in any street or way, unless such person is authorized by those having charge of such lights or of the street or way, so to do.

Section 6. No person shall injure, deface or destroy any street sign, guide post, lamp or lantern thereon, or any tree, building fence or other object set, erected or made for the use of ornament of the Town, nor paint or draw any work or figure upon any curbstone or sidewalk.

Section 7. No person shall use or consume any alcoholic beverage, as defined in Chapter 138, Section 1 of the General Laws, or have in his possession, custody or control an opened or partially consumed container of any alcoholic beverage, while in or upon any public place or any place to which the public has a right of access including, but not limited to, public ways, sidewalks, parking lots, parks and commons, cemeteries, municipal buildings and schools and grounds or athletic fields appurtenant thereto, and including any motor vehicle or bicycle when parked or moving upon any of the above places or locations.

Section 8. Any person found to be in violation of this by-law shall be liable to a fine of one hundred dollars ($100.00) for each said violation, said fine to be assessed in accordance with the provisions for the non-criminal disposition of violations contained in Chapter 40, Section 21D and in Article 46 these by-laws. This by-law shall be enforced by the Police Department.

## ARTICLE 21
## HAWKERS AND PEDDLERS

Section 1. Purpose. The provisions of this by-law shall govern the licensing of hawkers and peddlers and their operation in the Town. The provisions of this by-law shall not apply to the following:

a. Wholesalers or jobbers selling to dealers only.

b. Commercial agents or other persons selling by sample, lists, catalogues or otherwise for future delivery.

c. Any dealer regularly engaged in supplying customers with fuel oil for heating or cooking purposes from a fixed place of business within the Commonwealth and who does not customarily solicit direct sales from house to house or by means of outcry, sign or signal.

d. Any person who peddles only fish obtained by his own labor or that of his family, or peddles fruits, vegetables or other farm products produced by himself or his family.

e. Any person selling articles for charitable purposes under Section 33 of Chapter 140 of the General Laws.

f. Any person licensed under Section 40 of Chapter 94 of the General Laws with respect to the sale of eggs, or milk, skimmed milk, cream, butter, cheese or other milk products, except frozen desserts as defined in Section 65G of said Chapter 94.

Section 2. Definitions. The following words for the purposes of this by-law shall have the following meanings:

"Hawker and Peddler" shall mean and include any person, either principal or agent, who goes from town to town or from place to place in the same town selling or bartering or carrying for sale or barter or exposing therefore, any goods, wares or merchandise, either on foot or from any animal or vehicle.

Section 3. License. The Director of Standards in the Executive Office of Consumer Affairs may grant a license, in accordance with the provisions of Chapter 101, Section 22 of the General Laws, as a hawker or peddler to any person who is, or has declared his intention to become a citizen of the United States. Such person must file with said Director a completely executed application to be furnished by the Director. Such application shall contain a certificate signed by the Chief of Police of the city or town in which the applicant resides and which shall state that to the best of his knowledge

and belief the applicant therein named is of good repute as to morals and integrity. The Director shall determine the fee to be paid for such license, which shall not exceed fifty-two dollars, and upon payment of such fee shall issue the license. The Director shall retain two dollars of each such fee and shall pay over to the Town Treasurer the balance of the fees so received.

Section 4. Endorsement, Display and Production of license. Every person licensed as a hawker or peddler shall endorse his usual signature upon his license. The Director shall, at the expense of the licensee, provide a means for displaying such license which must be worn in a visible and conspicuous manner on his outer clothing with the license number, licensee's name and the date of expiration exposed to view. The licensee shall produce his license for inspection whenever demanded by the Director, a selectman, sealer or deputy sealer of weights and measures, the Town Treasurer or Town Clerk, constable, police officer or justice of the peace. If the licensee fails to so produce his license or fails to wear his license in a visible and conspicuous manner as heretofore prescribed, he shall be subject to the same penalty as if he had no license.

Section 5. Unauthorized Sales. A hawker or peddler who sells or barters or carries for sale or barter or exposes therefore any goods, wares or merchandise, except as permitted by Chapter 101 of the General Laws or this by-law, shall forfeit not more than two hundred dollars, to be equally divided between the Commonwealth and the Town.

Section 6. Sales of Certain Articles Without License. Hawkers and peddlers may sell without a license newspapers, religious publications, ice, flowering plants, and such flowers, fruits, nuts and berries that are wild or uncultivated.

Section 7. Temporary Licenses to Sell Articles for Charitable Purposes. The Board of Selectmen may, under such conditions as they may deem proper, grant to any organization engaged exclusively in charitable work, or to a post of any incorporated organization of veterans who served in the military or naval service of the United States in time of war or insurrection, a special license authorizing it, upon a particular day and for a charitable purpose, named in such license, to sell, through its accredited agents in the streets and other public places within the Town, or in any designated part thereof, flags, badges, medals, buttons, flowers, souvenirs, and similar small articles; provided that no person under sixteen years of age shall be accredited as such agent, that each agent shall wear in plain sight while engaged in selling such articles a badge provided by such organization or post and approved by the Board of Selectmen, bearing upon it the name of such organization or post and the date on which the license is to be exercised, and that no agent shall be authorized to make or attempt to make such sales in front of any private premises against the objection of the owner or occupant thereof. The fee for such a license shall be ten dollars.

Section 8. Sale of Frozen Desserts. Any hawker or peddler who sells frozen desserts, as defined in Chapter 94, Section 65G of the General Laws, on or from a motor vehicle, shall equip such vehicle with a flashing amber dome light and front and rear warning lights which shall flash alternately and which shall be kept flashing when such vehicle is stopped for the purpose of selling frozen desserts.

Section 9. Disturbance of Peace. No person hawking, peddling, or carrying or exposing for sale any article shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the Town, nor shall carry or convey such article in any manner that will tend to injure or disturb the public health or comfort.

Section 10. Approval of Products or Goods. The issuance of a license to a hawker or peddler hereunder shall in no way be construed as an approval by the Town of the products, goods, wares or merchandise of the license, nor shall it be construed as a guarantee of the truth or reliability of the representations made by the licensee.

Section 11. Nothing in this by-law shall be construed as conflicting with any license issued by the Director under the provisions of Chapter 101 of the General Laws.

Section 12. Penalty. Any fines assessed under the provisions of this by-law shall be those provided for in Chapter 101 of the General Laws. This by-law shall be enforced by the Police Department.

## ARTICLE 22
## TRANSIENT VENDORS

Section 1. Purpose. The provisions of this by-law shall govern the licensing of transient vendors and their operation in the Town. The by-law shall not apply to sales by commercial travelers or by selling agents to dealers in the usual course of business, or to bona fide sales of goods, wares or merchandise by sample for future delivery, or to sales of goods, wares or merchandise by any domestic corporation or agent thereof, by any person, whether principal or agent, who engages in temporary or transient business in the Town in which taxes have been assessed upon his stock in trade during the current year, or to hawkers and peddlers as defined in Article 21 of the Town's By-laws.

Section 2. Definitions. The following words for the purposes of this by-law shall have the following meanings:

"Transient Vendor", any person, either principal or agent, who engages in a temporary or transient business in the Commonwealth selling goods, wares or merchandise, either in one locality or in traveling from place to place.

"Temporary or transient business", any exhibition and sale of goods, wares, or merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours for a period of at least twelve consecutive months.

Section 3. State License. Every person before commencing business in the Commonwealth as a transient vendor, whether as principal or agent, shall obtain a state license in accordance with the provisions of Chapter 101, Section 3 of the General Laws.

Section 4. Local License. In addition to the state license, every transient vendor, before making any sales of goods, wares or merchandise in the Town, shall make application to the Board of Selectmen for a local license. Such application, unless a fee for such license has been fixed by said Board as hereinafter provided, shall include a true statement, under oath, of the average quantity and value of the stock of goods, wares and merchandise kept or intended to be kept or exposed by him for sale. Said Board shall submit such statement to the Board of Assessors, which shall determine such average quantity and value and shall forthwith transmit a certificate thereof to said Board. Thereafter, said Board shall authorize the Town Clerk, upon the payment by the applicant of a fee equal to the taxes assessable under the last preceding tax levy, upon an amount of property of the same valuation, to issue to him a license authorizing the sale of such goods, wares and merchandise within the Town. The Board may, however, authorize the issue of such license, without the filing of said statement as aforesaid, upon the payment of a license fee fixed by it. Upon payment of such fee, the Town Clerk shall issue such license, which shall remain in force so long as the licensee shall continuously keep and expose for sale in the Town such stock of goods, wares or merchandise, but not later than the first day of January following its date. Upon such payment and proof of payment of all other license fees, if any, chargeable upon local sales, the Town Clerk shall record the state license of such transient vendor in full, shall endorse thereon "local license fees paid", and shall affix thereto his official signature and the date of such endorsement.

Section 5. Neglect or Refusal to File Statement. Any transient vendor who neglects or refuses to file the statement described in Section 4 above, if required by the Board of Selectmen, or makes a false or fraudulent representation therein, shall be punished by a fine of not less than five nor more than twenty dollars each day on which he keeps or exposes for sale any goods, wares or merchandise.

Section 6. Selling Without License. No transient vendor shall sell or expose for sale, at public or private sale, any goods, wares or other merchandise without having the state and local licenses therefore, properly endorsed, nor shall any person, either principal or agent, advertise by circular, handbill, newspaper or in any other manner any such unlicensed sales. No transient vendor shall file any application, original or supplementary, containing any false statement.

Section 7. Special License for Charitable Purposes. The Board of Selectmen may, under conditions as it may deem proper, grant to any organization engaged in charitable work or to a post of any incorporated organization of veterans, who served in the military or naval service of the United States in time of war or insurrection, a special license authorizing it, for a particular time period not to exceed a total of four days to be stated in such license, and for a charitable purpose stated in such license, to conduct under their control a temporary or transient business in which transient vendors participating in such sales shall not be subject to the provisions of Section 4 and 5 hereof.

Section 8. Penalties. Violations of Section 6 of this by-law shall be punished by a fine of not more than fifty dollars or by imprisonment of not more than two months, or both.

## ARTICLE 23
## UNREGISTERED MOTOR VEHICLES

Section 1. No person or entity, owning or having the care, custody or control of unregistered motor vehicles shall have more than one of such unregistered motor vehicles in the open on any premises or lot or parcel of land in the Town. All other unregistered motor vehicles owned by, or in the care, custody or control of said person or entity in the Town shall be kept in a building, structure or enclosure.

Section 2. The by-law shall not apply to a person or entity duly licensed under the provisions of General Laws Chapter 140, Section 58, as a Class 1, Class 2 or Class 3 new or used car dealer in motor vehicles, or licensed under Article 24, Section 4 of these by-laws, or to motor vehicles used or operated for farm or dairy purposes, or used on premises for other commercial purposes.

Section 3. This by-law shall be enforced by the Police Department under the direction of the Chief of Police or by the Inspector of Buildings.

Section 4. Any person who violates any of the provisions of this by-law shall be liable to a fine of fifty dollars ($50.00) for the first day of said violation, one hundred dollars ($100.00) for the second day of violation, and two hundred dollars ($200.00) for each day thereafter that the violation continues. Such fines shall be assessed in accordance with the provisions for the

noncriminal disposition of fines contained in General Laws Chapter 40, Section 21D and in Article 46 of these by-laws.

## ARTICLE 24
## COLLECTORS OF AND DEALERS IN SECOND HAND ARTICLES, JUNK AND KEEPERS OF JUNK SHOPS

Pawn Shops/Dealers in Junk/Dealers in Second-Hand items

It is hereby ordered that Dealers in Junk, Second-Hand Articles, Gold, Silver, and other precious metals and Pawnbrokers shall be licensed and regulated in the Town of West Bridgewater pursuant to this By-law.

No person who makes a business of purchasing or purchasing and selling, or who keeps a place of business in the Town of West Bridgewater for purchasing, or purchasing and selling either gold, silver, other precious metals, other precious or semi-precious gemstones, jewelry, computers and computer equipment, video equipment, audio equipment, cameras, or other electronic devices such as video game systems, games, software, shall engage in such business or open such place of business unless duly licensed by the Town of West Bridgewater.

Definitions:

A Second Hand Dealer is a person or business who makes an outright purchase of personal property that has been used. The term "Second Hand Dealer" shall not include automobile recycling facilities or dealers in automotive parts.

A Pawnbroker is a person or business, who offers loans to individuals who use their personal property as collateral. These items are called pledges or pawns. For purposes of this By-law, Pawnbrokers shall be licensed as a Second Hand Dealers and shall comply with all record keeping requirements of Second Hand Dealers.

Section 1. The Board of Selectmen may license suitable persons to be collectors or dealers in, or keepers of shops for the purchase, sale or barter of junk, old metals, or second hand articles, and no such person shall be a dealer in, or keeper of, the aforesaid, without such a license. Each such dealer or keeper of a shop shall have conspicuously displayed this license at the place where he/she does business. Each application for a license under this section shall set forth the name and the address of the business being licensed as well as the principal(s) of the business, their dates of birth and current addresses. The Chief of Police or his designee shall conduct a character investigation upon the applicant and his findings or report thereon shall be forwarded to the Board of Selectmen. The Board of Selectmen may refuse to issue a license to a principal(s) who is deemed unsuitable to operate such business by the Board of Selectmen or whose registration has been revoked for violation of the By-law previously, or who has been convicted of a felony. The license shall be in force until the 30th (thirtieth) day of April unless sooner revoked.

Section 2. The Selectmen may require that any place, vehicle or receptacle, used for the collecting or keeping of the articles aforesaid, may be examined at all times by the Selectmen or by any person authorized by them to make such examination.

Section 3. No person licensed under this article may, directly or indirectly, either purchase or receive by way of barter or exchange, any of the articles aforesaid, except rags or bottles, of a minor apprentice, knowing or having reason to believe him to be such.

Section 4. The Selectmen may issue a license to operate a garage for the purpose of repairing or remodeling motor vehicles. The Selectmen may require that any site used as a repair garage be examined by the Selectmen or their designee. All licensees are to operate in accordance with existing By-laws or in the public good. The annual license fee shall be determined by the Board of Selectmen but shall not apply to those licensees holding licenses pursuant to the provisions of Sections 57, 58, and 59, Chapter 140 and Sections 9 and 13 of Chapter 148 of the General Laws.

Section 5. Dealers in second hand articles, including precious metals and stones, other jewelry and any form of electronic device or any other item, including musical instruments where said value of the property purchased or bartered for by the dealer is $1 or more, and dealers in antique second-hand articles including rare books, works of art, and antiques not falling into the above previously described categories, where the value of the property purchased or bartered for by the dealer is $500.00 or more, shall file a weekly report with the police department. Said weekly report shall be on a form or electronic application prescribed by the Chief of Police and shall be submitted in accordance with said prescribed method to the police department by the end of each business week of said dealers. The dealer shall provide at least the following information and enter into prescribed application upon approval of the Chief of Police: the name, address, date of birth, and driver's license number, if any, of the seller, a complete description of the item purchased or bartered for by the dealer to include the size, color, type of stone or precious metal, any name or initials found on or carved into the item, and the amount of funds paid to the seller. A photo identification will be shown to the dealer and said dealer will indicate on the form what type of identification was provided by the seller.

Section 6. All materials taken in trade or barter will be held for a minimum of 30 days before resale, trade, melting changing the appearance or other means of disposal occur. During this 30 day holding period items taken in trade or barter will be held on site and will not be traded to other merchants or junk dealers. During this 30 day holding period, the integrity of all items taken in will be maintained regardless of circumstances.

Section 7. A violation of the provisions of Section 5 of this By-law shall be punishable by a fine of one hundred dollars ($100.00) to be assessed in accordance with the provisions for the non-criminal disposition of violations contained in General Laws Chapter 40, Section 21D and in Article 46 of these By-laws. This By-law shall be enforced by the Police Department.

Section 8. Three violations occurring within any twelve month period will result in the revocation of one's right to operate said business in the Town of West Bridgewater. Enforcement of this revocation will be at the direction of the Licensing Authority and/or their designee.

## ARTICLE 25
## PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL

Section 1. No person shall smoke, ingest, or otherwise use marijuana or tetrahydrocannabinol (as defined by MGL, Chapter 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any other area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

Section 2. Any person found in violation of this By-Law shall be liable to a fine of $100.00 for the first offense; $200.00 for the second offense; and $300.00 for each of any third or subsequent offense; said fine is to be assessed in accordance with the provisions for the non-criminal disposition of violations as contained in MGL Chapter 40 Section 21D and in accordance with Article 46 of the Town By-Laws. This By-Law shall be enforced by the Police Department for the Town of West Bridgewater and any penalty imposed under the By-Law shall be in addition to any civil penalty imposed pursuant to MGL 94C Section 32L.

## ARTICLE 26
## FIRE DEPARTMENT

Section 1. The Fire Department shall be headed by a Fire Chief appointed by the Board of Selectmen pursuant to the provisions of Chapter 48, Section 42 of the General Laws. The Fire Chief shall have all the powers and duties prescribed by statute and by these by-laws.

Section 2. The Fire Department shall have charge of extinguishing fires and of the protection of life and property in case of fire. The Fire Department shall also be responsible for providing an ambulance service for the Town.

Section 3. The Fire Chief shall keep an accurate and detailed account of the expenditures of the department, showing the dates, amounts and objects thereof. He shall also keep a detailed list of the alarms to which the department responds, the length of time on duty, and the amount of fire loss in each case.

Section 4. Prior to the issuance of an original license to store petroleum, toxic chemicals, or other inflammable fluids, the applicant shall file a site plan with the Fire Department and a copy thereof to the Board of Selectmen, the Inspector of Buildings and the Board of Water Commissioners. The site plan shall be revised and updated by the applicant and submitted to the Fire Chief, the Board of Selectmen, the Inspector of Buildings and the Board of Water Commissioners within thirty (30) days of any new installation or replacement of the storage tank.

Section 5. The Fire Chief or his designee shall from time to time inspect existing storage tanks and replacements and shall report his findings and recommendations annually to the Board of Selectmen.

Section 6. Upon the discontinuance of a storage tank, the licensee shall notify the Fire Chief and the Board of Selectmen in writing of the date of discontinuance and shall within one year from the date of said notice remove the storage tank.

Section 7. Whoever violates any of the provisions of this by-law shall be subject to the penalties set forth under the provisions of Chapter 148 of the General Laws. Such penalties shall be assessed in accordance with the provisions for the noncriminal disposition contained in General Laws Chapter 40, Section 21D and in Article 46 of these by-laws. This by-law shall be enforced by the Fire Chief or his designee.

## ARTICLE 27
## LOCK BOXES FOR FIRE DEPARTMENT USE ONLY

Section 1. All new non-residential or business construction shall install a locking key box of a type approved by, and at a location on each building to be designated by, the Chief of the Fire Department, or by any person the Chief may delegate said authority in writing.

Section 2. Any area of an agricultural or business property that is normally protected by use of locked gates, shall install either a pad lock keyed to the secure Fire Department key, or locking key box on each gate. Any property that uses an electronic security lock or gate shall be required to provide to the Fire Chief or his designee an override switch that operates by use of the secure key held by the Fire Department.

Section 3. Any occupancy governed by this by-law, which uses hazardous materials regulated by state or federal law, shall be required to install a key-vault capable of containing a complete set of Material Safety Data Sheets (MSDS), and to maintain a complete set of MSDS in said vault. Each set of MSDS shall be reviewed annually with a representative of the Fire Department to assure current information is available.

Section 4. All occupancies governed by this by-law shall be required to provide the Fire Department with a master key or complete set of keys to the occupancy, to be placed within the key box on the property. Whenever any occupancy governed by this by-law changes ownership

or changes locks, they shall notify the Fire Department immediately and provide the new keys within 7 working days.

## ARTICLE 28
## HOUSE NUMBERING

Section 1. All houses, businesses and structures shall properly display at the front thereof, in a position easily observed from the street on a year round basis, the proper number of the building assigned by the Town.

Section 2. The Fire Chief, or his designee, shall assign and order numbers to be displayed on buildings on all ways as herein provided. On all streets, odd numbers shall be on the right and even shall be on the left, beginning from the point of origin. Upon being notified in writing by the Fire Department of the assignment of a house number, the owner of the property shall affix this number to the property within thirty (30) days of the date of said notice. Said number shall be visible from the street. If the house or building is set back fifty (50) feet or more from the curb, said number shall be affixed to a substantial support at the entrance of the property (such that the number is clearly visible from the curb at all times).

Section 3. The numbers shall be at least three (3) inches in height and of weatherproof materials. The numbers shall be in contrasting color and visible day or night. In cases where more than one house, business or structure shares a common driveway, and the buildings are not visible from the street, or the distance is too great for a reasonable size number to be easily observed from the street year round, a sign no larger than eight (8) inches by twelve (12) inches shall be posted at the driveway connection in such a way as to be seen by oncoming emergency vehicles. All such signs so numbered must be kept free and clear of snow or other debris. These duties are the responsibility of the property owner.

Section 4. Whoever violates the provisions of this by-law shall be punished by a fine of twenty ($20.00) dollars. Such penalty shall be assessed in accordance with the provisions for the noncriminal disposition contained in General Laws Chapter 40, Section 21D and in Article 46 of these by-laws. This by-law shall be enforced by the Fire Chief or his designee or by a police officer.

## ARTICLE 29
## ALARM SYSTEMS

Section 1. Purpose. The provisions of this by-law shall govern the installation of alarm systems in the by-law:

a. Automatic Dialing Devices. No automatic dialing devices shall be interconnected to any telephone numbers at the police or fire stations unless approved by the Chief of the respective department prior to installation, after the effective date of this by-law.

b. To obtain approval of a telephone alarm dialer, the owner of the dialer must certify to the respective Chief that the alarm dialer will disconnect from the phone lines automatically after the third call is made to the police or fire department.

Section 2. Direct Connections to Police or Fire Department.

a. Alarm systems may be connected to the console in the police or fire station by interfacing with one (1) company maintaining the alarm console at the police or fire station.

b. The alarm user or alarm business contracting for servicing the alarm user's alarm system shall be responsible for obtaining the required leased telephone lines between the alarm user's premises and the alarm receiving equipment at the police or fire station and for furnishing appropriate interfacing equipment, if required, to be compatible with the receiving equipment used to operate the police alarm console and the fire alarm console or equipment necessary to connect to the municipal fire alarm circuits.

