

BY-LAWS
of the
TOWN OF NORTH ATTLEBOROUGH

Adopted by the Town at the Special Town Meeting of December 1, 1975

Approved by the Attorney General on January 26, 1976

By-Law Study and Codification Committee

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reflect Amendments through:

**The Semi-Annual Town Meeting of:
October 17, 2011**

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CHAPTER 412
ACTS OF 1887 AN ACT TO INCORPORATE THE
TOWN OF NORTH ATTLEBOROUGH

Be it enacted, etc., as follows:

Section 1.

All that part of the town of Attleborough comprised within the following limits: that is to say, beginning at a stone monument situated in the boundary line between the town of Attleborough, and the town of Cumberland in the state of Rhode Island, and on the northerly side of the road leading westerly from the Polly Chase place, so called; thence running easterly in a straight line to a point on the east side road one hundred feet southerly of the house of Howard E. Rhodes; thence deflecting to the north and following a straight line passing midway between Lepriete P. Fisher's house and the house of the late Tisdole E. Fisher; thence, in the same course to a monument in the boundary line between the towns of Attleborough and Mansfield five thousand four hundred and fifty feet northerly of a monument at the comer of the towns of Mansfield and Norton; thence northwesterly on the boundary line as it now exists between the towns of