Section 3. Control and Curtailment of Alarm Systems.

a. Every alarm user shall submit to the respective Chief the names, addresses and telephone numbers of at least three (3) persons, in addition to the alarm user, who can be reached at any time day or night, and who are authorized to respond to an alarm or emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed. The list of names, addresses and phone numbers shall be referred to as the Emergency Call List. An Emergency Call List form will be sent to all alarm users on record once each year by the respective chief.

b. Every alarm user shall be required to update their Emergency Call List at least once every year or sooner if any change is made to the names, addresses or phone numbers of any person on said list.

c. Within six (6) months from the effective date of this by-law, all alarm systems which use an audible horn, siren, bell or other audible device except sprinkler systems shall be equipped with a device that will shut off such audible device within 15 minutes in a residential zone, and 30 minutes in all other zones, after the activation of the alarm system.

d. Each alarm user, to include also all automatic devices interconnected to any number at the police station, shall be allowed, in the course of any consecutive twelve (12) month period, three (3) free false alarms.

e. System users who fail to provide the information required in Section 3, Control and Curtailment of Alarm Signals, or system users whose false alarms total in excess of ten (10) during said twelve month period, will be subject to review by the respective Chief or his designee, and if deemed abusive of the system, shall be required to show cause why they should not be ordered to disconnect from the system totally.

f. Non-payment of the false alarm fees, as herein established, will result in disconnection from the system, and reconnection will not be allowed until all fees in arrears are paid.

Section 4. Testing of Alarm Equipment. No alarm system connected to the police or fire department shall be tested, worked on or demonstrated, so as to send a signal or sound an audible alarm without first obtaining permission from the respective department. A violation of this Section shall result in a fine of $50.00.

Section 5. Limits of Liability. Connection of an alarm device to the police or fire department does not guarantee a response from the town's emergency services or any other town department to the location where the alarm originated from. The police and fire departments will establish procedures in responding to alarm signals and, if as a result of high demand on services or a call for service with higher priority, police and/or fire units may not be available to respond to the location. The Chief of Police and the Fire Chief may promulgate such rules as may be necessary for the implementation of this bylaw for their respective departments.

Section 6. Fines and Penalties. The penalty for a false alarms hall be twenty-five dollars ($25.00) for the fourth, fifth and sixth false alarm in a twelve month period, fifty dollars ($50.00) for the seventh, eighth and ninth false alarm in a twelve month period, and seventy-five dollars ($75.00) for any false alarm in excess of nine in a twelve month period. The fine for any other violation of the provisions of this by-law shall be fifty dollars ($50.00) for each violation. The penalties and fines shall be assessed in accordance with the provisions for the non-criminal disposition of violations contained in General Laws Chapter 40, Section 21D and in Article 46 of these by-laws. The Police Chief and the Fire Chief shall be the enforcing persons for this by-law.

## ARTICLE 30
## INSPECTOR OF BUILDINGS

Section 1. Appointment. The Board of Selectmen shall annually appoint an Inspector of Buildings who shall hold office for one year or until his successor shall take office and who may be removed from office for cause. He shall receive such compensation as the Board of Selectmen shall from time to time determine.

Section 2. Qualifications. Refer to M.G.L. c 143 s 3 and 780 C.M.R. s 105.3.

Section 3. Assistant Inspector. Refer to M.G.L. c 143 s 3 and 780 C.M.R. s 105.3.

Section 4. Duties. The Inspector of Buildings shall be responsible for enforcing the State Building Code and the provisions of Section 13A of Chapter 22 of the General Laws and the rules and regulations promulgated thereunder. He shall also be responsible for the enforcement of the Town's Zoning by-laws.

Section 5. Inspection. The Inspector of Buildings shall inspect all buildings in the course of erection, alteration or repair as often as necessary and for this purpose shall have the right of entry at reasonable hours. He shall require that all workmanship and all building materials be of good quality and that the types and methods of construction shall be in accordance with generally accepted standards of engineering practice and not inconsistent with the law.

Section 6. Violations. The Inspector of Buildings shall keep a record of any violation of the State Building Code, the provisions of Section 13A of Chapter 22 of the General Laws and the rules and regulations promulgated thereunder, and of this by-law, and shall give immediate written notice of such violation to the party responsible for the proper execution of the work. He shall order and compel the suspension of any work being done in violation of any said provision.

Section 7. Dangerous Structures. The Inspector of Buildings, immediately upon being information by report or otherwise, that a building or other structure or anything attached thereto or connected therewith is dangerous to life or limb or that any building is unused, uninhabited or abandoned, and open to the weather, shall inspect the same. He shall forthwith in writing notify the owner, lessee, or mortgagee in possession to remove it or make it safe if it appears to him to be dangerous, or to make it secure if it is unused, uninhabited or abandoned and open to the weather. If it appears that such structure would be especially unsafe in case of fire, it shall be deemed dangerous within the meaning hereof, and the Inspector of Buildings shall affix in a conspicuous place upon its exterior walls a notice of its dangerous condition, which shall not be removed or defaced without authority from him.

Section 8. Oversight. No oversight or neglect of duty on the part of the Inspector of Buildings shall legalize the erection, construction, alteration or repair of any building in a manner not in conformity with the provisions of any state law or regulation or this by-law.

Section 9. Relief from Personal Responsibility. The Inspector of Buildings shall not be personally liable for any damage that may occur to persons or property as the result of any act or action he may take in the performance of his duties.

Section 10. Right of Appeal. An appeal to the permit granting authority under the provisions of the Zoning By-laws may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from the Inspector of Buildings.

Section 11. Violations. Whoever violates any provision of this by-law shall be subject to a fine of twenty-five ($25.00) dollars on the first day of said violation, fifty ($50.00) dollars for the second day of such violation, one hundred ($100.00) dollars for the third day of such

violation, and two hundred ($200.00) dollars for each day thereafter that the violation continues. Such fine shall be assessed in accordance with the provisions for the noncriminal disposition of violations contained in General Laws Chapter 40, Section 21D and in Article 46 of these by-laws. The Inspector of Building shall be the enforcing person for this by-law.

## ARTICLE 31
## ELECTRIC WIRING AND EQUIPMENT

Section 1. Inspector of Wiring. The Board of Selectmen shall annually appoint an Inspector of Wires who shall hold office for one year or until his successor shall take office, and who may be removed from office by the Board for cause. The person appointed shall be a licensed electrician. He shall receive such compensation as the Board of Selectmen may from time to time determine.

Section 2. Installation. All installation, repair and maintenance of wiring and electrical fixtures used for light, heat and power purposes in buildings and structures shall be in conformance with the Massachusetts Electrical Code (527 CMR 12.00) promulgated by the Board of Fire Prevention Regulations of the Commonwealth of Massachusetts, Department of Public Safety.

Section 3. Duties. The Inspector of Wiring, under the direct supervision of the Inspector of Buildings, shall enforce the provisions of General Laws Chapter 141, the provisions of the Massachusetts Electrical Code, and any other applicable statutes, rules and regulations and by-laws. The Board of Selectmen may appoint an Assistant Inspector of Wiring who may act in the absence or disability of the Inspector of Wiring and who shall receive for his services such compensation as the Board of Selectmen may determine.

Section 4. The Inspector of Wiring, while serving in such capacity, may engage in his private business as a licensed electrician, provided, however, that he shall not exercise any of his powers and duties as such Inspector, including those of enforcement of the state electrical code, over wiring or electrical work done by himself, his employer, employee or one employed with him. As has been indicated in Section 3 above, an Assistant Inspector of Wires may be appointed by the Board of Selectmen to exercise the duties of Inspector of Wires, including those of enforcement officer of the state electrical code, over work so done.

Section 5. Permit. No person shall install for hire any electrical wiring or fixtures without first obtaining a permit from the Inspector of Wires.

Section 6. Permit Applications and Fees. Applications to perform electrical wiring filed by a licensed electrician shall be accepted by the Inspector of Wiring through the mail and may also be filed in person, and a permit shall be issued. For each permit issued, a fee established by the Board of Selectmen shall be collected by the Inspector of Wiring to be paid into the Town treasury.

Section 7. Inspection and Certificate of Approval. Upon the completion of the work authorized by the issuance of a permit, the person, firm or corporation who performed the work shall so notify the Inspector of Wiring who shall inspect the work as soon as possible. If the work is found to be in full compliance with the provisions of General Laws Chapter 141, the provisions of the Massachusetts Electrical Code, and any other requirements of the Town, the Inspector of Wiring shall issue to such person, firm or corporation a certificate of final approval of the work performed.

Section 8. Right of Appeal. Any person aggrieved by a notice, interpretation, order, requirement or directive of the Inspector of Wires may, within ten days after the service of notice thereof, appeal therefrom to the Board of Electricians' Appeals. Said Board shall hold a public hearing on such appeal and shall thereafter issue an appropriate decision or order reversing, affirming or modifying in whole or in part said notice, interpretation, order, requirement or directive.

Section 9. Penalties for Violation. Whoever violates any provision of this by-law shall be subject to a fine of twenty ($20.00) dollars for each violation. Such fine shall be assessed in accordance with the provisions for the non-criminal disposition of violations contained in General Laws Chapter 40, Section 21D and in Article 46 of these by-laws. This by-law shall be enforced by the Inspector of Wires and the Inspector of Buildings.

## ARTICLE 32
## PLUMBING AND GAS FITTING

Section 1. Inspector of Plumbing. The Board of Selectmen shall annually appoint an Inspector of Plumbing who shall hold office for one year or until his successor shall take office and who may be removed from office by the Board for cause. The person appointed shall have had practical experience either as a master or journeyman plumber continuously during the five years next preceding his appointment. He shall receive such compensation as the Board of Selectmen may from time to time determine.

Section 2. Installation. All construction, alteration, repair and inspection of plumbing and gas fitting shall be in accordance with the Massachusetts State Plumbing Code (246 CMR 2.00) and the Massachusetts Fuel Gas Code (248 CMR 3.00 through 8.00) promulgated by the Commonwealth of Massachusetts Board of State Examiners of Plumbers and Gas Fitters.

Section 3. The Inspector of Plumbing, under the direct supervision of the Inspector of Buildings, shall be responsible for the inspection and approval of all installations of plumbing, drainage, and gas fitting. He shall enforce the provisions of General Laws Chapter 142, the provisions of the Massachusetts State Plumbing Code, and any other applicable statutes, rules and regulations, and by-laws. The Board of Selectmen may appoint an Assistant Inspector of Plumbing who may act in the absence or disability of the Inspector of Plumbing and who shall receive for his services such compensation as the Board of Selectmen may determine.

Section 4. The Inspector of Plumbing, while serving in such capacity, may engage in his private business as a plumber, provided, however, that he shall not inspect or approve any plumbing or gas fitting work done by himself, his employer, employee or one employed with him. As has been indicated in Section 3 above, an Assistant Inspector of Plumbing may be appointed by the Board of Selectmen who shall inspect plumbing and gas fitting work so done.

Section 5. Permits. Plumbing and/or gas piping shall not be installed, altered, removed or repaired until a permit has been issued therefore by the Inspector of Plumbing. An application for such permit shall contain a statement of the work to be performed, the location of the building, and the names of the persons for whom the work is to be done

Section 6. Permit Applications and Fees. Applications to perform plumbing and or gas fitting filed by a licensed plumber shall be accepted by the Inspector of Plumbing through the mail and may also be filed in person, and a permit shall be issued. For each permit issued, a fee established by the Board of Selectmen shall be collected by the Inspector of Plumbing to be paid into the Town treasury.

Section 7. Inspection and Certificate of Approval. Upon completion of the work authorized by the issuance of a permit, the person, firm or corporation who performed the work shall so notify the Inspector of Plumbing who shall inspect the work as soon as possible. If the work is found to be in full compliance with the provisions of General Laws Chapter 142, the provisions of the Massachusetts State Plumbing Code, the Inspector of Plumbing shall issue to such person, firm or corporation a certificate of final approval of the work performed.

Section 8. Right of Appeal. Any person aggrieved by the decision of the Inspector of Plumbing made hereunder, may appeal such decision in writing to the Board of State Examiners of Plumbers and Gas Fitters.

Section 9. Penalties for Violation. Whoever violates any provision of this by-law shall be subject to a fine of twenty ($20.00) dollars for each violation. Such fine shall be assessed in accordance with the provision for the non-criminal disposition of violations contained in General Laws Chapter 40, Section 21D and in Article 46 of these by-laws. The Inspector of Plumbing and the Inspector of Buildings shall be the enforcing persons for this by-law

## ARTICLE _33
## WEST BRIDGEWATER RIGHT- TO-FARM BY-LAW

Section 1. Legislative Purpose and Intent. The purpose and intent of this By-law is to state with emphasis the Right-to-Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128, Section IA. This By-law does not seek to change these state laws but to bring them together in one local By-law to enhance local understanding of "the right to farm."

This By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within the Town of West Bridgewater by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2. Definitions.

a. The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agricultural, or accessory thereto.

b. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forest or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, cattle, ratties (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

c. "Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plant and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3. Right-To-Farm Declaration. The Right- to- Farm is hereby recognized to exist within the Town of West Bridgewater. The above described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By- law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right -To-Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4**.** Disclosure Notification. Within 30 days after this By-law becomes effective, the Board of Selectmen shall prominently post in the Town Hall, make available in the public area in Town Hall and with other free local media and make available for distribution the following disclosure:

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers and occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers and occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

In addition to the above, not later than 21 days after a purchase and sale agreement is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property or prior to the acquisition of a leasehold interest or other possessory interest in real property in Town, a Town landowner shall present the buyer or occupant with the above disclosure notice on a form prepared by the town and signed by both the landowner and the buyer or occupant. A copy of this signed disclosure form must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property.
A violation of this section shall be subject to a fine of $300 and shall be enforced by the Board of Selectmen or its designee in accordance with the non-criminal disposition provision of MGL chapter 40, section 21D.

Section 5. Resolution of Disputes. Any person who seeks to complain about the operation of a farm is encouraged to prior to filing a formal complaint, file an informal complaint (grievance) with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have.

The Zoning Enforcement Officer or Board of Selectmen shall forward a copy of the grievance to the Agricultural Commission, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.
The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6. Severability Clause. If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of West Bridgewater hereby declares the provisions of this By-law to be severable."

## ARTICLE 34
## SANITATION

Section 1. No septic tanks or on-site subsurface sewage system shall hereafter be constructed or installed in the Town until a permit has first been obtained from the Board of Health.

Section 2. No component of an on-site subsurface sewage disposal system shall be permanently covered until final inspection has been made by the Board of Health.

Section 3. The owner, occupant or other person or agent responsible for the construction of a local sewage disposal unit shall have such construction inspected by the Board of Health or its agent before such construction is covered, and such covering shall be applied in a manner approved by the Board of Health or its agent before such construction is covered.

Section 4. No indoor toilet or water closet, except that which is provided with proper means of flushing with water at time of using, shall be hereafter installed on any premises in the Town. Where water is not available for flushing, indoor chemical toilets of approved material and construction may be installed under special permit from the Board of Health if proper provision is made for the final disposal of the contents thereof.

Section 5. No person shall suffer any drain or cesspool on land of which he is the owner or occupant to leak, or be out of repair, or overflow upon the surface of the land. Whenever a water closet, privy vault, septic tank, soil absorption system or drain becomes offensive or obstructed, the owner, agent or occupant of the premises shall cause it to be cleaned and made free or otherwise corrected.

Section 6. Every owner, occupant, or agent of premises in which there is any private sewer, drain, privy vault, septic tank or cesspool shall keep the same in a sanitary condition and shall have every privy vault, septic tank and cesspool emptied and cleaned when necessary or at

such times as ordered by the Board of Health. No privy vault, septic tank or cesspool shall be emptied except by such parties and in such manner as shall be especially authorized by the Board of Health. If the owner or occupant fails to comply with such order, the Board of Health may cause the nuisance, source of filth, or cause of sickness to be removed, and all expense incurred thereby shall be paid by the person who caused or permitted the same, if he has had actual notice from the Board of Health of the existence thereof.

Section 7. No transportation of manure shall be made on or over or caused to be made on or over any public way or street in the Town without first obtaining a permit from the Board of Health, and in accordance with requirements set forth by the Board for the type of vehicle used for said transportation. Sticker or Permit authorizing such use, said sticker for permit to be issued by the Board of Health. Proposed location or areas of placement of manure must be made on application for permit to transport same. This shall be deemed to apply to solid, semi-solid, or liquid excretion from all animals. When manure is to be utilized for vegetable or flower gardens and lawns, express permission from the Board of Health is not required provided that not more than the quantity listed hereunder is placed thereon. No more than forty (40) tons of manure, solid, semi-solid or liquid shall be placed to any one acre unless prior approval is obtained in writing from the Board of health. Anyone violating this rule will be subject to the provisions of Sections 122, 123, 124, 125, and 125A of Chapter III of the General Laws of Massachusetts.

Section 8. Unless otherwise specifically provided by law, whoever violates any provision of these by-laws shall be subject to a fine of twenty ($20.00) dollars. Such penalty shall be assessed in accordance with the provisions for the noncriminal disposition contained in General Laws Chapter 40, Section 21D and in Article 46 of these by-laws. The Health Inspector shall be the enforcing person for this by-law.

## ARTICLE 35
## WEST BRIDGEWATER DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM

### Sec. 1 PURPOSE

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of West Bridgewater's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this bylaw are to:

1. Prevent pollutants from entering the Town of West Bridgewater's municipal separate storm sewer system (MS4);
2. Prohibit illicit connections and unauthorized discharges to the MS4;
3. Require the removal of all such illicit connections;
4. Comply with state and federal statutes and regulations relating to stormwater discharges;
5. Establish the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement; and
6. Establish the legal authority to prevent pollutants from entering the Town's MS4 through regulation adopted by the Conservation Commission.

Sec. 2 DEFINITIONS

For the purposes of this bylaw, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Town of West Bridgewater Conservation Commission (Commission), its employees or agents designated to enforce this bylaw.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq*.) as hereafter amended.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to Section 8, of this bylaw.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designated or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of West Bridgewater; which is not a combined sewer; and which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency (EPA) or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT: As defined in 40 CFR 122.2 and any element or property of sewage, agricultural, industrial or commercial waste, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation**:**

(1) paints, varnishes, and solvents;

(2) oil and other automotive fluids;

(3) non-hazardous liquid and solid wastes and yard wastes;

(4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;

(5) pesticides, herbicides, and fertilizers;

(6) hazardous materials and wastes; sewage, fecal coliform and pathogens;

(7) dissolved and particulate metals;

(8) animal wastes;

(9) rock, sand, salt, soils unless applied for the purpose of public safety during winter conditions;

(10) construction wastes and residues; and

(11) and noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE UNITED STATES: As defined under the Clean Water Act.

(1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(2) All interstate waters, including interstate wetlands;

(3) The territorial seas;

(4) All impoundments of waters identified in paragraphs (s)(1) through (3) and (5) of this section;

(5) All tributaries of waters identified in paragraphs (s)(1) through (4) of this section;

(6) All waters, including wetlands, adjacent to a water identified in paragraphs (s)(1) through (5) of this section; and

(7) On a case-specific basis, other waters, including wetlands, provided that those waters alone, or in combination with other similarly situated waters, including wetlands, located in the same region, have a significant nexus to a water identified in paragraphs (s)(1) through (3) of this section.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs,impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Sec. 3 APPLICABILITY

This bylaw shall apply to flows entering the municipally owned storm drainage system.

Sec. 4 AUTHORITY

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

Sec. 5 RESPONSIBILITY FOR ADMINISTRATION

The Commission shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Commission may be delegated in writing by the Commission to employees or agents of the Commission.

Sec. 6 REGULATIONS

The Commission may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

Sec. 7 PROHIBITED ACTIVITIES

Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Commission.

Sec. 8 EXEMPTIONS

The following non-stormwater discharges or flows are exempt from the prohibition of nonstormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

1. Discharge or flow resulting from fire fighting activities.
2. Waterline flushing;
3. Flow from potable water sources;
4. Springs;
5. Natural flow from riparian habitats and wetlands;
6. Diverted stream flow;
7. Rising groundwater;
8. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
9. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
10. Discharge from landscape irrigation or lawn watering;
11. Water from individual residential car washing;
12. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
13. Discharge from street sweeping;
14. Dye testing, provided verbal notification is given to the Commission prior to the time of the test;
15. Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

16. Discharge for which advanced written approval is received from the Commission as necessary to protect public health, safety, welfare or the environment.

## Sec. 9 EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Commission may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

## Sec. 10 NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and Department of Public Works. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## Sec. 11 ENFORCEMENT

The Commission or an authorized agent of the Commission shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Civil Relief. If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the Commission may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders. the Commission or an authorized agent of the Commission may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of West Bridgewater may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of West Bridgewater including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Commission within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. Ch. 59, Section 57 after the thirty-first day at which the costs first become due.

Criminal Penalty. Any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than $ 300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Commission may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D. The penalty for the 1st violation shall be $50.00. The penalty for the 2nd violation shall be $150.00. The penalty for the 3rd and subsequent violations shall be $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Entry to Perform Duties Under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Commission, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Commission deems reasonably necessary.

Appeals. The decisions or orders of the Commission shall be final. Further relief shall be to a court of competent jurisdiction.

Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

Sec. 12 SEVERABILITY

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

Sec. 13 TRANSITIONAL PROVISIONS

Property owners shall have 30 days from the effective date of the bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

## ARTICLE 36
## MOBILE HOME PARK REGULATIONS

A By-Law requiring site inspection and approval by an Authorized Inspection Committee Defining and Regulating the installation, maintenance, alteration, operation, use and sanitation of Mobile Home Parks within the Town of West Bridgewater, Commonwealth of Massachusetts. Establishing the minimum standards governing the utilities and sanitary facilities to be provided at mobile home parks; fixing the inspections of mobile home parks, and the suspension or revoking of the license thereof for failure to comply with the requirements of this by-law and or of applicable laws of the Commonwealth; to conform with Chapter 140 of the General Laws, Section 27, 29 and Sections 32A to 32L inclusive, as amended.

Section 1. – Definitions. For the purpose of this By-Law, the following words and phrases shall have the meanings ascribed to them in this section.

a. Board of Health shall mean the duly elected Board of Health of the Town of West Bridgewater, or its authorized representative.

b. State Board of Health shall mean the Massachusetts Department of Public Health or its authorized representative.

c. Mobile Home shall mean a dwelling unit built on a chassis or frame and containing complete electrical, plumbing and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.

d. Mobile Home Site or Lot shall mean a parcel of land for the placement of a mobile home and the exclusive use of its occupants.

e. Mobile Home Park shall mean any parcel of land upon which two or more mobile homes occupied for dwelling or sleeping purposes are located and shall include any building or structure used or intended for use as a part of the equipment of such park.

f. Trailer: The following for the purpose of these regulations shall be considered a trailer:

Travel Trailer: A vehicular, portable structure built on a chassis designed as a temporary dwelling for travel, recreation, or having a body width not exceeding eight (8) feet, and a body length not to exceed thirty-two (32) feet.

Pick-up Coach: A structure to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation or vacation. Motor Home: A portable, temporary dwelling to be used for travel recreation or vacation, construed as an integral part of a self-propelled vehicle.

Camping Trailer: A canvas, folding structure, mounted on wheels and designed for travel, recreation and vacation use.

g. Mobile Home Stand shall be considered as that part of a mobile home site which is reserved for the mobile home.

h. Community building shall mean a building for the use of the residents of the park containing TV room, card room, sewing room library, pool tables, kitchen, laundry, solely for the use of the residents, emergency toilets, lavatory and bathing facilities for men and women, etc.

i. Person: The work "person" shall include individuals, corporations, owners, lessees, licensee, and agents for each of them.

j. Permittee shall be deemed to be any person, firm or corporation receiving a permit to conduct, operate, or maintain a mobile home park.

Section 2. - Mobile Home Parks. No person shall proceed to establish a mobile home park, or proceed with the installation of municipal services therein unless and until the requirements hereinafter provided have been fully complied with.

Section 3. – Site Approval. Before action by the Board of Health on any application for a license to construct, maintain, alter and /or operate a mobile home park within the Town of West Bridgewater a committee consisting of at least two members of the Board of Health, the Board of Selectmen and Planning Board shall, within a reasonable time after receipt of the application and required plans, inspect the proposed site to determine whether the site and layout, as presented, complies with the requirements of this By-Law, the Board of Health, the Water

Commissioners, the Conservation Commission, the Chief of the Fire Department, the Laws of the Commonwealth, and is in the best interests of the Town.

Section 4. – License Required. No person shall conduct, control, manage or operate, directly or indirectly, any mobile home park in the town unless he is the holder of a license granted by the Board of Health in conformity with Chapter 140 of the General Laws, Section 32A, B as amended.

Section 5. - Application for License (preliminary site plan requirements). Any person applying for a license to establish and operate a mobile home park shall, in making application for same, file with the Board of Health, properly prepared preliminary plans drawn to scale, and shall include sufficient information for the Inspection Committee to form a clear basis for its final action. Such information shall include a plan and profile of the area, profile of roadways, contours of land, and indicate swamps, water bodies, stonewalls, fences, large trees together with the following:

a. The name and address of the applicant

b. The location and legal description of the mobile home park

c. A complete plan of the mobile home park, showing compliance with all applicable provisions of this By-Law and regulations promulgated there under

d. Location, boundaries, north point, date and scale

e. Name and address of record owner, developer, and engineer or surveyor

f. Names of all abutters as they appear in the most recent tax list

g. Lines of existing and proposed ways, mobile home park spaces, easements, proposed names of ways, public areas service building and other structures within the mobile home park

h. Sufficient data to determine the location, direction, width and length of ways, mobile home space lines, mobile home park boundary line and to establish these lines above the ground

i. Location of all permanent monuments properly identified as to whether existing or proposed

j. Location, name and present width of streets bounding, approaching or within reasonable proximity of proposed mobile home park

k. Proposed lay-out of storm drainage, water supply and sewage disposal system

l. Suitable space to record the action and signature of members of the Boards (or officially authorized person)

m. Landscape features; including lawn recreation area, walls and walks.

n. A statement of intent or drawing of proposed elevations with regard to the exterior architecture of the proposed buildings

o. Proposed locations of fire alarm boxes and hydrants

p. Plan and Profile scale shall be at a horizontal scale of one (1) inch equals forty (40) feet and at vertical scale of one (1) inch equal four (4) feet. (All elevations shall refer to town datum).

Section 6. - Public Hearing (Procedure).

a. Before final approval of an application to establish a mobile home park is given the Board of Health shall within seven (7) days of the filing of the plan and properly execute application forward unsigned copy to the Planning Board along with notification that the Board of Health is arranging a public hearing on the application in accordance with Chapter 808, of the General Laws, and said hearing to be held within forty-five (45) days after the filing of the application , the hearing shall be properly advertised, in a manner sufficient for notification, in a newspaper in general circulation within the town in two (2) consecutive weeks, the first advertisement appearing not less than fourteen (14) days prior to the date of the hearing, by posting such notice in a conspicuous place in the town hall for a period not less than fourteen (14) days before the day of said hearing. All abutter shall be notified by mail postage prepaid no later than the date of the second advertisement. The Board of Health shall either approve or disapprove of the application within sixty (60) days after the filing of the application. If the application is disapproved the reasons for the disapproval shall be listed.

In reviewing the application and preliminary site plan the Planning Board and the Board of Health shall seek assistance where necessary from the Water Commissioners , Conservation Commission, Fire Department, Police Department, and other boards and departments as needed. Following this study, the Planning Board shall report its recommendations in writing to the Board of Health. These recommendations shall become part of the official record of the public hearing. The Board of Health shall carefully consider the recommendations of the Planning Board.

The site plan shall not be altered between the date of filing and the date of decision. In the event that said plan is modified, it must be submitted to the Planning

Board for their recommendations. If in the opinion of the Planning Board any substantial changes have been made, it shall report such findings to the Board of Health and a new public hearing shall be scheduled at the applicant's expense before any final decision is rendered.

If the application is approved by the Board of Health, the applicant shall then submit a "Definitive Site Plan" to the Planning Board for final consideration, as required by Section III, Paragraph B. of the Rules and Regulations governing the Subdivision of Land in West Bridgewater.

b. Following the hearing the tentative approval of a proposed mobile home park, the application and plans thereof shall be referred to the Mass. Dept. of Public Health for their approval.

Section 7. - Notice of Approval and Requirements for License

a. Final approval of such applications shall be by vote, copies of which shall be certified or registered mail to the applicant. If the Board of Health disapproves or requires changes before approval of the application or plan thereof, it shall state in its vote the reason for such action.

b. After the plans of the mobile home park have been endorsed the applicant shall furnish the Board of Health with seven (7) prints thereof: Board of Health (1), Water Commissioners (1), Assessors (1), Planning Board (2), Conservation Commission (1) and Fire Department (1).

Section 8.

The Board of Health is authorized and directed to make inspections to determine the condition of mobile home parks, located within the Town of West Bridgewater, in order that they mar perform their duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The Board of Health shall have the power to enter at reasonable daylight hours, upon any private or public property, for the purpose of inspecting and investigating conditions relating to the enforcement of this regulations promulgated there under, and may suspend the license of any mobile home park owner or operator for violations of this By-Law and or any applicable Laws of the Commonwealth.

The Board of Health shall have the power to inspect the register containing the records of all mobile home parks and occupants using the park. Chapter 140, General Laws, Section 32I.

Section 9. - General Requirement

a. For every five thousand (5000) persons resident in the Town of West Bridgewater or any fraction thereof, one (1) mobile home park may be permitted. For

this purpose the latest accurate census of the Town of West Bridgewater shall be used if certified as such by the Town Clerk. Maximum number of mobile homes permitted in any one mobile home park shall be 350.

b. The minimum lot area on which a mobile home park may be located shall not be less than 50 acres.

c. The area of the mobile home park shall be large enough to accommodate:

1. The designed number of mobile home spaces

2. The necessary streets and roadways

3. Parking areas for motor vehicles including off street parking

4. Service areas and recreational areas

d. All ways leading into and within said park and all service buildings shall be adequately lighted, as required and approved by the Inspection Committee.

e. All mobile home lots shall face on an approved way within the park.

f. The minimum area that may be assigned and/or occupied by a mobile home within a mobile home park shall not be less than eight thousand (8000) square feet with a frontage of not less than seventy (70) feet, nor shall the space so assigned and/or occupied allow less than (20) foot setback from the front, rear and side lines; nor shall any space be assigned and/or occupied by a mobile home for use as living quarters nearer than three hundred (300) feet to any public or town way, or in any way dedicated to public use, nor nearer than three hundred (300) feet to any existing dwelling. All measurements shall be taken from the nearest point of aforesaid ways and/or dwelling existing at the adoption of this By-Law.

g. Maximum Lot Density: No more than (1) mobile home per lot.

h. Minimum off street parking: A minimum of two (2) off-street parking spaces shall be required for each mobile home lot. Each parking space shall be an area not less than ten (10) feet wide by twenty (20) feet long and hard surfaced, together with a hard surfaced driveway connecting such parking space with the street and permitting ingress and egress of a motor vehicle.

i. All mobile home lots shall abut on a roadway. All roads within the park shall conform to Subdivision Regulations as adopted under the Subdivision Control Law, and shall be maintained in good and proper condition. All roads, utilities, and drainage shall be installed and approved by the Planning Board before occupancy will be allowed

in said park. The Planning Board may approve said park in sections for occupancy. Completion of the park must be in or within seven (7) years of the Planning Board's final approval.

j. No mobile home site shall be located closer than three hundred (300) feet from any public highway and shall be properly screened there from. The remaining perimeter of the mobile home park shall be screened for a minimum width of twenty (20) feet with natural growth, hedges and the like. All screening shall be established and maintained in a manner satisfactory to the Board of Health. No mobile home lots shall be included within the screening area. No structure other than a storage building shall be located within sixty (60) feet of abutting property lines.

k. Electricity: Each mobile home site shall be provided with an approved underground electrical connection specifically metered unless such underground electrical connection is waived by the Board of Health.

l. Street lights: Street lights of not less than three thousand (3000) lumen each shall be installed by the petitioner at intervals of not more than one hundred fifty (150) feet apart.

m. No occupied travel trailer, pick-up coach, motor home, or camping trailer shall be permitted in a mobile home as a dwelling.

n. Each building and mobile home stand shall be an element of an overall plan of site development.

o. Where possible mobile home stands shall be oriented with respect to scenic vistas, natural landscape features, topographic and natural drainage areas. Development proposals shall include a landscape program to illustrate the proposed treatment of space, roads, paths, service and parking areas. Screening devices shall not impair pedestrian or vehicular safety.

p. All utilities shall be installed underground wherever possible. All transformer boxes, substations, pumping stations, and meters shall be located and designed so as not to be unsightly or hazardous to the public.

q. Residential open space within the allowable density limits shall be allocated to the recreational amenity and environmental enhancement of the mobile home park and shall be designed as such on the site plan for the proposed development.

r. After approval of a proposed mobile home park there shall be no further subdivision of land within the proposed development which would increase the allowable net density.

s. Mobile home stands shall be provided with a minimum of twelve (12) piers (not less than 12" in diameter" resting on a concrete footing extending 36 inches below the finish grade or on an approved gravel or sand treated to prevent the growth of grass or vegetation.

t. All individual mobile homes shall be equipped with aluminum slat skirts or other suitable type of enclosure and must be maintained in a suitable condition at all times. A mobile home owner after having established his mobile home in a mobile home park shall have thirty (30) days to conform with the requirements.

u. Enclosed tenant storage must be provided for material which is used only seasonally or infrequently, and which cannot be conveniently stored in a mobile home. The Permittee may provide community storage or may provide storage by constructing individual storage buildings for mobile home sites. Such individual storage buildings must be uniformly constructed, must be of fireproof construction, must be erected on a concrete slab with an approved exterior wall and the outside dimensions must be a minimum of five (5) feet by seven (7) feet or a maximum of six (6) feet by eight (8) feet along the sides and eight (8) feet in height. Such storage buildings shall be located in the rear corner of the unit space and where possible two (2) or four (4) storage buildings may be combined. In the event the Permittee elects to combine the storage buildings, the outside dimensions, except the height, may be increased by the number of buildings being combined.

v. No permanent additions, such as lean-tos, enclosures, or rooms shall be added to any mobile home; provided, however, that open porches with awnings and removable skirting may be installed; provided, however, that such additions do not infringe on front side or back yard minimum dimensions.

w. A one-family dwelling may be permitted on the locus provided that such dwelling is limited to the management's residence, and provided further that such dwelling complies with the building requirements of the Town of West Bridgewater, Massachusetts.

A portion of such dwelling may be utilized for management's office. Such dwelling shall occupy its own lot of twenty (20) thousand square feet minimum area.

Section 10. - Sanitation. All sewage disposal shall in every instance, comply with the requirements of the Board of Health, Laws of the Commonwealth, and the State Sanitary Code.

Section 11. - Roads and Ways

a. All ways servicing or within a mobile home park shall be so designed that, in the opinion of the Inspecting Committee, they will provide safe vehicular travel and unrestricted access to Police and Fire Department vehicles.

b. The minimum width of the way leading from a Public Way to the site of the mobile home park shall not be less than fifty (50) feet, thirty-two (32) feet of which shall be improved roadway, and four (4) feet to be used as an improved sidewalk on both sides of the way, with two (2) foot grass strip between the roadway and the sidewalk.

c. The minimum width of the paved roadway within the mobile home park shall not be less than twenty-eight (28) feet.

d. All roadways will meet all specifications as spelled out in the Subdivision Control Regulations and meet Planning Board Approval.

Section 12. - Water Supply

a. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home site. Where a public supply of water of such quality is available, connections shall be made by the owner of the mobile home park. The development of an independent water supply to serve the mobile home park shall be made only after express approval has been granted by the Board of Health and approved by the Water Commissioners.

Section 13. - Fuel Supply and Storage

a. Natural gas and liquefied petroleum gas systems shall comply with all applicable codes and regulations. All fuel oil supply systems shall be constructed and installed underground in each mobile home lot in accordance with all applicable codes and regulations.

Section 14. – Responsibilities of Park Operator

a. The mobile home park operator shall dispose of all the park's refuse by an approved method or system.

b. A person to whom a license is issued shall operate the park in compliance with all regulations, and provide adequate supervision to maintain the park, its facilities, and equipment in good order and in clean sanitary condition.

c. The sale of mobile homes shall be limited to mobile homes being placed within the park. No more mobile homes shall be allowed unless they are placed on a mobile home site as if to be used as a residence.

d. No business of any kind is to be conducted in the park with the exception of coin-operated vending machines located within the confines of the community building.

e. All roads in the mobile home park shall be maintained by the permittee. They shall be kept passable and in good condition at all times. Snow and ice removal shall be done by the permittee at his expense.

Section 15. – Conflict of Ordinances or By-Laws: Effect of Partial Invalidity. In any case where a provision of this By-Law of the Town of West Bridgewater, of the Commonwealth of Massachusetts existing on the effective date of this By-Law Regulation, the provisions which, in the judgment of the Board of Health, establishes the higher standard for the protection and promotion of the health and safety of people shall prevail.

Section 16. – Variances. The Board of Health shall have the power after public hearing for which notice has been given by publication, posting and mailing to abutters as provided in section 6 hereof, to grant upon application from a mobile home park owner a variance from the terms of this By-Law where the Board specifically finds that a literal enforcement of the provisions of the By-Law would involve substantial hardship or may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this By-Law or take any action relative thereto.

## ARTICLE 37
## MOBILE HOME PARKS – RENT CONTROL AND DISCONTINUANCE OF PARKS

Section 1. Purpose. The purpose of this by-law is to provide, pursuant to the provisions of Chapter 15 of the Acts of 1992 (the "Act"), for the regulation of rents for the use or occupancy of mobile home park accommodations in the Town, for the regulation of the discontinuance of mobile home parks, and for the establishment of a rent control board with the powers and duties prescribed herein.

Section 2. Definitions. For the purposes of this by-law, the following words shall, unless the context otherwise requires, have the following meanings:

a. "Board", the Mobile Home Park Rent Control Board established herein.

b. "Mobile Home", a dwelling unit built on a chassis or frame and containing complete electrical, plumbing and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.

c. "Mobile Home Park", a park licensed by the Board of Health pursuant to M.G.L., Chapter 140, Section 32B

d. "Rules and Regulations", rules and regulations promulgated by the Board.

e. "Discontinuance", any change of use or discontinuance of the use of part or all of the land owned and licensed as a mobile home park requiring a two year notice

pursuant to the Subsection 8 of Section 32L of Chapter 140 of the General Laws. The term "discontinuance" shall include, but not be limited to, the Licensee's conversion of the mobile home park or part thereof to a condominium or cooperative cooperation.

Section 3. Mobile Home Park Rent Control Board. There is hereby established a Mobile Home Park Rent Control Board consisting of five (5) members appointed by the Board of Selectmen for a term of there (3) years, provided, however, that of the members first appointed to the Board two (2) shall be appointed for a term of one (1) year, two (2) shall be appointed for a term of (2) years, and one (1) shall be appointed for a term of three (3) years. Any vacancy occurring otherwise than by expiration of a term shall be filled by the Board of Selectmen for the unexpired term. The officers of the Board shall be elected annually by its members. No member of the Board shall be a mobile home park owner or a mobile home park tenant.

Section 4. Powers and Duties. The Board shall have the following powers and duties:

a. The board shall regulate rents and minimum standards for the use or occupancy of mobile home park accommodations and shall regulate the evictions of tenants therefrom. The Board shall act in the manner provided for herein on an application for a discontinuance permit submitted to the Board of Selectmen.

b. The Board shall have all powers necessary or convenient to registration by owners of mobile home park accommodations; may require information from said owners, under penalty of perjury, relating to their mobile home park accommodations; may sue and perform its functions; may make rules and regulations; may require be sued; may compel the attendance of persons and the production of papers and information; and may issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park accommodations.

Section 5. Standards for Adjusting Rents

a. The Board, in regulating rents, may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for mobile home park accommodations are established at levels which yield to owners a fair net operating income for such units.

b. Fair net operating income shall be that income which will yield a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or such other rates of return as the Board on the basis of evidence presented before it, deems fore appropriate to the circumstances of the case.

c. The fair market value of the property shall be the assessed valuation of the property or such other valuation as the Board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.

d. The Board may establish further standards and rules consistent with the foregoing.

Section 6. Summary Process. The Board may regulate the evictions of tenants at mobile home parks and shall issue orders, which may be defense to an action of summary process for possession.

Section 7. Discontinuance Permit.

a. It shall be unlawful for any person to discontinue the use of part or all of the land owned and licensed as a mobile home park without having first obtained a discontinuance permit from the Board of Selectmen subject to the provisions contained in the Act and this by-law

b. The Board of Selectmen shall consider an application for a discontinuance permit upon receipt of such application from the licensee or other authorized person. The Board of Selectmen shall forward such application within fourteen (14) days to the Rent Control Board.

c. The Rent Control Board shall schedule a public hearing within sixty-five (65) days of its receipt of the application. Notice of the time and place of such public hearing and of the subject matter thereof, sufficient for identification, shall be published in a newspaper of general circulation in the Town of West Bridgewater once in each of two (2) successive weeks , the first publication to be not less than fourteen (14) days before the date of the public hearing, and shall be posted in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing. The Rent Control Board shall also notify all tenants living in the affected mobile home park accommodations of the time, place and subject matter of the public hearing. No defect in the form on any notice under this section shall invalidate any grant or denial of a discontinuance permit unless such defect is found to be misleading.

d. No vote shall be taken by the Board of Selectmen to grant or deny a discontinuance permit until a report with recommendations by the Rent Control Board has been submitted to the Board of Selectmen or twenty-one (21) days shall have elapsed after such hearing without the submission of such report, the Board of Selectmen fails to vote on the discontinuance permit within ninety (90) days after such hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided for above.

e. No Discontinuance permit may be granted except by a majority vote of the Board of Selectmen.

f. Notwithstanding any other provision of this Section, the Rent Control Board may, without holding a hearing, recommend the denial of a discontinuance permit if a decision has been made with the regard to the discontinuance of a mobile home park within the preceding twelve (12) months, and if the park licensee fails in the new application, to allege a substantial change of circumstances since the previous hearing which would merit the hearing of new evidence by the Board. In addition, the Board my recommend denial of the discontinuance permit without holding a hearing if the application is not in conformance with requirements of this Section or other applicable regulations.

g. In determining whether to recommend that the Board of Selectmen grant or deny a discontinuance permit, the Rent Control Board shall consider the aggravation of the shortage of safe, decent and affordable mobile home park accommodations in the Town of West Bridgewater which may result from the discontinuance, especially for tenants of low and moderate income and handicapped or elderly persons on fixed incomes. In making such determination, the Board shall make findings of the following factors:

(1) the benefits and detriments to the person whom the Act and this by-law seek to protect;

(2) the hardships imposed on the tenant residing in the mobile home park accommodations proposed to be discontinued;

(3) circumstances demonstrating hardship and inequity to the licensee seeking a discontinuance permit;

(4) the rate of vacancy of mobile home park accommodations in the Town of West Bridgewater at the time the licensee applies for a discontinuance permit and the average rental rates for the available accommodations;

(5) the availability of land zoned and otherwise suitable for the development or expansion of mobile home parks.

The Rent Control Board in, its discretion, may also review other relevant factors in making its report and recommendations.

For purposes of the Act and this by-law, the “vacancy rate” shall be defined as that percentage of the mobile home park accommodation, which are empty of mobile homes and are offered for rental to mobile home tenants. Further, to be considered a “vacancy” the rental offer of the mobile home park accommodation must be

without entrance fee; without restrictions as to the age, size or character of the mobile home; and without a requirement that the prospective tenant purchase a mobile home from the park owner.

In its report, the Rent Control Board shall determine the current vacancy rate for comparable mobile home park accommodations in the Town of West Bridgewater. Any parties involved may submit evidence to the Board at the public hearing.

h. The Licensee or applicant seeking a discontinuance permit must make application to the Board of Selectmen for such permit within thirty (30) days of serving the tenants with the notice required under the provisions of Subsection 8 of Section 32L of Chapter 140 of the General Laws or within 30 days from effective date of this by-law if said notice has already been served, and is prior to the effective date of discontinuance.

i. No eviction certificate shall be issued by the Rent Control Board because of the discontinuance of the use of all or part of a mobile home park unless a discontinuance permit has been issued by the Board of Selectmen.

Section 8. Judicial Review.

a. The provisions of Chapter 30A of the General Laws shall be applicable to the Rent Control Board as if the Board were an agency of the Commonwealth of Massachusetts, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas and those provisions relating to judicial review of an agency order.

b. The provisions of Chapter 30A of the General Laws relating to judicial review of an agency order shall be applicable to a decision and order of the Board of Selectmen granting or denying a discontinuance permit under the provision of Section 7 herein.

c. The Brockton Division of the District Court Department shall have original jurisdiction, concurrently with the Superior Court Department, of all petitions for review brought pursuant to Section 14 of Chapter 30A of the General Laws.

d. The Superior Court Department shall have jurisdiction to enforce the provisions of this by-law and may restrain violations thereof.

Section 9. Penalties. Violations of this by-law or any order of the Rent Control Board shall be punishable by a fine of not more than one thousand dollars ($1,000.00) for any one (1) offense.

Section 10. Severability. If any provision of this by-law shall be held invalid, the validity of the remainder of the by-law shall not be affected thereby.

## ARTICLE 38
## SUPERINTENDENT OF STREETS

Section 1. Appointment. The Board of Selectmen shall annually appoint a Superintendent of Streets who shall hold office for one year or until his successor shall take office and who may be removed from office for cause. The person appointed shall be a person especially fitted by education, training and experience to perform the duties of the position. He shall receive such compensation as the Board of Selectmen shall from time to time determine.

Section 2. Duties. The Superintendent of Streets, under the supervision and direction of the Board of Selectmen, shall have charge of the construction, alteration, repair, and maintenance of the public ways and sidewalks and storm drains. He shall also perform such other duties reasonably related to the duties and responsibilities of Superintendent of Streets. He shall have all the power and duties vested by the General Laws in Superintendent of Streets.

Section 3. The Superintendent of Streets shall keep an accurate account of all money expended and all work done upon the public ways of the Town and when required submit the same to the Board of Selectmen.

## ARTICLE 39
## STREET OPENING

Section 1. Introduction. From time to time, it is necessary to excavate in a public way in order, for example, to install, repair, or remove utilities or install or realign a driveway including the possible removal or re-alignment of curbing and/or fencing. Excluded from the operation of this by-law is the general reconstruction or repair of public ways by the municipal or state agency responsible for the maintenance and repair of such public ways. This by-law is necessary to protect the health and safety of all persons traveling on public ways and is adopted in accordance with the authority granted, inter alia, by Art. 89, Section 6 of the Amendments to the Massachusetts Constitution, M.G.L. Chapter 40, Section 21, M.G.L. Chapter 165, Section 20, M.G.L. Chapter 166, Section 25 and M.G.L. Chapter 166A.

Section 2. Definitions.

a. ADA: The Americans with Disabilities Act of 1990, as amended (42 USC 12101-12213), and the Accessibility Guidelines for Buildings and Facilities (Appendix to Part 1191) of the U.S. Architectural and Transportation Barriers Compliance Board, as amended.

b. Applicant: Any public utility, municipal department, person or entity who owns or exercises general responsibility and control over: (i) utility or other pipes, ducts, lines or other thing buried in or under a public way, or (ii) real property abutting a public way, or (iii) real property served by the public way or by items of the type specified in (i) above and who wishes to perform street opening work.

c. Application fee: A one-hundred dollar ($100.00) non-refundable processing fee which shall accompany each application for a street opening permit.

d. Architectural Access Board Regulations: The Rules and Regulations of the Architectural Access Board, Mass. Executive Office of public Safety (521 CMR), as amended.

e. Board of Selectmen: The Board of Selectmen of the Town of West Bridgewater has authority to exercise the powers granted by this by-law.

f. Board of Selectmen representative: That municipal officer or employee to whom the Board of Selectmen in a writing has delegated some of its powers hereunder so that the process of permit-granting, inspection, and administration will proceed expeditiously.

g. Cold patch: A dense graded or open graded mix with cutback asphalt as the binder with 1% of the mix being hydrated lime based on the total weight of the aggregate. The mineral aggregates and bitumen shall be proportioned and combined to meet the limits specified in Table A, Subsection M 3.11.03 and M 3.11.04 of The Standard Specifications. Bituminous material shall be either cutback asphalt, Grade MC-250 or MC800 conforming to Section M3.02.0 of the Standard Specifications.

h. Compaction: Compressing of suitable material and gravel that has been used to backfill a trench by means of mechanical tamping to within 95% of maximum dry density as determined by the modified proctor test in accordance with ASTM 1557 method D.

i. Contractor: All officers or employees of Applicant performing street opening work or any person or entity engaged by or on behalf of Applicant to perform street opening work. The contractor for purposes of this by-law and for all questions of liability in connection with any street opening work shall be conclusively deemed agents of Applicant for whom Applicant is fully responsible.

j. Controlled density fill: Also called flowable fill, CDF is a mixture of portland cement, flyash, sand and water. It shall contain a minimum of 250 pounds of class F flyash or high air (25%) and will be self-leveling. It is hand-tool excavatable.

k. Default: The failure of the permit holder (including all contractors or other agents of permit holder) to (i) comply fully with provisions of applicable laws and regulations, (ii) comply fully with all of the applicable provisions of this by-law and the street opening permit including written supplemental instructions, the municipality's General by-laws or other applicable law, and (ii) keep its Certificate of Insurance in full force and effect.

l. Emergency repair work: street opening work which must be commenced immediately to correct (i) a hazardous condition which could reasonably be expected to result in injury, loss of life, property damage or (ii) a condition which has resulted in the catastrophic failure of a utility transmission trunk line.

m. Gas Company: A public utility to which C. 164 Section 70 of the M.G.L. applies.

n. Highway Department: The municipal agency generally responsible for the repair and maintenance of public ways within the municipality.

o. Infra-Red Process: That restorative procedure whereby an infrared heater softens existing pavement to a depth of one and one half inches, the softened area is treated with a penetrating asphalt emulsion, uniformly scarified and raked to a workable condition, and the treated surface then compacted by use of a steel-wheeled roller for the purpose of creating a smooth driving surface consistent with adjacent pavement.

p. Licensed contractor: A contractor who holds a current and valid public works construction license issued by the Board of Selectmen.

q. Newly paved road: A road that has been re-paved (binder and top) within the past five years.

r. Normal working hours: 7:30 a.m. to 3:30 p.m. Monday through Friday excluding holidays.

s. Permit holder: An Applicant to whom a street opening permit has been granted.

t. Permanent patch: A final repair of street opening work to be performed in accordance with this by-law and intended to return permanently the opened portion of the roadway to as good a condition as it was in prior to the performance of the street opening work.

u. Permanent patch window: That period of time commencing twelve months and up to eighteen months from the date of installation of the temporary patch.

v. Processed gravel: Inert material that is hard, durable stone and coarse sand, free from loam and clay, surface coatings and deleterious materials and which meets M1.03.1 of The Standard Specifications.

w. Public utility: Includes a gas and electric company as defined in M.G.L. Chapter 164 Section 1, telephone and telegraph company subject to Chapter 159 Section 12, and cable TV companies or other telecommunication providers regulated by the Dept. of Telecommunications and Energy.

x. Public way: Any road, including such appurtenances as berms, curbs, drains, sewers, water mains, sidewalks and paved and unpaved shoulders within the paper lay-out to which the public has access and the Town is responsible for maintaining. Also referred to as a street.

y. Public works construction license: A license required of all contractors who are not officers or employees of a public utility or municipal department who wish to perform work including street opening work on public ways.

z. Refundable deposit: That amount of cash or money represented by a certified bank check deposited by Applicant with its application to secure Applicant's performance of street opening work in accordance with this by-law.

aa. Standard Specifications: The Mass. Highway Department's Standard Specifications for Highways and Bridges, 1995 metric edition.

bb. Street opening permit: A permit granted by the Board of Selectmen to an Applicant for permission to do street opening work in a public way.

cc. Street opening work: Any cutting, excavating, compacting, construction, repair or other disturbance in or under a public way together with restoration of the public way in accordance with this by-law following such disturbance but excluding the location or re-location of utility poles for which a grant of location has been obtained pursuant to M.G.L. Chapter 166 Section 27.

dd. Temporary patch: The application of either cold patch or two separate gradations of bituminous concrete consisting of binder and top layers and compaction to achieve a density equal to that of the surrounding pavement following excavation and compaction.

Section 3. General. No work (except the commencement of emergency repair work in accordance with paragraph VII hereof) in or under a public way shall commence until the Applicant shall have applied for in accordance with Paragraph IV, and obtained from the Board, a street opening permit. All work contemplated by this by-law shall be done in a good and workmanlike manner using best engineering and construction practices and shall be done in

accordance with (i) all applicable laws and regulations, (ii) all of the provisions of this by-law, (iii) any conditions contained in the street opening permit, and (iv) such reasonable supplemental instructions not inconsistent with the foregoing as the Board of Selectmen or its representative may from time to time issue. A permit holder shall cause to be restored those portions of a public way disturbed by the permit holder to as good a permanent condition, in the reasonable judgment of Board of Selectmen or its representative, as they were in when permit holder made application thereunder.

No person or entity may perform any work (including street opening work or emergency repair work) in or under a public way unless it is a permit holder and (i) is a municipal department or public utility or their respective officers or employees (ii) is the holder of a current and valid public works construction license, or (iii) has engaged such a holder and such holder performs all such street opening work or emergency repair work as agent of permit holder.

Section 4. Application Procedure. The Applicant shall file on forms designated by the Board of Selectmen a completed and signed application at the office of the Board of Selectmen (with a copy delivered simultaneously to the Highway Department) each time it desires to perform street opening work. The application shall be accompanied by any and all plans, certifications, certificates of insurance and other items specified in the application or reasonably requested by the Board of Selectmen. If the Applicant does not intend to perform the street opening work itself, it must in the application designate a licensed contractor to perform the work as its agent. The application shall also be accompanied by the application fee and the refundable deposit.

The Highway Department shall promptly review the application and make written recommendations concerning approval to the Board of Selectmen and, if appropriate, shall include recommendations concerning permit conditions and supplemental instructions.

The Board of Selectmen shall make a prompt determination on the application taking into account the following and such other facts as it may reasonably consider:

a. the recommendation of the Highway Department

b. the reason for the street opening work

c. whether the street is recently constructed or repaved

d. whether there are other reasonable means adequate to accomplish the purpose for which the street opening permit is sought.

If the application is considered favorably, a street opening permit containing such conditions and supplemental instructions as the Board of Selectmen reasonably deems appropriate shall promptly issue. If the application is not favorably considered, the Board of

Selectmen shall communicate in writing to Applicant the reasons its application was not favorably considered.

Section 5. Refundable Deposit and Account. The amount of the refundable deposit to secure proper restoration of a public way after street opening work is determined in the reasonable judgment of the Board of Selectmen based on the extent of the work. (A current schedule of deposits for standard work is attached.)

Following notice given by permit holder that final permanent repairs to the public way have been completed, the Board of Selectmen or representative will make a final inspection. Once the Board or its representative has concluded that permanent repair work has been satisfactorily concluded and that Applicant has no other uncured defaults under street opening permits, it shall release the unexpended balance of the deposit serving as security for the street opening permit related to the inspected work.

All refundable deposits that an Applicant submits for street opening permits shall be held by the Board of Selectmen in one account which shall be designated as the Applicant's refundable deposit account. Applicants upon request may receive periodic reports as to the balance standing within this account. Should a deposit associated with a specific permit be insufficient to secure the proper repair of a public way following a default by the permit holder, the Board of Selectmen without limitation to other remedies available to it can deduct the cost of the proper repair from Applicant's refundable deposit account for the purpose of funding the proper repairs. To the extent required by Chapter 164 of the General Laws applicable to gas companies, the provisions of this Section and Section VI hereafter shall not be applied to gas companies which in their application for street opening permits claim the exemption set out herein.

Section 6. Fee and Deposit Changes; Municipal Exemption. From time to time hereafter the Board of Selectmen, after public notice and hearing, may amend the schedule of deposits, the application fee, the hourly after-hours inspection charges or any other amounts due under this by-law. A reasonable hourly charge for inspectional services which must be performed outside of normal working hours in accordance with a posted schedule established by the Board of Selectmen will be billed to permit holder and due and payable fifteen days after billing. In extraordinary situations where extensive installation or renewal of utility lines overburden the normal capacity of the municipal departments to conduct inspections, the Board of Selectmen can, after notice to permit holder or as a condition of the permit, elect to treat all inspections as after-hours inspections and bill permit holder accordingly. Applicants which are municipal departments are exempt from payment of all fees and deposits hereunder. Public utilities to the extent exempted as provided in Paragraph V above are exempt from payment of all fees except the application fee.

Section 7. Emergency Repair Procedure. If the conditions for emergency repair work exist, then an Applicant after giving oral, faxed or electronic notice to the Police and Highway Departments may commence street opening work. All such emergency repair work shall be done

in strict compliance with this by-law except for compliance with any notice provision inconsistent with such emergency action.

On the business day following the commencement of emergency repair work, the Applicant shall file with the Board of Selectmen (i) a written statement setting forth in detail the facts and circumstances constituting the conditions for emergency repair work, (ii) an application for a street opening permit covering the street opening work already commenced in accordance with Paragraph IV, (iii) the filing fee and required refundable deposit. If all of the materials such as plans, etc. are not then available to Applicant, Applicant will supply them as soon as available. Board of Selectmen will promptly process the application and grant the street opening permit with such conditions and supplemental instructions as it may reasonably require.

Section 8. Insurance. The permit holder and/or each licensed contractor shall acquire and continuously maintain while it possesses any street opening permits liability insurance coverage on all personnel and equipment to be used in the street opening work which insurance is to be with insurance companies licensed to do business in the Commonwealth of Massachusetts and shall contain the following coverages and be in the following minimum amounts:

Commercial General Liability Insurance- including operation, independent contractors, complete operations for a period of one (1) year from completing the street opening work, XCU hazards, broad form property damage and personal injury.

| | |
|---|---|
| General Aggregate: | $1,500,000.00 |
| Products and complete operations: | |
| Aggregate | $1,000,000.00 |
| Each occurrence | $1,000,000.00 |
| Combined single limit | $2,000,000.00 |

Automobile Liability Insurance-covers owned, non-owned and hired vehicles

| | |
|---|---|
| Bodily Injury Liability | $ 500,000.00 each person |
| | $1,000,000.00 each accident |
| Property damage Liability | $ 300,000.00 each accident |
| Combined Single Limit | $2,000,000.00 |

Worker's Compensation and Employer's Liability

| | |
|---|---|
| Each Accident | $100,000.00 |
| Disease- Policy Limit | $100,000.00 |
| Disease- Each Employee | $300,000.00 |

Certificates of Insurance shall provide for at least thirty (30) days notice to the Board of Selectmen of cancellation or material change. The name of the municipality shall be listed as an additional insured on the Certificate of Insurance.

Section 9. Licensed Contractors. Any contractor or other person or entity that wishes to perform work on a public way and which is not either a municipality or a public utility (including their respective officers or employees) must be licensed by the Board of Selectmen. Application for a public works construction license must be made on a yearly basis. (See appropriate sections of the General by-laws.)

Section 10. Terms of the Street Opening Permit

1. Term of Permit. All street opening permits shall be valid for thirty days and, upon written request to the Board of Selectmen, renewable for an additional thirty days. Permits must be present at the work site. Permits can be revoked by the Board of Selectmen if the Applicant is in default.

2. Inspections**.** Inspections may take place at the following events:

a. prior to backfilling the trench
b. following completion of temporary patch placement
c. during the permanent patch Window
d. following completion of permanent patch placement

Permit holder or contractor will notify Board of Selectmen representative when an inspection is desired and coordinate the timing of such inspection.

3. Working Hours**.** Except in emergency situations, street opening work will occur during normal working hours. The permit holder must give notice of the intended street opening work seventy-two hours in advance to the Highway Superintendent, and, unless the requirement for a police detail is waived by the Police Chief, must arrange for and pay for a police detail to be present throughout the period of time that street opening work is being conducted.

4. Dig-Safe. The permit holder shall, in accordance with all current laws of the Commonwealth of Massachusetts, notify all public utilities seventy-two hours in advance of making any excavation in a street. Such notification shall be made by means of obtaining a DIG-SAFE number. Said number shall be provided on the street opening permit application. The permit shall not be issued until this information is provided.

5. Existing Utilities. Before starting any excavation, the permit holder or contractor must confer with all public utilities to obtain information from each as to the horizontal and vertical locations of existing utilities and other conditions that may affect the excavation. The permit holder or contractor shall not interfere with any existing utility without the written consent of the Board of Selectmen representative and the owner of the utility. If it becomes

necessary to relocate an existing utility, this shall be done by its owner and the cost of such work shall be borne by the permit holder. The permit holder or contractor shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

6. Protection of Existing Lines and Structures. The permit holder or contractor shall adequately support and protect by timbers, sheeting, etc. all pipes, conduits, poles, wires, cables or other appurtenances which may be in any way affected by the excavation work and shall do everything necessary to support, sustain and protect them under, over, along or across such work area. The excavation work shall be performed and conducted in such a manner that it shall not interfere with access to fire stations, fire hydrants, water gates, underground vaults, catch basins or any other public structure.

7. Adjoining Property. The permit holder or contractor shall, at all times and at its own expense, preserve and protect from injury any adjoining property by providing proper foundations and shall take such other precautions as may be necessary for this purpose. The permit holder or contractor shall at all times and at its own expense shore up and protect all buildings, walls, fences, trees and other property likely to be damaged during the progress of the street opening work and shall be responsible for all damages to public or private property or streets resulting from its failure to properly protect and carry out said work. The permit holder or contractor shall not remove, even temporarily, any trees or shrubs which exist in planting strip areas without first obtaining the consent of the Highway Superintendent.

8. Damaged Trees. In the event a tree is either accidentally destroyed by the permit holder or contractor or is authorized for removal by the Board of Selectmen representative, the permit holder or contractor shall remove the tree, stump and debris from the work site, and replace the tree with an identical species with a minimum caliper of two inches in the identical location.

9. Pedestrian Crossings, Open Trenches. The permit holder or contractor shall, where possible, maintain safe crossings for two lanes of vehicle traffic at all public intersections as well as safe crossings for pedestrians at intervals of not more than three hundred (300) feet. If any excavation is made across a public way, it shall be made in sections to assure maximum safe crossing for vehicles and pedestrians. An open trench may not exceed three hundred (300) feet unless specifically permitted by the Board of Selectmen or its representative. If the public way is not wide enough to hold the excavated material for temporary storage, the material shall be immediately removed from the location.

10. Traffic. The permit holder or contractor shall take appropriate measures to assure that during the performance of the street opening work, so far as practicable, normal traffic conditions shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the adjoining property and to the general public. The Board of Selectmen representative may permit the closing of streets and walks to all traffic for a period of time. Unless the requirement for a police detail is waived by the Police Chief, the permit holder shall engage a police detail to maintain traffic control and public safety at the project site while street

opening work is in progress. Warning signs shall be placed a sufficient distance from the project site in order to alert all traffic coming from both directions. Cones or other approved devices shall be placed to channel traffic. Warning signs, lights and such other precautions shall conform to the Manual on Uniform Traffic Control Devices. Construction materials and equipment on the site shall be limited in quantity and in the space they occupy so that they do not unduly hinder and block traffic.

11. Gutters and Basins. The permit holder or contractor shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one (1) foot in width from the face of such curb at the gutter line. Catch basins shall be kept clear and serviceable.

12. Excavated Material. The permit holder or contractor shall remove all excess excavated material, surplus water, muck, silt, residue or other run-off pumped or removed from excavations from the site.

13. Temporary Repairs. At the end of each day, all trenches must be plated if repair work is not completed and/or back-filled, compacted and temporarily patched on the day repair work is completed. No open un-plated trenches are permitted overnight and work in plated trenches must be continually prosecuted to completion to minimize the time trenches are plated.

14. Noise. The permit holder or contractor shall perform the work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. During the hours from 10:00 p.m. to 7:00 a.m., the permit holder or contractor shall not use, unless otherwise specifically permitted by the Board of Selectmen or its representative any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

15. Debris and Litter. All debris and litter remaining from the street opening work site shall be removed by the permit holder or contractor in a timely manner.

16. Restoration of Pavement Markings. All permanent pavement markings (crosswalks, center lines, fog lines) which are damaged during street opening work shall be restored in kind by and at the expense of the permit holder.

17. Lawn Surfaces and Plantings. All lawn surfaces which are disturbed during street opening work shall be replaced with sod or six (6) inches of screened loam, lime, fertilized and re-seeded with good quality lawn seed. Any areas containing plantings shall be restored to their original condition with the same or similar plantings.

18. Erosion Control. The permit holder shall be responsible for all erosion control and for obtaining any necessary permits from the Conservation Commission. The permit holder or contractor shall protect drainage structures from siltation by whatever means required, including but not limited to the installation of hay bales and/or filter fabric. In the event that a

drainage structure becomes damaged from siltation as a result of the street opening work, the permit holder or contractor shall clean the structure before completing the temporary patch.

Section 11. Required Construction Techniques. All street opening work and materials used therein must conform to the Mass. Highway Department's Standard Specifications for Highways and Bridges, 1995 edition, and with the Americans with Disabilities Act and the Architectural Access Board Regulations as currently in effect. In addition, the following specific requirements also apply. Exceptions to these requirements may be made in the discretion of the Board of Selectmen or its representative at the time that the street opening work is in progress.

1. Excavation. Existing pavement shall be cut in neat, true lines along the area of the proposed excavation. Unstable pavement shall be removed over cave-outs and breaks and the sub-grade treated as the main trench. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench. Cut-outs beyond the limits of the trench lines must be normal or aligned parallel to the center line of the trench. Excavations shall be made in open cut. Trenches and excavations shall be braced and sheathed in accordance with the requirements of the Occupational Safety and Health Act (OSHA). Sections of bituminous or cement concrete sidewalks shall be removed to the nearest scoreline or approved cut edge.

2. Back-Filling and Compaction. Excavations shall be filled with approved backfill. Approved backfill consists of either controlled density fill, suitable excavated material or gravel meeting M 1.03.0 or M 1.03.1 of The Standard Specifications. The permit holder may select which of these three to use in the excavation. Suitable excavated material shall mean previously excavated granular material but which does not include blacktop, clay, silt, organic material, concrete, roots, boulders or stones larger than four inches in diameter. If the hole is to be filled with suitable excavated material, a backfill course shall be placed in approximately twelve (12) inch lifts of maximum compaction to four inches below asphalt grade (See Diagrams 1, 2, and 3). A base course consisting of four inches of processed gravel or equivalent (i.e. suitable excavated material containing no stones larger than one and one-half inch in diameter) shall then be placed on top of the backfill course. The backfill and base course shall be compacted to not less than ninety-five (95) percent of maximum dry density as determined by the modified proctor test in accordance with ASTM 1557 Method D. The permit holder if directed by the Board of Selectmen or its representative will retain at its expense, a professionally qualified geotechnical consultant to perform this test. The results of this test shall be given to the Highway Superintendent.

If controlled density fill is used as back-fill material, it must contain a minimum of 250 pounds of class F flyash or high air (25% plus) and be self-leveling. It must be Type 1E or 2E (very flowable). Flowable fill is to be batched at a ready mix plant and is to be used at a high or very high slump (1-"-12"). In lieu of the slump test, a 6" long, 3" diameter tube may be filled to the top and then slowly raised. The diameter of the resulting "pancake" may be measured and the range of the diameter shall be 9" to 14". It shall be flowable, require no vibration and after it is placed excavatable by hand tools and/or small machines.

The ingredients shall comply with the following:

| | |
|---|---|
| Portland cement | AASHTO M85 |
| Fly Ash | AASHTO M 295 Class F |
| Sand | M 4.02.02- ASTM C33 sand |
| Air | M 4.02.05 |

Type 1E and 2E must meet the following requirements:

| | | |
|---|---|---|
| Compressive | 28 days | 90 days |
| Strength | 30-80 psi | 100 psi ma. |
| Slump | | 10-12 inches |
| Air | | 1-30% |

If controlled density fill is used as back-fill material, it must fill the excavation to immediately below asphalt grade. The contractor must then plate the excavation with a heavy duty steel plate adequate to carry heavy traffic and wait twenty-four hours for the CDF to cure prior to applying the permanent patch.

If an excavation is back-filled with controlled density fill in accordance with this by-law, then a temporary patch need not be installed but a permanent patch may be installed immediately. permanent patches installed over controlled density fill shall consist of four (4) inches of bituminous concrete applied in a two and one-half inch base course and a one and one-half inch top course of bituminous concrete all installed in accordance with this by-law. If an excavation in a cement concrete public way is filled with controlled density fill, then the provisions of paragraph 5 (a) of this by-law may be omitted, but the provisions of paragraph 5(b) and 5(c) must be complied with.

3. Temporary Patches

a. Bituminous Concrete. Following proper compaction, a temporary patch which shall be the thickness of the existing asphalt pavement or a minimum of four inches whichever is greater shall be applied. It shall consist of either cold patch or bituminous concrete plant-mixed hot asphalt aggregate. (See Diagrams)

b. Temporary Patch To Be Maintained For One Year. A temporary patch that has been back-filled and compacted shall be maintained by the permit holder or contractor so that the patched surface and the surrounding area remain a single smooth unbroken plane for a period of time no shorter than one year after placement of the temporary patch.

4. Permanent Patches. Except when installed over controlled density fill as described in paragraph 2 above, permanent patches shall be installed not less than twelve nor more than

eighteen months from the date of installation of the temporary patch. Upon request by the permit holder or contractor, the Board of Selectmen representative will inspect the temporary patch and determine if final settlement of the trench has occurred. The Board of Selectmen representative will notify the permit holder or contractor within seven days of the inspection whether the permanent patch can be installed. Public utilities or municipal departments may schedule permanent patches to replace all temporary patches then within the permanent patch window without receiving prior approval from the Board of Selectmen but must give the Board and its representative not less than seventy-two hours prior notice.

A permanent patch shall consist of one of the following: a) cold planing the temporary patch to a depth of one and one-half inches and then installing a minimum of one and one half inches of top course of bituminous concrete, or b) the excavation of the temporary patch in a bituminous concrete public way and replacement of this material with any additional processed gravel needed and two and one half inches of base course and one and one-half inches of top course of bituminous concrete (See Diagrams 1 and 2) or (c) application of the infra-red process to the temporary patch, or d) the certification by the Board of Selectmen representative made during the permanent patch window that the temporary patch in his reasonable judgment meets fully the standard of a permanent patch and thus requires no further work.

a. Cold Planing. If the cold planing method is used, the area to be cold planed must extend at least twelve (12) inches beyond all sides of the existing temporary patch. (See Diagram 2) This area must be cold planed to a depth of one and one-half inches. Any broken or irregular edges of existing pavement shall be cut away in straight lines leaving a sound vertical face at least twelve (12) inches back from all edges of the existing pavement. The permit holder must provide a dust control system capable of complying with environmental air quality standards during cold planing and sweep the public way following completion of the cold planing work. All abutting edges of the existing pavement will be painted with an asphalt emulsion immediately prior to the placement of the permanent patch. The permanent patch will consist of the application of a top course of a minimum of one and one-half inches of bituminous concrete plant-mixed hot asphalt aggregate. After raking and rolling, the grade of the permanent patch shall match the existing bituminous surface of adjacent pavement The finished permanent patch shall be level having no depressions retaining water on any of the surface. All seams of the finished perimeter shall be sealed with penetrating asphalt emulsion.

b. Excavation. Any temporary patch that has been patched with cold patch must be excavated and replaced with a bituminous concrete base in accordance with this paragraph. If the excavation method is chosen and if additional cutting of the existing pavement is required, it shall be done in neat straight lines. Any broken or irregular edges of existing pavement shall be cut away in straight lines leaving a sound vertical face at least twelve (12) inches back from all edges of the existing pavement. (See Diagram 1 and 3). All abutting edges of the existing pavement shall be painted with an asphalt emulsion immediately prior to the placement of the permanent patch. The permit

holder or contractor shall remove and dispose of all excavated material and thoroughly compact the surface of the sub-base.

Following excavation the permanent patch shall consist of a bituminous concrete base and top laid and rolled in two (2) courses. The binder (base course) shall be a minimum of two and one half (2 ½) inches in depth and the top course shall be one and one half (1 ½) inches in depth. The minimum total thickness of both courses, measured after rolling, shall be four (4) inches or equal to the material that was previously excavated. If after compaction, more than four inches of permanent patch is needed in order to restore the excavated area to finish grade, additional bituminous concrete shall be used in the base course. The base course shall be placed and carefully raked and thoroughly rolled to the required thickness. The top course shall be placed to a grade that will match the existing bituminous surface after rolling. All seams of the finished perimeter shall be sealed with penetrating asphalt emulsion. The finished permanent patch shall be level having no depressions retaining water on any of the surface.

c. Infra-Red Process. If the infra-red process is utilized to install the permanent patch, the area to be repaired shall be thoroughly cleaned to eliminate all potential contaminants. An infrared heater shall be positioned over the area to be repaired for a period of time required to plasticize the existing pavement to a depth of one and one half inches. Oxidation of the pavement caused by improper heating techniques must be avoided. If this condition occurs, all oxidized material must be removed and replaced with Class I bituminous concrete meeting the standard specifications of the Mass. Highway Dept.

The softened area shall be inwardly reworked from approximately one foot beyond all sides of the original temporary patch. This designated area shall be treated with a penetrating asphalt emulsion, uniformly scarified and raked to a workable condition. For street crossings and/or trenches with jogs, the reworked area will be extended beyond the outermost jog in a straight line parallel with the opposite outermost jog. Under no circumstances may the infrared heat treatable patching mix that is used register a temperature under 200 degrees F.

After the paving mixture has been properly admixed and raked to grade, compacting shall be obtained by use of a steel-wheeled roller of sufficient weight to establish a uniform density comparable to that of the surrounding pavement surface within the work area. The finished permanent patch shall be level having no depressions retaining water on any of the surface. All seams of the finished perimeter shall be sealed with penetrating asphalt emulsion.

A petroleum resin sealant shall be applied consistently to the entire heated area by mechanical means or hand application at an approximate rate between .1 and .25 gallons per square yard. Actual rate will be determined on site by an approved absorption test

method. A mineral filler will then be broadcast over the newly sealed area to absorb any excess liquid and prevent tracking and the area immediately opened to traffic.

d. Certification. If a permit holder seeks to qualify a temporary patch as a permanent patch, it must make the application for inspection set out above and specify in it its request for certification. The Board of Selectmen representative will notify the permit holder within thirty days of the request whether the temporary patch has been certified as a permanent patch. If it is not so certified, the permit holder shall forthwith cause a permanent patch utilizing one of the three remaining methods set out above to be utilized.

e. Newly Paved Roads. On newly paved roads, the Board of Selectmen representative may require in addition to the placement of the permanent patch, that the permanent patch shall be treated by a process (infra-red, microwave or equivalent) that will ensure that the permanent patch is integrated into the existing bituminous surface in a seamless manner.

f. Final Inspection of Permanent Patch. Following completion of the permanent patch, the permit holder or contractor shall give notice thereof to the Board of Selectmen representative who shall inspect the permanent patch. If the Board of Selectmen representative is satisfied that the road has been restored to as good a condition as existed prior to the street opening work, he shall so note on the street opening permit and any refundable deposit securing that street opening work shall be refunded promptly to Applicant. If the Board of Selectmen representative determines that the permit holder is in default, the Board of Selectmen may proceed in accordance with Paragraph XIII, Remedies, of this by-law.

5. Special Rules for Cement Concrete Roadways. Any excavation in a cement concrete public way or public way with a cement concrete base with a bituminous concrete surface shall be backfilled as described in paragraph 2 and temporarily patched as described in paragraph 3. Immediately prior to the installation of a permanent patch, the following shall be done:

a. the temporary patch and sufficient back-filled material shall be removed.

b. a six-inch reinforced concrete slab shall be laid over the back-filled trench extending one (1) foot beyond all edges of the trench surface and allowing for four (4) inches of bituminous concrete to be installed above the slab. The slab shall have steel reinforcing for tensile strength in accordance with good engineering practices. The permit holder or contractor shall install a temporary heavy duty steel plate adequate to carry heavy traffic over the trench until the concrete slab shall have adequately cured.

c. once the concrete slab shall have cured, there shall be installed a four (4) inch layer of bituminous concrete applied in a two and one-half inch base course and a

one and one-half inch top course all in accordance with Diagram 3 and generally in accordance with this by-law.

6. Shoulders. Suitable excavated material shall be placed in layers not to exceed six (6) inches in depth and compacted. Shoulders shall be re-constructed to their existing condition and either loamed with six (6) inches of loam, limed, fertilized and seeded with roadside grass mix or covered with four (4) inches of wood chips as directed by the Board of Selectmen representative.

7. Sidewalks. Any excavation in a concrete or bituminous concrete sidewalk shall require that the entire sidewalk area containing the trench be replaced. Any concrete sidewalk section that is excavated or damaged by the excavation must be replaced in its entirety. Suitable excavated material or gravel shall be placed in layers not to exceed six (6) inches in depth and compacted. All sidewalk areas will be installed by the permit holder or contractor in conformance with the ADA and the Architectural Access Board Regulations currently in effect. Bituminous concrete sidewalks shall have two courses (two inches of binder and one inch of top) of bituminous concrete plant-mixed hot asphalt aggregate applied to and rolled to create a pavement surface consistent with the adjacent bituminous concrete surface. Concrete sidewalks shall have four inches of poured concrete applied to finish grade. The concrete shall be placed in alternate slabs 9 meters in length except as otherwise ordered. The slabs shall be separated by transverse pre-formed expansion joint filler 13 millimeters in thickness. Concrete driveway openings shall have six inches of poured concrete applied to finish grade. Pre-formed expansion joints will be installed against buildings, walls, steps, foundations or existing concrete block.

8. Curb and Berm. Any curbing or berm which is damaged or removed as part of the street opening work shall be properly replaced in kind. The use of cast-in-place concrete curbing is prohibited. All salvageable granite curb that is removed from the public way and is excess is the property of the Town and shall be delivered to the Highway Department by the permit holder or contractor.

9. Wheelchair Ramps. Existing wheelchair ramps which are damaged or removed under street opening work shall be reconstructed in kind and in conformance with the ADA and the Architectural Access Board Regulations that are currently in effect.

10. Curb Cuts. Any curb cut within a public way cannot exceed the following dimensions unless specifically approved by the Board of Selectmen representative:

Single Family Dwelling- 16 feet
Multi- family Dwelling- 18 feet
Two Family Dwelling- 18 feet
Commercial Property- 24 feet

Driveway entrances into public ways must butt into and not overlap the edge of the existing roadway hardened surface. The driveway must be graded in such a manner that no ponding of

water occurs within the public way and in accordance with the Architectural Access Board Regulations. Driveways shall not be located on small radius curves and shall be positioned as to provide maximum sight distance and safety.

Section 12. Suspension and Revocation.

The Board of Selectmen or its representative, if it believes a default has occurred, can suspend immediately for up to 21 days a street opening permit by communicating such suspension to any of the permit holder, licensed contractor, or any of their respective representatives at the job site.

The Board of Selectmen may revoke a street opening permit granted hereunder after notice and hearing if it shall reasonably determine that a default has occurred. The permit holder shall be given not less than five days prior written notice of the time and place of the hearing and shall have the opportunity at the hearing to present evidence. Any person aggrieved by the decision of the Board of Selectmen may appeal such decision to the appropriate court of competent jurisdiction or to the extent applicable law provides, to the Department of Telecommunications and Energy.

Section 13. Remedies. If a permit holder or licensed contractor shall be in default as defined herein, the Board of Selectmen may:

1. Suspend or revoke the street opening permit as provided in Section 12 above. If the street opening work has commenced but is not completed at the time of a suspension or revocation, the Board of Selectmen can order the street opening work to be completed by another licensed contractor the cost of which is paid for from the permit holder's refundable deposit account or by permit holder if the refundable deposit is insufficient or does not exist.

2. Suspend or revoke the licensed contractor's public works construction license pursuant to the public works construction by-law.

Section 14. Penalties. Any person who violates any provision of this by-law shall be subject to a fine of two hundred ($200.00) dollars to be assessed in accordance with the provisions for the noncriminal disposition of violations contained in General Laws Chapter 40, Section 21D and in Article 46 of these by-laws. This by-law shall be enforced by the Board of Selectmen or its designee and the Police Department.

**STREET OPENING BY-LAW ATTACHMENT- FEE SCHEDULE**

Application fee- $100.00

Inspectional services after normal working hours- $50.00 per hour

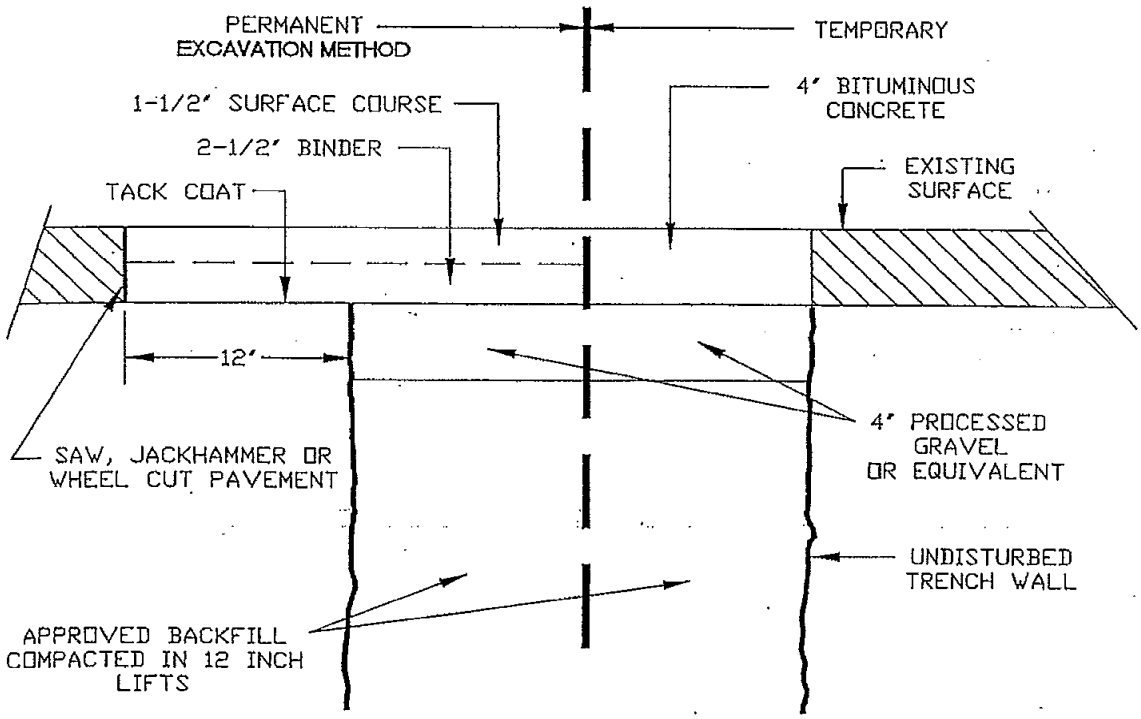
Nominal Schedule of refundable deposits for street opening work in public ways

| | | |
|---|---|---|
| To open to center of public way | $ 300.00 | each opening |
| To open across the public way | $ 600.00 | each opening |
| To open to center of state highway | $ 1,500.00 | each opening |
| To open across a state highway | $ 2000.00 | each opening |
| To open trench in unpaved shoulder (parallel to street) | $ 10.00 | per linear foot |
| To open trench in paved public way (parallel to street) | $ 25.00 | per linear foot |
| Curb cut for a private driveway | $ 200.00 | |
| Curb cut for a subdivision street | $ 500.00 | |
| Newly Paved Roads (Infra-Red or equivalent) | | |
| To center of public way | $ 700.00 | |
| Across the public way | $ 1,400.00 | |
| To open a sidewalk (includes 3 sq. yds.) | | |
| Bituminous concrete sidewalk | $ 300.00 | |
| Concrete sidewalk | $ 600.00 | |
| To excavate a sidewalk (over 3 sq. yds.) | | |
| Bituminous concrete sidewalk | $ 15.00 | per sq. yd. |
| Concrete sidewalk | $ 25.00 | per sq. yd. |

Note: The actual amount of each refundable deposit shall be reasonably determined by the Board of Selectmen to be sufficient to secure Applicant's performance under this by-law.

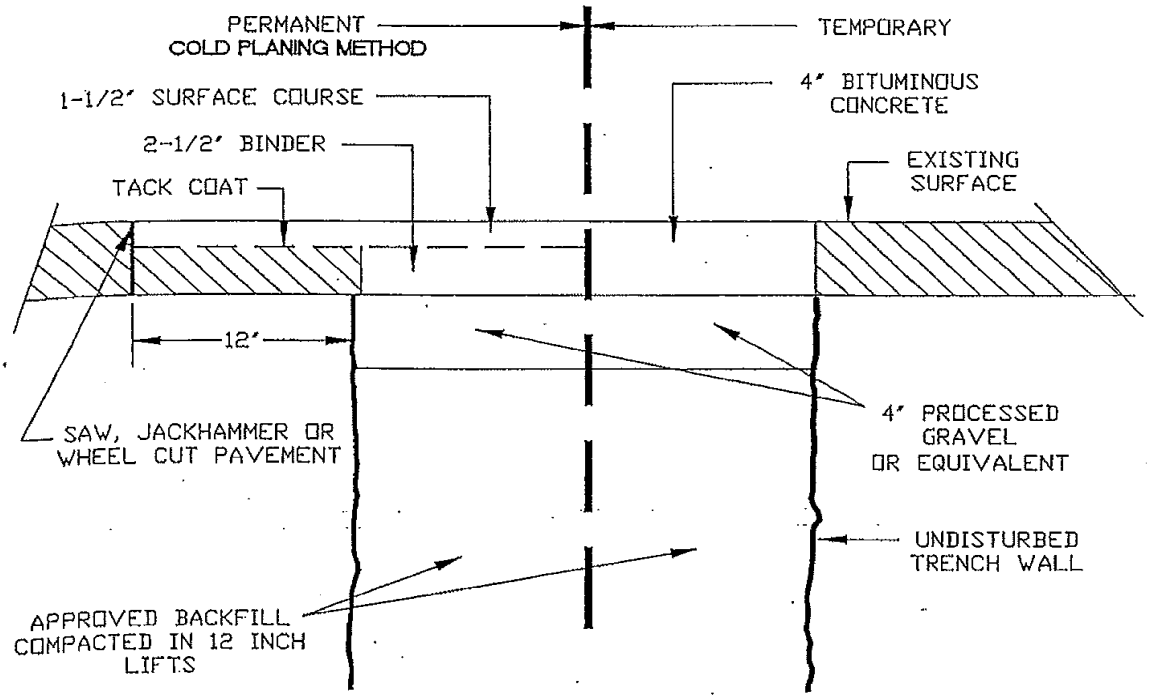
## DIAGRAM #1

## BITUMINOUS CONCRETE TRENCH PATCH DETAIL



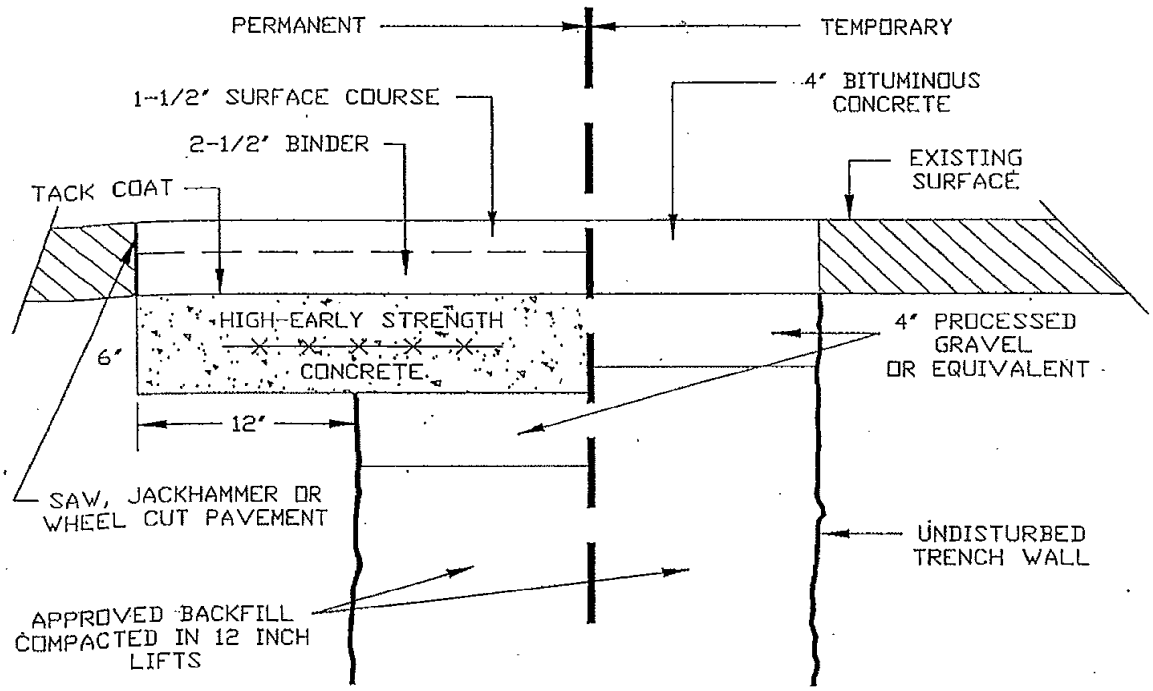
## DIAGRAM #2

## BITUMINOUS CONCRETE TRENCH PATCH DETAIL



## DIAGRAM #3

## BITUMINOUS CONCRETE OVER REINFORCED CONCRETE TRENCH PATCH DETAIL




NOTE: HEAVY DUTY STEEL PLATING TO BE PLACED OVER TRENCH AREA UNTIL THE CONCRETE IS SUFFICIENTLY CURED

## ARTICLE 40
## STREETS AND SIDEWALKS

Section 1. No person shall break or dig up or open in any respect any public sidewalk, street or highway without having obtained a street opening permit in accordance with the provisions of Article 39 of these by-laws.

Section 2. No person shall coast or roller skate on or across any public sidewalk or street of the Town, except at such times and in such places as may from time to time be designated by the Board of Selectmen

Section 3. No person shall fire or discharge any gun, pistol or other firearms in or across any of the streets or public places within the Town; but this section shall not apply to the use of such weapons in the lawful defense of one's person, family or property or in the performance of any duty required or authorized by law, nor upon such days as may be designated by the Board of Selectmen.

Section 4. No person shall throw or place or cause to be thrown or placed upon any public street or highway of the Town, any nails, spikes, screws, glass, tin cans, or other similar articles.

Section 5. No person shall suffer a platform, or grate of an entrance, or opening to a cellar or basement in any public street or sidewalk to rise above the surface of any such street or sidewalk, and every such entrance or opening shall at all times be covered by a suitable covering. Such entrances or openings, when in use, shall be properly guarded.

Section 6. No person shall throw, plow, pump or place or cause to be placed upon any public sidewalk or any public street any snow, water, gravel, or any other slippery substance.

Section 7. No owner or any person having the care of building which abuts a public sidewalk and has a roof which slants toward such sidewalk, shall permit such building to be without barrier, snow guard or other device to prevent the falling of snow or ice from such roof to the sidewalk.

Section 8. If any person shall perform any work on any public way or sidewalk within the Town, any surplus fill remaining as the result of such construction shall remain the property of the Town. Such person performing such work shall apply to the Board of Selectmen or the Superintendent of Streets for instructions as to the disposition of the surplus fill and shall dispose of such surplus fill in accordance with such instructions. In every contract between the Town and any person proposing to excavate any portion of public streets or sidewalks, this by law shall be incorporated in such contract.

Section 9. Fire Regulations. It shall be unlawful to obstruct or block a private way with a vehicle or other means so as to prevent access by fire apparatus or equipment to any building

a. Fire Lanes. It shall be unlawful to obstruct or park a vehicle in any fire lane in a shopping center, bowling establishment, theatre and similar locations. Where no sidewalk with curbing exists, the distance shall be eighteen (18) feet from the building.

b. Any object or vehicle obstructing or blocking any fire lane or private way, may be removed or towed by the town at the expense of the owner and without liability to the Town of West Bridgewater.

c. The building owner of record shall provide and install signs as provided in subparagraph a. above.

Section 10. No person or business entity shall work upon, break up, dig or alter or open in any respect, a public roadway or highway within the Town so as to obstruct or impede traffic or to endanger the public without the assignment to such project of the paid services of a police officer of the Town to maintain and insure the public safety in the area affected thereby, unless such assignment is waived in writing by the Board of Selectmen. The Chief of Police, or his designee, may order the removal by tow truck, if necessary, of any vehicle or equipment standing on a public way or sidewalk which has not been removed after notice to do so has been given by a police officer. Any expense incurred for the removal of said vehicle or equipment shall be borne by the owner of said vehicle or equipment. The Chief of Police may promulgate special regulations concerning work to be performed on a public way as to the times work will be allowed or not allowed, having due regard for the traffic conditions, the safety of workers, and the safety of motorists and pedestrians. Any person or business entity who breaks up or digs up any public sidewalk or street or who places thereon any staging or other temporary structure, or parks or leaves any vehicle or construction equipment thereon, or works on overhead wires and equipment, or works on below ground wires, pipes or other such utilities shall have safety devices in places as required by the Chief of Police or his designee. Such safety devises shall be in the form of signs, orange traffic cones, warning tapes, temporary fences, concrete barriers, traffic barrels, or any other such device as approved by the Chief of Police or his designee.

Section 11. No person or business entity shall run or use track machine equipment on the Town's public ways and sidewalks without first protecting the public way or sidewalk surface from harm from the tracks of the equipment.

Section 12. No person shall throw or place or cause to be thrown or placed upon any public street, sidewalk, park, or other public place any paper, bottles, cans, refuse, plastic, plastic bags of trash or any other type of litter.

Section 13. Any person or business entity who violates any provision of this by-law shall be subject to a fine of one hundred dollars ($100.00) for the first offense, two hundred dollars ($200.00) for the second offense and three hundred dollars ($300.00) for the third and

subsequent offense. The penalties shall be assessed in accordance with the provisions for the non-criminal disposition of violations contained in General Laws Chapter 40, Section 21D and in Article 46 of these by-laws. This by-law shall be enforced by the Police Department.

## ARTICLE 41
## PUBLIC WORKS CONSTRUCTION LICENSE

Section 1. Purpose. From time to time, it is necessary to excavate a public way in order to install, repair or remove utilities, or to install or realign a driveway, including the possible removal or realignment of curbing and/or fencing. It is desirable that persons working in or under a public way are qualified to do so in order to protect the health and safety of all persons traveling on them. Accordingly, this by-law provides for the licensing of contractors who perform such work.

Section 2. Definitions.

a. Board of Selectmen. The Board of Selectmen shall exercise the powers granted by this by-law.

b. Board of Selectmen representative. The municipal officer or employee to whom the Board of Selectmen has delegated in writing some of its powers hereunder so that the process of license granting and administration will proceed expeditiously.

c. Highway Department. The municipal agency generally responsible for the repair and maintenance of public ways within the Town.

d. License Applicant. Any person or entity in the general contracting business qualified to do business in the Commonwealth of Massachusetts who wishes to perform street opening work in a public way either as a permit holder or as agent for one or more permit holders.

e. License application fee. A non-refundable fee payable to the Town of West Bridgewater each time a license application or renewal thereof is filed. The amount of such fee shall be established from time to time by the Board of Selectmen.

f. Licensed Contractor. A contractor who holds a current and valid public works construction license issued by the Board of Selectmen hereunder.

g. Permit holder. An applicant as defined in the Street Opening By-Law to whom a street opening permit has been issued.

h. Public way. Any road or street including such appurtenances as berms, curbs, drains, services, water mains, sidewalks and paved and unpaved shoulders within the paper lay-out to which the public has access and the Town is responsible for maintaining.

i. Public Works Construction License. The license required and issued under this by-law to persons and entities who desire to perform street opening work in public ways.

j. Street opening permit. A permit issued, pursuant to the Street Opening By-law, for the performance of street opening work in a public way.

k. Street opening work. Any cutting, excavating, compacting, construction, repair or other disturbance in or under a public way, together with restoration of the public way in accordance with the Street Opening By-law following such disturbance, but excluding the location or relocation of utility poles for which a grant of location has been obtained pursuant to General Laws Chapter 166, Section 27.

l. Violation. The failure of the licensed contractor, its employees, agents and subcontractors, to fully comply with the provisions of this by-law and the Street Opening By-law and any permits issued thereunder.

Section 3. General. No person or entity may become a licensed contractor hereunder unless he or it, as the case may be, shall:

a. be in the general contracting business;

b. be qualified to do business in the Commonwealth of Massachusetts; and

c. be qualified in the reasonable judgment of the Board of Selectmen by experience, training of personnel, financial resources, and previously demonstrated satisfactory performance in street opening work in pubic ways; and

d. have completed the licensing process described herein.

An applicant for a license may demonstrate compliance with subparagraph c above by submitting to the Board of Selectmen evidence that it holds a current "Pre-Qualification Rating" issued by the Massachusetts Highway Department pursuant to 720 CMR 5.00.

Section 4. Application Procedure.

a. An application for a public works construction license shall be filed with the Board of Selectmen on forms designated by it, with a copy to the Highway Department.

b. The application shall be accompanied by evidence of the applicant's qualifications as described in Section 3 above.

c. The application shall be accompanied by Certificates of Insurance evidencing the acquisition of the insurance required by Section 5 below.

d. The application shall be accompanied by the application fee.

e. The Highway Department shall promptly review the application and make its recommendations to the Board of Selectmen.

f. Upon receipt of the Highway Department's recommendations, the Board of Selectmen shall issue the license, if the applicant meets all of the qualifications, and deny the license if the qualifications are not met. The applicant shall be notified in writing of the reasons for the denial.

g. The license issued shall be valid from the date issued until December 31 of the year in which it is issued, unless it is sooner suspended or revoked as provided for herein.

h. The license must be renewed each year by filing a renewal application with the Board of Selectmen and paying the application fee.

Section 5. Insurance. Each licensed contractor shall acquire and continually maintain while licensed hereunder the following liability insurance coverage with insurance companies licensed to do business in the Commonwealth of Massachusetts:

a. Commercial General Liability Insurance, including operators, independent contractors, complete operations, XCU hazards, broad form property damage and personal injury:

| | |
|---|---|
| General aggregate | -$1,500,000.00 |
| Products and complete operating aggregate | -$1,000,000.00 |
| Each occurrence | -$1,000,000.00 |
| Combined single limit | -$2,000,000.00 |

b. Automobile Liability Insurance – Covers owned, non-owned and hired vehicles.

| | |
|---|---|
| Bodily Injury Liability | - $500,000.00 each person<br>- $1,000,000.00 each accident |
| Property Damage Liability | - $300,000.00 each accident |

Combined Single Liability - $2,000,000.00

c. The licensee agrees to maintain at the licensee's expense all insurance required by law for its employees, including disability, workers' compensation, and unemployment compensation.

d. The Certificates of Insurance shall provide for at least thirty (30) days notice to the Board of Selectmen of cancellation or material change. The Town of West Bridgewater shall be listed as an additional insured on said insurance policies, and such addition shall be noted on the Certificates of Title.

e. The Town of West Bridgewater shall not be responsible for any loss or damage whatsoever to the property of the licensee.

Section 6. Suspension and Revocation.

a. Suspension. The Board of Selectmen, or its designated representative, if it believes a violation, as defined in Section 2 of this by-law, has occurred may immediately suspend for a period of up to twenty-one (21) days a public works construction license by giving written notice of such suspension to the licensee or any of its representatives at the job site.

b. Revocation. The Board of Selectmen may revoke a public works construction license, if it shall reasonably determine that a violation, as defined in Section 2 of this by-law, has occurred. The licensed contractor shall be given not less than five (5) days written notice of the time and place of the hearing and shall have the opportunity at such hearing to present evidence on his behalf. No person or entity, whose license has been revoked, may reapply for such license during the twelve month period following the revocation. Any person aggrieved by the revocation of its license may appeal such revocation to a court of competent jurisdiction.

## ARTICLE 42
## WATER DEPARTMENT

Section 1. Board of Water Commissioners. The Town, by a Special Act of the Legislature, has established a Board of Water Commissioners consisting of three persons elected by ballot at an annual town election. Such commissioners shall, in the first instance, be elected by ballot to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the next succeeding annual town election; and at the annual town election held on the day on which the shortest of such term expires, and at each annual town election thereafter, one such commissioner shall be elected by a ballot for the term of three years. A majority of said commissioners shall constitute a quorum for the transaction of business. After the election of a Board of Water Commissioners, any vacancy

occurring in said Board for any cause may be filled for the remainder of the unexpired term by the Town at any town election. Any such vacancy may be filled temporarily in the manner provided in Section 11 of Chapter 41 of the General Laws, and the person so appointed shall perform the duties of the office until the next annual meeting of the Town or until another person is qualified.

Section 2. Powers and Duties. The Board of Water Commissioners shall have exclusive charge and control of the water department and the water system of the Town, subject to all lawful by-laws and to such rules and regulations as the Town may from time to time impose by its vote. They may establish fountains and hydrants, may relocate or discontinue the same, may regulate the use of the water and fix just and equitable prices and rates for the use thereof, and prescribe the time and manner of payment of such prices and rates. The Board shall have all the powers and duties vested from time to time by the General Laws or Special Act in water commissioners.

Section 3. No person shall uncover, make any connection with or opening into, use, alter or disturb any public water main or appurtenances thereof without first obtaining a written permit from the Board of Water Commissioners. No water, unless by written permission of the Board, shall be provided to any person except through a meter owned by the Town, and no meter shall be removed without the written permission of the Board. No person shall turn on or tamper with a hydrant.

Section 4. Declaration of Water Emergency. The Board of Water Commissioners, pursuant to the provisions of Chapter 21G, Sections 15, 16, and 17 of the General Laws, may petition the Department of Environmental Protection for a declaration of a state of water emergency. Upon receiving such petition, the Department may declare a state of water emergency if it finds that there exists or impends a water supply shortage of a dimension which endangers the public health, safety or welfare. During a state of emergency, the Department is empowered to issue orders, to establish priorities for the distribution of any water or quantity of water use, make restrictions in the use of water, or require implementation of specific water conservation measures. The Department may amend the declaration or terminate the state of water emergency upon a finding that the public health, safety or welfare is no longer endangered by a water supply shortage in part or all of the area to which the emergency had been made applicable.

Section 5. Declaration of State of Water Supply Conservation. The Board of Water Commissioners may declare a state of water supply conservation upon a determination by the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all consumers. Public notice of a state of water conservation shall be given under Section 6 of this by-law before it may be enforced. A declaration of water supply conservation shall include one or more restrictions limiting the use of water. The applicable restrictions shall be included in the public notice given under Section 6 hereof.

Section 6. Public Notification of State of Water Supply Conservation. Notice of the declaration of a state of water supply conservation by the Board of Water Commissioners shall be given by publication thereof in a newspaper of general circulation within the Town or by such other means reasonably calculated to reach and inform all users of water. The notice shall include the nature of the restrictions imposed. Any such restriction shall not become effective until this notice is provided. Notice of such declaration shall also be given simultaneously to the Department of Environmental Protection. The state of water supply conservation shall be terminated by the Board when it is determined that the water supply shortage no longer exists. Notice of such termination shall be given in the same manner provided in Section 6 hereof.

Section 7. Penalty. Any person violating the provisions of this by-law or violating any order issued by the Department of Environmental Protection under the declaration of water emergency or any order issued by the Board of Water Commissioners under its declaration of a state of water supply conservation shall be subject to a fine of fifty dollars ($50.00) for the first offense and one hundred dollars ($100.00) for each subsequent offense. Each day of violation shall constitute a separate offense. Such fines shall be assessed in accordance with the provisions for the noncriminal disposition of violations contained in General Laws Chapter 40, Section 21P and in Article 46 of these by-laws. The Board of Water Commissioners, its employees and any police officer shall have the authority to enforce this by-law.

## ARTICLE 43-rescinded, 2019

## ARTICLE 44
## WETLANDS PROTECTION

Section 1. Purpose. The purpose of this by-law is to protect the wetlands, related water resources and adjoining land areas in the Town by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon the resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution control, fisheries, shellfisheries, wildlife habitat, rare species habitat including rare plant species, aesthetics, agriculture, aquaculture, and recreation values, deemed important to the Town (collectively "the resource area values protected by this by-law".)

Section 2. Authority. This by-law is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statues, independent of the Wetlands Protection Act (G.L. c. 131 §40) and Regulations (310 CMR 10.00) promulgated thereunder.

Section 3. Jurisdiction. Except as is permitted by the Commission or as provided in this by-law, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas:

a. Upon or within one hundred (100) feet of any freshwater wetland, marsh, wet meadow, bog or swamp, or vernal pool.

b. Upon or within one hundred (100) feet of any bank, reservoir, lake, pond, river, stream, creek, beach, dune, or flat, or any land under said water.

c. Upon or within one hundred (100) feet of any land subject to flooding or inundation by groundwater or surface water.

d. Upon or within one hundred (100) feet of lands abutting any of the aforesaid resource areas.

Section 4. Definitions. The following words and phrases as used in this by-law shall have the following meaning unless the context clearly requires otherwise.

a. "Commission" the Conservation Commission of the Town of West Bridgewater.

b. "Person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town by-laws, administrative agency, public or quasi-public corporation or body, this Town, and any other legal entity, its legal representatives, agents, or assigns.

c. The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this by-law:

(1) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind.

(2) Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics.

(3) Drainage or other disturbance of water level or water table.

(4) Dumping, discharging or filling with any material which may degrade water quality.

(5) Placing of fill, or removal of material, which would alter elevation.

(6) Driving of piles, erection, expansion or repair of buildings or structures of any kind.

(7) Placing of obstructions or objects in water.

(8) Destruction of plant life including cutting or trimming of trees and shrubs.

(9) Changing water temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters.

(10) Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater.

(11) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this by-law.

d. The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

e. The term "pond" shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply.

f. The term "rare species" shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

g. The term "vernal pool" shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of

two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be 100 feet outward from the mean annual high-water line defining the depression, but shall not include existing lawns, gardens, landscaped or developed areas.

h. Except as otherwise provided in this by-law or in regulations of the Commission, the definitions of terms and procedures in this by-law shall be as set forth in the Wetlands Protection Act (G.L. c. 130 §40) and Regulations (310 CMR 10.00).

Section 5. Exemptions and Exceptions. The application and permit required by this by-law shall not be required for the following:

a. Work performed for normal maintenance or improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations at 310 CMR 10.04.

b. Maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Commission prior to commencement of the work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

c. Emergency projects necessary for the protection of the health and safety of the public, provided that all of the following conditions are met:

(1) The work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof.

(2) Advance notice, oral or written, has been given to the Commission prior to commencement of the work or within twenty-four (24) hours after commencement.

(3) The Commission or its agent certifies the work as an emergency project.

(4) The work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency.

(5) Within twenty-one (21) days of the commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this by-law.

(6) Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

(7) Other than stated in this Section, the exceptions provided in the Wetlands Protection Act (G.L. c. 131 §40) and Regulations (310 CMR 10.00) shall not apply under this by-law.

Section 6. Applications and Fees.

a. Application for Permit. Written application shall be filed with the Commission for a permit to perform activities affecting resource areas protected by this by-law. The application shall include such information and plans as are deemed necessary by the Commission to describe the proposed activities and their effects on the resource areas protected by this by-law. No activities shall commence without receiving and complying with a permit issued pursuant to this by-law. In an appropriate case, the Commission may accept as the application and plans under this by-law the Notice of Intent and plans filed under the Wetlands Protection Act (G.L. c. 131 §40) and Regulations (310 CMR 10.00).

b. Request for Determination. Any person desiring to know whether or not a proposed activity or an area is subject to this by-law may in writing request a determination from the Commission. Such a request for determination shall include information and plans specified by the regulations of the Commission.

c. Abbreviated Notice of Resource Area Delineation. An application may be filed with the Commission to confirm the precise boundaries of Bordering Vegetated Wetlands (BVW) or to seek confirmation of the boundaries of other

resource areas which have been delineated if all areas are included in the information and plans specified by the regulations of the Commission.

d. Filing Fee. At the time of filing an application, abbreviated notice of resource area delineation or request for determination, the applicant shall pay a filing fee specified in the regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act. The Commission may waive the filing fee and costs and expenses for an application or request filed by a government agency and shall waive them for a request for determination filed by a person having no financial connection with the property which is the subject of the request.

e. Payment of Consultant Fee. Upon receipt of an application, or at any point during the hearing process, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This fee is called the "consultant fee". The specific consultant services may include, but are not limited to, performing or verifying the accuracy of resource area survey and delineation; analyzing resource area functions and values, including wildlife habitat evaluations, hydrogeologic and drainage analysis; and researching environmental or land use law.

f. Deposit of Consultant Fee. If a municipal revolving fund has been established, pursuant to G.L. c. 44 §53E½, for deposit and Commission use of filing and/or consultant fees described above, then such filing and/or consultant fees shall be deposited therein for uses set out in the vote establishing the fund. This account shall be kept separate from the account established for filing fees paid under the state Wetlands Protection Act.

g. Determination of Consultant Fee. The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information is necessary for the making of an objective decision. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws.

h. Consultant Fee. The consultant fee shall be the actual cost to the Commission for engineering and consultant services deemed necessary by the Commission to come to a final decision on an application. The Commission shall

require an estimated or actual payment, in their discretion, of the consultant fee in advance of any engineering or consultant services.

Section 7. Notice and Hearings

a. Notice. Any person filing an application for a permit, abbreviated notice of resource area delineation or a request for determination with the Commission shall, at the same time, give written notice thereof, by certified mail return receipt requested, or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred (300) feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the application or request with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

b. Public Hearing. The Commission shall conduct a public hearing on any application for a permit, abbreviated notice of resource area delineation, or request for determination with written notice given at the expense of the applicant, at least five (5) business days prior to the hearing, in a newspaper of general circulation in the municipality. The Commission shall commence the public hearing within twenty-one (21) days from receipt of a completed permit application or request for determination unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing for reasons stated at the hearing, which may include the need for additional information from the applicant or others deemed necessary by the Commission including the comments and recommendations of the boards and officials listed in Section 8 below. The Commission, in an appropriate case, may combine its hearing under this by-law with the hearing conducted under the Wetlands Protection Act and the Regulations.

c. Commission Action. The Commission shall issue its permit, other order or determination in writing within twenty-one (21) days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

Section 8. Coordination with Other Boards.

a. Coordination. Any person filing a permit application or a request for determination with the Commission shall provide a copy thereof at the same time by certified mail return receipt requested or by hand delivery to the Board of Selectmen, the Planning Board, the Board of Appeals, the Board of Health, and the Inspector of Buildings. A copy shall also be provided in the same manner to the Conservation Commission of the adjoining municipality, if the application or request pertains to property within three hundred (300) feet of that municipality. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.

b. Final Action by Commission. The Commission shall not take final action until the boards and officials have had fourteen (14) days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any such comments and recommendations and to respond to them at a hearing of the Commission prior to final action.

Section 9. Permits and Conditions.

a. Issuance of Permit. If the Commission, after a public hearing, determines that the activities, which are subject to the permit application or the land and water uses which will result therefrom, are likely to have a significant individual or cumulative effect upon the resource area values protected by this by-law, the Commission, within twenty-one (21) days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas through the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

b. Denial of Permit. The Commission is empowered to deny a permit for any of the following reasons:

(1) Failure to meet the requirements of this by-law.

(2) Failure to submit necessary information and plans requested by the Commission.

(3) Failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission.

(4) Failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this by-law.

(5) Where no conditions are adequate to protect those values.

(6) Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

c. Expiration of Permit. A permit shall, subject to the following exceptions and conditions, expire three (3) years from the date of issuance:

(1) The Commission in its discretion may issue a permit expiring five (5) years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission.

(2) Any permit may be renewed once for an additional one (1) year period, provided that a request for a renewal is received in writing by the Commission prior to expiration.

(3) For good cause, the Commission may revoke any permit, determination or other decision issued under this by-law after notice to the holder of the permit, the public, abutters, and town boards, and a public hearing.

d. Recording in Registry of Deeds. No work proposed in any application shall be undertaken until the permit or determination issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded.

e. Lands within 200 feet of rivers, ponds and lakes, and lands within 100 feet of other resource areas, are presumed important to the protection of these

resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission may therefore establish performance standards and conditions for protection of such lands including without limitation strips of continuous, undisturbed, vegetative cover within 200 foot or 100 foot area, or other form of work limit or setback to buildings, roads, landscaping and other features, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw. The specific size and type of protected area may be established by regulations of the Commission.

f. To prevent wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible, shall minimize wetlands alteration, and, where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.

g. The Commission, in an appropriate case, may combine the permit or other action on an application issued under this by-law with the Order of Conditions, Determination of Applicability or Certificate of Compliance issued under the Wetlands Protection Act and the Regulations.

Section 10. Rules and Regulations. After a public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this by-law. At a minimum, these rules and regulations shall define key terms in this by-law not inconsistent with this by-law.

Section 11. Security. As a part of a permit issued under this by-law, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

a. By a proper bond or deposit of money or deposit of negotiable securities or other undertaking of financial responsibility sufficient, in the opinion

of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.

b. By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

Section 12. Enforcement.

a. No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this by-law, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this by-law.

b. The Commission, its agents, officers and employees shall have the authority to enforce this by-law, its rules and regulations, and permits issued thereunder by violation notices, non-criminal citations under G.L. c. 40 §21D, and civil and criminal court actions. Any person who violates provisions of this by-law may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined or both.

c. The Commission, its agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth. Failure to grant such access shall be grounds for the issuance of either a cease and desist order or an Order of Conditions denying the project.

d. Upon request of the Commission, the Board of Selectmen and Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.

e. Municipal boards and officers including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

f. Any person who violates any provision of this by-law or of the rules and regulations of the Commission, and the permits and administrative orders issued thereunder, shall be punished by a fine of one hundred ($100.00) dollars for the first day of said violation, two hundred ($200.00) dollars for the second day of such violation, and three hundred ($300.00) dollars for each day thereafter that the violation continues. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the by-law, rules and regulations, and permits violated shall constitute a separate offense.

Section 13. Burden of Proof. The applicant for a permit hereunder shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the resource area values protected by this by-law. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the commission to deny a permit or grant a permit with conditions.

Section 14. Appeals. Any decision made by the Commission under the provisions of this by-law may be appealed to the superior court in accordance with the provisions of G.L. c. 249 §4.

Section 15. Severability. The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which has been previously issued.

## ARTICLE 45
## LICENSES AND PERMITS OF DELINQUENT TAXPAYERS

Section 1. The Tax Collector or other Town official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board or commission, hereinafter referred to as the licensing authority, that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or pending petition before the appellate tax board.

Section 2. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however that written notice is given to the party and the Tax Collector and the party is given a hearing not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said

license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial. Revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town as the date of issuance of said certificate.

Section 3. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder is given notice of and a hearing is held as required by Section 2 hereof.

Section 4. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is not direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family as defined in Section 1 of Chapter 268A of the Massachusetts General Laws, in the business or activity conducted in or on said property.

Section 5. This Article shall not apply to licenses and permits for open burning; bicycle permits; children work permits; sales of articles for charitable purposes; licenses to allow clubs or associations to dispense food or beverages; dog licenses; fishing, hunting and trapping licenses; marriage licenses and permits for theatrical events or public exhibitions.

## ARTICLE 46
## NONCRIMINAL DISPOSITION OF VIOLATIONS

Section 1. This by-law is adopted pursuant to the provisions of General Laws Chapter 40, Section 21D to provide for the noncriminal disposition of violations of the Town's by-laws, rules or regulations, the violation of which is subject to a specific penalty.

Section 2. Any person taking cognizance of a violation of a specific by-law, rule or regulation, for which there is a specific penalty and which he is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to a criminal proceeding, may give to the offender a written notice to appear before the Clerk of the Brockton District Court at any time during office hours, not later than twenty-one (21) days after the date of such notice. Such notice shall be signed by the enforcing person, and shall be signed by the offender whenever practicable in acknowledgement that such notice has been received.

Section 3. The enforcing person shall, if possible, deliver to the offender a copy of said notice at the time and place of the violation. If it is not possible to deliver a copy of said notice

to the offender at the time of the violation, said copy shall be mailed or delivered by the enforcing person, or by his commanding officer or the head of his department or by any person authorized by such commanding officer or department head, to the offender's last known address, within fifteen (15) days after said violation. Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the person so mailing such notice that it has been mailed in accordance with this Section shall be prima facie evidence thereof.

Section 4. Any person notified to appear before the Clerk of the Brockton District Court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the Town Clerk, together with said notice, such specific sum of money not exceeding three hundred dollars as the Town shall fix as penalty for violation of the by-law, rule or regulation. Such payment shall, if mailed, be made only by postal note, money order or check. Upon receipt of such notice, the Town Clerk shall forthwith notify the Clerk of the Brockton District Court of such payment, and the receipt by the Clerk of Court of such notification shall operate as a final disposition of the case. An appearance under this paragraph shall not be deemed to be a criminal proceeding.

Section 5. The notice to appear provided for herein shall be printed in such form as the Chief Justice of the District Court shall prescribe.

Section 6. Any fines imposed under the provisions of this by-law shall enure to the benefit of the Town for such use as the Town may direct.

Section 7. Any person violating any provision of the Town's by-law, rules regulations for which no specific penalty is provided therein shall be punished by a fine not to exceed two hundred ($200.00) dollars.

Section 8. For the purpose of this by-law, the "enforcing person" shall mean any police officer of the Town, the Health Officer and Health Agent, the Inspector of Buildings or his designee, and any other person who may be designated in the applicable by-law, rule or regulation.

## ARTICLE 47
## REPEAL AND AMENDMENT OF BY-LAWS

Section 1. All by-laws or parts of by-laws heretofore adopted which are inconsistent with the provisions of the foregoing by-laws are hereby repealed and annulled, but the provisions of the foregoing by-laws, so far as they are the same as the provisions of by-laws heretofore adopted, shall be construed as a continuance of said by-laws and not as new enactments.

Section 2. The repeal of a by-law heretofore adopted shall not affect any act done, ratified or confirmed, or any right accrued or established, nor any action, suit or proceeding

commenced or had, nor affect any punishment, penalty, or forfeiture incurred under such by-laws.

Section 3. These by-laws may be amended or repealed by a majority vote at any annual or special town meeting.

## ARTICLE 48
## COMMUNITY PRESERVATION COMMITTEE

### Chapter 1. Establishment

(1) There is hereby established a Community Preservation Committee consisting of nine voting members pursuant to Massachusetts General Laws Chapter 44B. The Committee shall consist of the following members:

One (1) member of the Historical Commission as designated by said Commission for a term of three (3) years.

One (1) member of the Conservation Commission as designated by said Commission for a term of three (3) years.

One (1) member of the Forestry and Parks Department as designated by the Forestry Superintendent for a term of three (3) years.

One (1) member of the West Bridgewater Housing Authority as designated by the Authority for an initial term of two (2) years and thereafter for a term of three (3) years.

One (1) member of the Planning Board as designated by said Board for an initial term of two (2) years and thereafter for a term of three (3) years.

One (1) member of the Open space Committee as designated by said Committee for an initial term of two (2) years and thereafter for a term of three (3) years.

Three (3) additional at-large members to be designated by the Board of Selectmen for an initial term of one (1) year and thereafter for terms of three (3) years.

(2) The term for the first-appointed Community Preservation Committee will begin on July 1, 2008, ending on June 30 at end of said term. Subsequent terms will begin on July 1 of each year and will be for three years. Any vacancy on the Community Preservation Committee shall be filled by the commission, authority or board that designated the member who creates the vacancy by designating another member in accordance with Section (1) above for the unexpired term.

(3) Should any commission, authority or board designating a member for the Community Preservation Committee cease to exist for whatever reason the Board of Selectmen will determine the appropriate alternative designating commission, authority or board.

### Chapter 2. Duties

(1) The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the parks and recreation committee and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly, including on the Town's web page and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. The Committee will file an annual report on its activities to the Town Clerk.

(2) The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, rehabilitation, restoration and preservation of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of such open space, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings, or construction of new buildings on previously developed sites.

(3) The Community Preservation Committee may include in its recommendations to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation, but for which sufficient funds are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending funds for general purposes that are consistent with community preservation.

### Chapter 3. Requirements for a quorum and cost estimates

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation

Committee shall approve its actions by majority vote. Meetings will be held in accordance with the open meeting law. Recommendations to the Town Meeting shall include their anticipated costs.

### Chapter 4. Amendments

The Community Preservation Committee shall, from time to time, review the administration of this By-law, making recommendations, as needed, for changes in the By-law and in administrative practice to improve the operations of the Community Preservation Committee. This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

### Chapter 5. Severability

In case any section, paragraph or part of this By-Law be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

### Chapter 6. Effective Date

Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.

### Chapter 7. Applications for Exemptions

Applications for exemptions from the Community Preservation Act surcharge must be filed with the Board of Assessors no later than three months after the actual tax bills are mailed.

## ARTICLE 49
## TRENCH SAFETY BYLAW

Section 1. Preamble. In fulfillment of the obligations of the Town under *Excavation and Trench Safety Regulation* M.G.L. c. 82A §1 and 520 CMR 14.00 et seq. (the "Regulations"), the Town hereby establishes a Trench Permitting procedure, sets the application fees and penalties for violators, and establishes the Board of Selectmen as the permitting authority.

Section 2. Purpose. The purpose and intent of this By-Law is to:

a. Protect the safety of the citizens of the Commonwealth from the hazards inherent in trenches; and

b. Provide for penalties for individuals who violate any provision of these regulations.

Section 3. Definitions.

a. APPLICATION FEE: An appropriate non-refundable processing fee set by the Board of Selectmen which shall accompany each application for a Trench Permit.

b. BOARD: The Board of Selectmen and, to the extent delegated and designated, shall include the Inspector of Buildings and his/her subordinates.

c. COMPETENT PERSON: A person or persons who is capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to people, and who has authorization to take prompt corrective measure to eliminate them. A competent person must be able to demonstrate that he or she has been trained in and is knowledgeable about: soil analysis, the use of protections for the General Public and the requirements of this regulation.

d. EMERGENCY: An unforeseen condition in which the safety of the public is in imminent danger because of a threat to life or health or where immediate correction is required to maintain or restore essential public utility service.

e. EXCAVATOR: Any entity including, but not limited to, a person, partnership, joint venture, trust, corporation, association, public utility, company or state or local Government body or public agency which performs excavation operations including the excavation of trenches.

f. GENERAL PUBLIC: All natural persons not engaged in the creation of a trench.

g. PERMIT HOLDER: The excavator who is responsible for acquiring a permit from the Permitting Authority.

h. PERMITTING AUTHORITY: A city, town, or public agency required to administer the provisions of 520 C.M.R. 14.03.

i. PUBLIC AGENCY: A department, agency, board, commission, authority, or other instrumentality of the Commonwealth or political subdivision of the Commonwealth or two or more subdivisions thereof.

j. SERIOUS INJURY: A personal injury that results in death, dismemberment, significant disfigurement, permanent loss of the use of a body organ, member, function,

or system, a compound fracture, or other significant injury that requires immediate admission and overnight hospitalization and observation by a licensed physician.

k. TRENCH: An excavation which is narrow in relation to its length, made below the surface ground in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet.

l. UNATTENDED TRENCH: A trench where neither the permit holder, excavator, nor any of the people who work in or at the trench are present.

Section 4. Necessity of a Trench Permit. No person shall, except in an emergency, make a trench excavation, in any public way, public property, or privately owned land until a permit is obtained from the appropriately designated permitting authority.

Section 5. Requirements of a Trench Permit The permit holder shall be responsible for obtaining the appropriate permit for the excavation of trenches for each project from the appropriate permitting authority. In order to obtain a permit, the following information must be submitted to the permitting authority:

(a) Completed application;
(b) Certificate of insurance;
(c) Required fee in accordance with 520 CMR 14.03 (6) where applicable

Section 6. Application Procedure. Completed and signed Trench Applications (attached) will be forwarded to the Inspector of Buildings for review. He/she shall promptly review the Application and make written recommendations concerning approval to the Permitting Authority and, if appropriate, shall include recommendations concerning permit conditions and supplemental instructions. Other Town departments may be asked to review depending on their departments' jurisdiction over where the trench will be located.

If the Application is considered favorably, a Trench Permit containing such conditions and supplemental instructions as the Permitting Authority reasonably deems appropriate shall promptly issue upon the satisfaction of any conditions precedent which the Permitting Authority may establish. If the Application is not favorably considered, the Permitting Authority shall communicate in writing to Applicant the reasons its Application was not favorably considered.

Section 7. Revocation and Suspension of Permit by Permitting Authority. The permitting authority may, after a hearing, suspend or revoke a permit issued pursuant 520 CMR 14.03. All hearings under this section shall be held in accordance with G.L. c. 30A and 801 CMR 1.02. Each permitting authority shall have the discretion to establish the grounds consistent with this regulation for a suspension or revocation however such suspension or revocation shall not be imposed in a manner which directly, substantially or specifically regulates the occupational safety or health of any employee engaged in employment covered by the Federal Occupational

Safety and Health Act.

Section 8. Assessment of Fine. See MA Code of Regulations 520 CMR, Section 14 as amended

Section 9. Notice. See MA Code of Regulations 520 CMR, Section 14 as amended

Section 10.Hearings. See MA Code of Regulations 520 CMR, Section 14 as amended

Section 11. Immediate Shutdown by State or Local Authorities. Whenever the permitting authority, or an inspector from either the Department of Public Safety or the Division of Occupational Safety deems a condition at a trench site to be a threat to public safety he may order that the area around the trench be made safe for the general public and may further order the immediate shutdown of the site until such time as the condition has been corrected to the satisfaction of the authority responsible for the immediate shutdown.

Conditions which warrant immediate shutdown of a trench site by the local permitting authority, an inspector from the Department of Public Safety or the Division of Occupational Safety may include:

1. A fatality or serious injury to a member of the general public;
2. Failure to use protections for the General Public in accordance with this regulation or an ineffective use of any protection for the General Public allowed by 520 CMR 14.04;
3. Failure to obtain a permit from the permitting authority;
4. Any other condition that constitutes a serious threat to life, limb or property of the general public as determined by the permitting authority, an inspector from the Department of Public Safety, or the Division of Occupational Safety.

Section 12. Re-Inspection Following Immediate Shutdown. The trench site shall remain closed until all necessary repairs and corrections have been made to the satisfaction of the authority responsible for the immediate shutdown, provided however, that the Department of Public Safety and Division of Occupational Safety shall have concurrent jurisdiction to authorize the reopening of a trench shut down by either agency.

Reopening of the site may not occur until the site has been inspected by the authority ordering the immediate shutdown and found to be safe for reopening and operation.

Section 13. Appeal from Immediate Shutdown. Any person aggrieved by the decision by the Department of Public Safety, the Division of Occupational Safety, or the permitting authority to shut down a trench site pursuant to 520 CMR 14.05 may make an appeal for a hearing to the entity responsible for the immediate shutdown. The site shall remain shut down during the appeal period. Such appeal shall be made in writing within 10 calendar days. Upon receipt of the appeal, a hearing shall be scheduled promptly. All hearings under this provision shall be held in accordance with G.L. c. 30A and 801 CMR 1.02. Any person aggrieved by a decision after hearing may appeal to the Superior Court in accordance with G.L. c. 30A § 14.

Section 14. Serious injury/Fatality. An excavator shall report all serious injuries or fatalities which occur at the location of a trench to the State Police within one hour from the time the serious injury occurred.

**In the event that a serious injury or fatality occurs, the trench site shall be immediately secured. The site surrounding the trench shall not be disturbed, cleaned, or altered in any way except by a public authority or as necessary for the preservation of life and property or the removal of the injured person(s) until receiving express authorization from an inspector of the Department of Public Safety**

## ARTICLE 50
## RESERVED FOR FUTURE USE

## ARTICLE 51-rescinded, 2019

## ARTICLE 52
## TOWN ADMINISTRATOR

Section 1. Appointment. The Board of Selectmen is empowered to appoint a Town Administrator for a term of up to three years. The incumbent may be reappointed by the Board as many times as the Board determines. The Town Administrator shall receive compensation as the Board of Selectmen shall from time to time determine.

Section 2. Duties. The Town Administrator shall perform the functions and duties as the Board of Selectmen requires. He shall function as the day to day operations manager supervising the Department Heads that fall under the jurisdiction of the Board. He shall be responsible for communicating the policies of the Board to all Town Departments. He shall be responsible for implementing the policies of the Board to all Town Departments under the purview of the Board.

Section 3. Fiscal Responsibilities. The Town Administrator shall be responsible for collecting annual budget requests from all Departments in the Town, including those that do not fall under the jurisdiction of the Board. He shall provide these budget requests to the Board.

Section 4. Authority. The Town Administrator shall be the day to day operator; he shall not have the powers to appoint Department Heads or negotiate their compensation unless delegated to do so by the Board.

# ARTICLE 53
# FINGERPRINTING

## Criminal History Check Authorization

The Police Department may conduct State and Federal Fingerprint Based Criminal History check for individuals applying for certain licenses including those engaged in the business of Hawking and Peddling or other Door-to-Door Salespeople, Pawn Dealers, and Hackney Drivers.

An applicant seeking to engage in the above employment shall submit, if required by the licensing authority, fingerprints taken by the Police Department along with a fee of One Hundred Dollars.

Upon receipt of the fingerprints and the appropriate fee, the Police Department will transmit the fingerprints to the State Police Identification Unit through the Department of Criminal Justice Information Services (DCJIS), formerly the Criminal History System Board (CHSB).

In rendering a fitness determination, the Police Department will decide whether the record subject has been convicted of [or is under pending indictment for] a crime, which bears upon his/her ability or fitness to serve in that capacity, any felony or a misdemeanor, which involved force or treat of force, controlled substances, or was a sex-related offense.

A record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must contact DCJIS for a state record or the FBI for records from other jurisdictions maintained in its file.

The Police Department shall establish, by rule or regulation, a civilian fingerprinting system for the purpose of conducting state and national criminal history records checks of persons applying for certain licensures within the Town. Any person applying for a license for the following activities within the Town is required to submit with the application a full set of fingerprints taken by the Police Department within 6 months prior to the date of application:

- Hawking and Peddling or other Door-to-Door Salespeople;
- Pawn Dealers; and,
- Hackney Drivers.

A person applying for a license and who is required to submit a full set of fingerprints to the licensing authority, pursuant to paragraph (a) of this section, may request and receive a copy of his criminal history records from the Police Department. Should the license applicant seek to

amend or correct his record, he must contact the DCJIS, or its successor, for a state record or the FBI for records from other jurisdictions maintained in its file.

The fee charged to the applicant by the Police Department for the purpose of enforcing this section shall be $100 for each application. A portion of the fee, as specified in Chapter 172B of the Massachusetts General Laws, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Police Department for costs associated with the administration of the fingerprinting system.

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, or to revoke or suspend any license or permit, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law.

## ARTICLE 54
## WEST BRIDGEWATER CONSTRUCTION PHASE STORMWATER MANAGEMENT AND SOIL EROSION CONTROL BYLAW

### SECTION 1. PURPOSE AND OBJECTIVES

A. The harmful impacts of soil erosion and sedimentation are:
   1. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
   2. contamination of drinking water supplies;
   3. alteration or destruction of aquatic and wildlife habitat;
   4. flooding; and
   5. overloading or clogging of municipal catch basins and storm drainage systems.

B. The harmful impacts of increased stormwater runoff are:
   1. damage to public and private property infrastructure;
   2. loss of groundwater recharge;
   3. impairment of surface water quality;
   4. increased flooding of wetlands, streams, rivers, ponds and lakes; and
   5 changes to the public health, public safety and the environment.

C. The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development, redevelopment and land uses with potential for increased nonpoint source pollution. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, and promote groundwater

recharge to protect surface and groundwater drinking supplies.

D. The objectives of this bylaw are to:
    1. comply with state and federal statutes and regulations relating to stormwater discharges;
    2. establish the Town of West Bridgewater's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement;
    3. establish decision-making processes surrounding land development and land use activities that protect the integrity of the watershed and preserve the health of water resources;
    4. require that new development, redevelopment and all land use activity maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;
    5. establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
    6. establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land use activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of storm water runoff;
    7. establish minimum design criteria for measures to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;
    8. establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
    9. require the use of nonstructural stormwater management with better site design practices or “low-impact development practices” such as reducing impervious cover and the preservation of green space and other natural areas to the maximum extent practicable;
    10. coordinate new site design plans with existing site plans to utilize natural areas for green space;
    11. establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public health and safety;
    12. establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw;
    13. establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans and for the inspection of approved active projects and long-term follow up;
    14. establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, and the inspection of approved projects;

15. ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained; and
16. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

SECTION 2. DEFINITIONS

ABUTTER: The owner(s) of land sharing a common boundary or corner with the site of the proposed activity in any direction, including the owner(s) of land within 100 feet of the proposed activity and including land located directly across a street, way, creek, river, stream, brook or canal.

ADMINISTRATIVE STORMWATER MANAGEMENT PERMIT (ASMP): A permit issued by the Stormwater Authority after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aqua-cultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

ALTER: Any activity which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbance activities.”

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision of the Commonwealth or the Federal Government to the extent permitted by law, requesting a Stormwater Management and Soil Erosion Control Permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: The Stormwater Authority, its employees or agents designated to enforce this by-law.

BETTER SITE DESIGN PRACTICES: Site design approaches and techniques that can reduce a site’s impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, and using natural features for stormwater management.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source

pollution, and promote stormwater quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BIOSOLIDS: Wastewater Septic Treatment Plant sludge that has been treated to ensure that it can be safely applied to land as a fertilizer or soil amendment. Biosolids are further defined in EPA's "Regulations for the Use and Disposal of Sludge" (40 CFR 503), MA DEP's 310 CMR 32.00: Land Application Of Sludge And Septage and MDAR's 330 CMR 31.00: Plant Nutrient Application Requirements For Agricultural Land And Land Not Used For Agricultural Purposes.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A specialist in soil erosion and sediment control who has been certified by a recognized Erosion and Control organization approved by the Stormwater Authority; or who is qualified by demonstrated acceptable evidence of erosion and sediment control education, experience, expertise and continuing professional development courses satisfactory to the Stormwater Authority.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

CLEARING: Any activity that removes the vegetative surface cover.

WEST BRIDGEWATER CONSTRUCTION PHASE STORMWATER MANAGEMENT AND SOIL EROSION CONTROL BYLAW**:** Also known and referred as the Stormwater Management Bylaw.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS: Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

EPA: United States Environmental Protection Agency.

GENERAL STORMWATER MANAGEMENT PERMIT (GSMP): A permit issued by the Stormwater Authority after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LOW IMPACT DEVELOPMENT PRACTICES: is a comprehensive land planning and engineering design approach with a goal of maintaining and enhancing the pre-development hydrologic regime of urban and developing watersheds.

MDAR: *Massachusetts Department of Agricultural Resources.*

MA DEP: Massachusetts Department of Environmental Protection.

MASSACHUSETTS ENDANGERED SPECIES ACT: (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT REGULATIONS: The Stormwater Regulations issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Stormwater Regulations address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): or municipal storm drain system: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town Of West Bridgewater.

NEW DEVELOPMENT: Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POST-DEVELOPMENT: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

PRE-CONSTRUCTION: All activity in preparation for construction.

PRE-DEVELOPMENT: The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Stormwater Authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

REDEVELOPMENT: Any construction, alteration, or improvement exceeding land disturbance of 5,000 square feet, where the existing land use is residential commercial, industrial, institutional, or multi-family residential.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER AUTHORITY: The Town of West Bridgewater Conservation Commission OR its authorized agent(s) who will administer, implement and enforce this bylaw. The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this Bylaw.

STORMWATER MANAGEMENT BYLAW**:** Also known and referred as the West Bridgewater Construction Phase Stormwater Management And Soil Erosion Control Bylaw.

STORMWATER MANAGEMENT PERMIT: A permit issued by the Stormwater Authority under this Bylaw.

STORMWATER UTILITY: A special assessment district set up to generate funding specifically for stormwater management. Users within the district pay a stormwater fee, and the revenue thus generated directly supports maintenance and upgrade of existing storm drain systems; development of drainage plans, flood control measures, and water-quality programs; administrative costs; and sometimes construction of major capital improvements.
STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

VIOLATION: A failure by any person, individual, partnership, association, firm, company, corporation, or trust to comply with an order issued by the Stormwater Authority or an agent of said Authority.

WATERCOURSE: A natural or man-man channel through which water flows or a stream of water, including a river, brook, or underground stream.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40

SECTION 3. AUTHORITY

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34

SECTION 4. APPLICABILITY

No person shall alter land within the Town of West Bridgewater without having obtained a Stormwater Management Permit for the property. This bylaw shall be applicable to all new development and redevelopment, including, but not limited to, site plan applications, Special

Permit applications, or any activity that will result in an increased amount of stormwater runoff or pollutants flowing from the a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to Section 5.B) of this Bylaw. All new development and redevelopment under the jurisdiction of this Bylaw shall be required to obtain a Stormwater Management Permit.

Nothing in this Bylaw is intended to replace the requirements of any other Commonwealth of Massachusetts Statute, Code of MA Regulations, West Bridgewater Bylaw or West Bridgewater Regulation that has been or may be adopted by the Town of West Bridgewater. Any activity subject to the provisions of existing or future Commonwealth of Massachusetts Statute, Code of MA Regulations, West Bridgewater Bylaws or West Bridgewater Regulations must comply with the specifications of each in addition to the requirements of this Bylaw.

This bylaw shall apply to all activities that result in land disturbance of more than 5,000 square feet of land that drains to the municipal separate storm sewer system or wetland areas subject to protection under M.G.L. c. 131, § 40. Normal maintenance and improvement of land in agricultural, forestry or aqua-cultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.4, are exempt. Land application of any type of biosolids on land in agriculture is not exempt under this by-law unless the person applying the biosolids provides the Stormwater Authority with proof that such use is in compliance with all EPA, MA DEP and MDAR regulations and permits.

SECTION 5. ADMINISTRATION

A. Administrative Authority

The West Bridgewater Conservation Commission, hereinafter referred to as the Stormwater Authority, shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by Stormwater Authority to its employees or agents.

B. Waiver

The Stormwater Authority may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

1. such action is allowed by federal, state and local statutes and/or regulations,
2. is in the public interest, and
3. is not inconsistent with the purpose and intent of this by-law.

C. Rules and Regulations

The Stormwater Authority may adopt, and periodically amend rules and regulations to effectuate the purposes of this by-law relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Management Bylaw by majority vote of the Stormwater Authority, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be posted on the Stormwater Authority's website and advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date. After

public notice and public hearing, Stormwater Authority may promulgate rules and regulations. Failure by the Stormwater Authority to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

D. Stormwater Management Manual

The Stormwater Authority will utilize the criteria and information including specifications and standards of the latest edition of the Massachusetts Department of Environmental Protection Stormwater Management Regulation and/or an approved West Bridgewater equivalent, for execution of the provisions of this Bylaw. This manual includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Stormwater Management Manual and Regulations may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

E. Administrative Stormwater Management Permit

The Stormwater Authority shall have the authority to develop an Administrative Stormwater Management Permit (ASMP) for small, minimal impact specific types of projects, such as, without limitation, construction of a deck, porch, patio, retaining wall, existing driveway expansion, landscaping expansion, shed, swimming pool, tennis or basketball court and septic system repair. Any such Administrative Stormwater Management Permit requirements shall be further defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw.

F. General Stormwater Management Permit

The Stormwater Authority shall have the authority to develop a General Stormwater Management Permit (GSMP) for larger substantial impact types of specific projects, such as, without limitation, construction of a new parking lot, expansion of an existing parking lot, residential buildings, municipal buildings, commercial buildings, industrial buildings, access roads, subdivision roads, solar arrays, and construction or repair of any nonresidential septic system. Any such General Stormwater Management Permit requirements shall be further defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw.

G. Stormwater Utility

The Stormwater Authority may adopt, through the Regulations authorized by this Stormwater Management Bylaw, a Stormwater Utility pursuant to M.G.L. Chapter 83 Section 16. Any such Stormwater Utility requirements shall be further defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw. The Stormwater Authority shall administer, implement and enforce this Utility. Failure by the Stormwater Authority to promulgate such a Stormwater Utility through its Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

SECTION 6. PERMITS and PROCEDURE

A. Application

A completed application for a Stormwater Management Permit shall be filed with the Stormwater Authority. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of 5,000 S.F. or more and where the land application of biosolids is proposed. The Stormwater Management Permit Application package shall include:

1. a completed Application Form with original signatures of all owners;
2. a list of abutters, certified by the Assessors' Office;
3. required number of copies of documents including but not limited to the Stormwater Management Report, the Pre-Development and Post-Development Stormwater Calculations, the Pre-Development and Post-Development Construction Stormwater Operation and Maintenance Plan and a separate plan showing the Erosion and Sediment Control Plan as specified in Section 7. of this bylaw or other documents that may be specified in any Stormwater Regulations promulgated as a result of this Bylaw; and

4. payment of the application and review fees as specified in any Stormwater Regulations promulgated as a result of this Bylaw.

B. Entry

Filing an application for a permit grants the Stormwater Authority or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

C. Other Boards

The Stormwater Authority shall give one copy of the application package to the Planning Board, the Board of Health and the Department of Public Works.

D. Public Hearing

The Stormwater Authority shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Stormwater Authority. Notice of the public hearing shall be given by the Stormwater Authority by posting a public hearing notice on the Stormwater Authority's Website, by posting the public hearing notice with the Town Clerk and by the applicant sending a public hearing notice by first-class mailings to abutters at least seven (7) days prior to the hearing. The Stormwater Authority shall make the application available for inspection by the public during business hours at the West Bridgewater Conservation Commission office.

E. Information requests

The applicant shall submit all additional information requested by Stormwater Authority to issue a decision on the application.

F. Action by Stormwater Authority

The Stormwater Authority may:

1. approve the Stormwater Management Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
2. approve the Stormwater Management Permit Application and issue a permit with conditions, modifications or restrictions that the Stormwater Authority determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this bylaw;
3. disapprove the Stormwater Management Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

G. Failure of Stormwater Authority to take final action

Failure of the Stormwater Authority to take final action upon an application within the time specified above, unless such time has been extended by mutual agreement by the Stormwater Authority and the applicant, shall be deemed to be approval of said application. Upon expiration of the time period for taking final action as specified above, with granted extension(s), if any, the Stormwater Management Permit shall be issued by the Stormwater Authority.

H. Fee Structure

Each application must be accompanied by the appropriate application fee as established by the Stormwater Authority as specified in any Stormwater Regulations promulgated as a result of this Bylaw. Applicants shall pay review fees as determined by the Stormwater Authority sufficient to cover any expenses connected with the public hearing and review of the Stormwater Management Permit Application before the review process commences. The Stormwater Authority is authorized to retain a Registered Professional Engineer or other ' professional consultant to advise the Stormwater Authority on any or all aspects of the Application. Costs of the engineer or the consultant will be the responsibility of the applicant.

I. Project Changes

The permittee, or their agent, must notify the Stormwater Authority in writing of any change or alteration of a land disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Stormwater Authority determines that the change or alteration is significant, the Stormwater Authority may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or alteration from the Stormwater Management Permit occurs during any land disturbing activities, the Stormwater Authority may require the installation of interim erosion

and sedimentation control measures before approving the change or alteration.

SECTION 7. EROSION AND SEDIMENT CONTROL PLAN

A. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 7.B. below.

B. The design requirements of the Erosion and Sediment Control Plan are to:

1. minimize total area of disturbance;
2. sequence activities to minimize simultaneous areas of disturbance;
3. minimize peak rate of runoff in accordance with the Massachusetts Stormwater Regulations;
4. minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
5. divert uncontaminated water around disturbed areas;
6. maximize groundwater recharge;
7. install and maintain all Erosion and Sediment Control measures in accordance with the manufacturer's specifications and good engineering practices;
8. prevent off-site transport of sediment;
9. protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
10. comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
11. prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
12. institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
13. properly manage on-site construction and waste materials; and
14. prevent off-site vehicle tracking of sediments.

C. Erosion and Sedimentation Control Plan Content
The plan shall contain the following information:

1. names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
2. name of CPESC in charge of the Erosion and Sedimentation Control plan with 24 hour contact information

3. title, date, north arrow, names of abutters, scale, legend, and locus map;
4. location and description of natural features including:
   (a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
   (b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities; and
   (c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
5. lines of existing abutting streets showing drainage and driveway locations and curb cuts;
6. existing soils, volume and nature of imported soil materials;
7. topographical features including existing and proposed contours at intervals no greater than one (1) feet with spot elevations provided when needed;
8. surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;

9. drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
10. location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
11. path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
12. location and description of industrial discharges, including stormwater discharges**;**
13. stormwater runoff calculations in accordance with the MA Department of Environmental Protection's Stormwater Management Regulation;
14. location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
15. a description of construction and waste materials expected to be stored on-site. The plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
16. a description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
17. plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts and a Certified Professional in Erosion and Sediment Control; and
18. such other information as is required by the Stormwater Authority; and any other

requirements as specified in any Stormwater Regulations promulgated as a result of this Bylaw.

SECTION 8. INSPECTION AND SITE SUPERVISION

A. Pre-construction Meeting

Prior to starting clearing, excavation, construction, or land disturbing activity the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the West Bridgewater Conservation Commission, to review the permitted plans and their implementation.

B. Stormwater Authority Inspection

The Stormwater Authority or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Stormwater Management Permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Stormwater Authority, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Stormwater Authority at least two (2) working days before each of the following events:

1. Erosion and sediment control measures are in place and stabilized;
2. site clearing has been substantially completed;
3. rough grading has been substantially completed;
4. final grading has been substantially completed;
5. close of the construction season; and
6. final landscaping (permanent stabilization) and project final completion.

C. Permittee Inspections

The permittee's Certified Professional In Erosion And Sediment Control (CPESC) or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the West Bridgewater Conservation Commission or designated agent in a format approved by the Stormwater Authority.

D. Access Permission

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Authority its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary to determine compliance with the permit.

SECTION 9. SURETY

The Stormwater Authority may require the permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Stormwater Authority has received the final report as required by Section 10 and issued a certificate of completion.

SECTION 10. FINAL REPORTS

Upon completion of the work, the permittee shall submit a report (including certified as built construction plans) from a Professional Engineer (P.E.), surveyor, and Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter and the as-built construction plans.

SECTION 11. ENFORCEMENT

A. The Stormwater Authority or its authorized agent shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Orders

1. Stormwater Authority or an authorized agent may issue a written order to enforce the provisions of this by-law or the regulations hereunder, which may include:
   (a) a requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the Stormwater Management Permit;
   (b) maintenance, installation or performance of additional erosion and sediment control measures;
   (c) monitoring, analyses, and reporting;
   (d) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town Of West Bridgewater through the Stormwater Authority may, at its option, undertake such work, and the property owner shall reimburse the Stormwater Authority expenses.
3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the

costs incurred by the Stormwater Authority, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

C. Criminal Complaint and Penalty

Any person who violates any provision of this by-law, regulation, order or permit issued there under, may be penalized by indictment or criminal complaint brought in the Brockton District Court. The penalty shall be punished by a fine of not more than $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Stormwater Authority may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D and enabling Bylaw of the Town of West Bridgewater, in which case the Stormwater Authority or an agent of the Stormwater Authority shall be the enforcing person under this bylaw. The penalty for the 1st violation shall be a Written Warning specifying the violation and required corrective action. The penalty for the 2nd violation shall be a fine of $150.00. The penalty for the 3rd and subsequent violations shall be a fine of $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. The fines issued by the Stormwater Authority under Section 11.D. of this Bylaw shall be final. Further relief of a fine under Section 11.D. of this Bylaw shall be reviewable in the Brockton District Court and if said action was filed within 21 days thereof, in accordance with M.G.L. Ch. 40, §21D.

E. Appeals

The decisions or orders of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority under this Bylaw shall be reviewable in the Superior Court of the applicable jurisdiction and if said action was filed within 60 days thereof, in accordance with M.G.L. Ch 249 § 4.

F. Remedies Not Exclusive

The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 12. EFFECTIVE DATE

This Bylaw shall take effect 30 days after approval of the 2016 Annual Town Meeting Articles by the Attorney General.

SECTION 13. SEVERABILITY

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

## ARTICLE 55
## TOWN GOLF COURSE REVOLVING FUND

Section 1. The Town shall establish a revolving fund pursuant to M.G.L. c. 44 §53E½ for the purpose of administering income received from operation of the Town Golf Course. For purposes of this bylaw, the Town Golf Course is the 18-hole golf course known as the River Bend Country Club, located at 250 East Center Street in the Town of West Bridgewater, occupying approximately 167 acres of land, more or less, and including all buildings and facilities located thereon.

Section 2. The program for which the revolving fund may be expended is the Town Golf Course. All maintenance, costs, expenses, fees, debt service, bond payments, insurance premiums, legal fees and other obligations of the Town, resulting from the Town's acquisition, ownership, control, management or oversight of the Town Golf Course, are part of said program for which the revolving fund may be expended.

Section 3. All income received from any management company contracting with the Town to manage the Town Golf Course, and all other income received from the acquisition or operation of the Town Golf Course, shall be credited to the revolving fund.

Section 4. The Board authorized to expend from such fund is the Board of Selectmen.

Section 5. Annual spending limits for the revolving fund shall be set pursuant to the requirements of M.G.L. c. 44, § 53E ½.

Section 6. Upon termination of the revolving fund, the balance in the fund at the end of that fiscal year shall revert to surplus revenue at the close of the fiscal year.

## ARTICLE 56
## BAN ON NON-MEDICAL MARIJUANA ESTABLISHMENTS

The Town voted to ban non-medical Marijuana Establishments in Town as established in MGL c. 94G and as defined in 935 CMR 500.002.

## ARTICLE 57
## MARIJUANA – PUBLIC USE

Section 1. Restrictions on Marijuana Public Use & Consumption

No person shall smoke, vaporize, ingest or otherwise consume marijuana, medical marijuana or delta-9-tetrahydrocannabinol (THC), while in or upon any public way or any way to which the public has a right of access, street, sidewalk, footway, passageway, stairs, bridge, park, playground, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town of West Bridgewater, or any place to which members of the public have access as invitees or licensees, or private land, building, structure or place without the consent of the owner or person in control thereof.

Section 2. Violations & Penalties

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint by the West Bridgewater Board of Selectmen, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars ($300) for each offense, or take any action in relation thereto.

## ARTICLE 58
## REVOLVING FUNDS

DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by town, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E 1/2.

2. Expenditure Limitations. A department or agency head, board, committee, or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
   A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
   B. No liability shall be incurred in excess of the available balance of the fund.
   C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectboard or Finance Committee.

3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E ½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds. The table establishes:
   A. Each revolving fund authorized for use by a town department, board, committee, agency or officer,
   B. The department or agency head, board, committee or officer authorized to spend from each fund,
   C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant,
   D. The expenses of the program or activity for which each fund may be used,
   E. Any restrictions or conditions on expenditures from each fund;
   F. Any reporting or other requirements that apply to each fund, and
   G. The fiscal years each fund shall operate under this by-law.

| Revolving Fund | Department, Board, Committee, Agency or Officer Authorized to Spend from Fund | Fees, Charges or Other Receipts Credited to Fund | Program or Activity Expenses Payable from Fund | Restrictions or Conditions on Expenses Payable from Fund | Other Requirements/Reports | Fiscal Years |
|---|---|---|---|---|---|---|
| Council on Aging Supportive Care Program Fund | Director of Elder Services | Supportive Care Program fees, charges, or other receipts | Expenses to administer the Supportive Care Program on annually | None | None | FY 2019 and subsequent years |
| Council on Aging's Nutrition Program | Director of Elder Services | Nutrition Program fees, charges, or receipts | Expenses to administer the Nutrition Program | None | None | FY 2019 and subsequent years |
| Council on Aging's Transportation Program | Director of Elder Services | Transportation Program fees, charges, or receipts | Expenses to administer the Transportation Program | None | None | FY 2019 and subsequent years |
| General Library Expenses | Library Director | Library fees, charges, or receipts | Library operating expenses | None | None | FY 2019 and subsequent years |
| West Bridgewater Public School's Preschool Program | School Committee | Revenue generated by the Preschool Program | Expenses to administer the Preschool Program annually | None | None | FY 2019 and subsequent years |
| Fire Department Fire Alarm Maintenance Program | Fire Chief | Revenue generated by the Fire Alarm Maintenance Program | Expenses to administer the Fire Alarm Maintenance Program annually | None | None | FY 2019 and subsequent years |
| Intermunicipal Agreement between the Town and the City of Brockton | Town Administrator | Revenue generated from Intermunicipal Agreement | Intermunicipal Agreement fees, charges, or other receipts | None | None | FY 2019 and subsequent years |

## ACCEPTANCE OF PROVISIONS OF CMR

The Town voted to accept the provisions of 310 CMR 16.00 concerning Site Assignment Regulations for Solid Waste Facilities and enforce the regulations as exist and as may be amended from time to time. ATM, June 13, 2016

The Town voted to accept the provisions of 310 CMR 32.00 Land Application of Sludge and Septage and enforce the regulations as exist and as may be amended from time to time. ATM, June 13, 2016

## BY-LAW CHANGES

2007

Article 3: "Procedure at Town Meetings" Section 12 dealing with the number of voters necessary to request a ballot vote on a question was corrected to read "if supported by seven (7) voters." Approved at Special Town Meeting October 30, 2006 and approved by Attorney General effective January 4, 2007.

Article 43: "Fee Schedule for Weights and Measures" New Schedule Fee approved at Annual Town Meeting June 12, 2006 and approved by the Attorney General effective June 18, 2007.

Article 43: "Fee Schedule for Weights and Measures" New Schedule Fee approved at Special Town Meeting May 14, 2007, and approved by the Attorney General effective June 19, 2007.

Article 44: "Wetlands Protection" Amended at Special Town Meeting June 11, 2007, and approved by the Attorney General effective July 24, 2007.

2008
Article 16: "Personnel" Amended at Special Town Meeting, June 9, 2008, Section 6 paragraph "a" and add new paragraph "c". Section 8 B (2) -(4) and adding a new Section B (5).

Article 48: "Community Preservation Committee" Approved at Special Town Meeting, June 9, 2008 and approved by the Attorney General effective August 22, 2008

2009
Article 49: "Trench By-Law" Approved at Special Town Meeting, January 12, 2009 and approved by the Attorney General effective May 18, 2009.

Article 49: "Trench By-Law" Amendment approved at Special Town Meeting, June 8, 2009, and approved by the Attorney General effective July 27, 2009.

Article 17: "Animal Control Officers" Amendment approved at Annual Town Meeting, June 8, 2009, and approved by the Attorney General effective August 3, 2009.

Article 25: "Public Consumption of Marijuana or Tetrahydrocannabinol" Approved at Annual Town Meeting, June 8, 2009, and approved by the Attorney General effective August 3, 2009.

Article 48: "Community Preservation Committee" Amendment approved at Annual Town Meeting June 8, 2009, and approved by the Attorney General effective August 3, 2009.

2010
Article 16: "Anti-Harassment Policy" Amendment approved at Annual Town Meeting, June 7, 2010, Article 16, PERSONNEL Section 19, Sexual Harassment Policy to incorporate reference to the revised policy adopted by the Board of Selectmen September 22, 2009.

2011
Article 12: “Finance Committee” Amendment approved at Annual Town Meeting, June 13, 2011, and approved by the Attorney General effective October 7, 2011.

Article 51: “Cigar Wrappers” Approved at Annual Town Meeting, June 13, 2011, and approved by the Attorney General effective October 7, 2011.

2012
Article 17: “Animal Control” Approved at Special Town Meeting, October 1, 2012, and approved by the Attorney General effective December 7, 2012.

2013
Article 24: “Collectors of and Dealers in Second Hand Articles, Junk and Keepers of Junk Shop” Amendment approved at Annual Town Meeting, June 10, 2013, and approved by the Attorney General effective September 25, 2013.

Article 33: “West Bridgewater Right-To-Farm-By-Law” Approved new by-law at Annual Town Meeting, June 10, 2013, and approved by the Attorney General effective September 25, 2013.

2014
Article 52: "Town Administrator” Approved new by-law at Annual Town Meeting, June 9, 2014, and approved by the Attorney General effective September 10, 2014.

2015
Article 37: Approved Amendment at Annual Town Meeting on June 8, 2015 to Article 16 “Personnel” by adding new paragraph "e" under Section 16. "Leave of Absence without Pay"

Article 53: "Fingerprinting” Approved new by-law at Annual Town Meeting, June 8, 2015, and approved by the Attorney General effective September 8, 2015.

2016
Article 10: Approved Amendment at Special Town Meeting on October 22, 2015 to Article 3 "Procedure at Town Meetings" by adding new Section 15, and approved by the Attorney General effective January 22, 2016.

2016

Article 41: Approved Amendment at Annual Town Meeting on June 13, 2016 to add new by-law Article 54 "West Bridgewater Construction Phase Stormwater Management and Soil Erosion Control" and approved by the Attorney General effective September 20, 2016.

Article 42: Approved Amendment at Annual Town Meeting on June 13, 2016 to replace Article 35 with "West Bridgewater Discharges to the Municipal Separate Storm Sewer System" and approved by the Attorney General effective September 20, 2016.

2017

Article 2: Approved Amendment at Special Town Meeting on April 20, 2017 to the Town's General Bylaws by adding the following: Article 55 "Town Golf Course Revolving Fund" and approved by the Attorney General effective May 19, 2017.

Article 41: Approved Amendment at Annual Town Meeting on June 12, 2017 to Article 17 "Animal Control Officers" of the Town's General By-Laws and approved by the Attorney General effective September 20, 2017.

Article 42: Approved Amendment at Annual Town Meeting on June 12, 2017 to Article 18 "Dog Leash" of the Town's General By-Laws and approved by the Attorney General effective September 20, 2017.

2018

Article 7: Approved Amendment at Special Town Meeting on October 27, 2017 to Article 9 "Town Clerk" of the Town's General By-Laws and approved by the Attorney General effective January 25, 2018.

Article 32: Approved Amendment at Annual Town Meeting on June 4, 2018 to Article 17 "Animal Control Officers" of the Town's General By-Laws and approved by the Attorney General effective September 10, 2018.

Article 37: Approved Amendment at Annual Town Meeting on June 4, 2018 to the Town's General By-Laws by adding a new Article 58. "Revolving Funds" and approved by the Attorney General effective September 10, 2018.

Article 36: Approved Amendment at Annual Town Meeting on June 4, 2018 to the Town's General By-Laws by adding a new ARTICLE 57. MARIJUANA – PUBLIC USE and approved by the Attorney General effective September 28, 2018.

Article 33: Approved Amendment at Annual Town Meeting on June 4, 2018 to the Town's General By-Laws by adding a new ARTICLE to ban non-medical Marijuana Establishments in Town as established in MGL c. 94G and as defined in 935 CMR 500.002 and approved by the Attorney General on November 19, 2018 effective June 24, 2019.

2019

Article 42: Approved Amendment at Annual Town Meeting on June 3, 2019 to the Town's General By-Laws by rescinding, in its entirety, Article 43. "Fee Schedule for Sealer of Weights and Measures" and approved by the Attorney General on September 5, 2019 effective September 6, 2019.

Article 43: Approved Amendment at Annual Town Meeting on June 3, 2019 to the Town's General By-Laws by rescinding, in its entirety, Article 51. "Cigar Wrappers" and approved by the Attorney General on September 5, 2019 effective September 6, 2019.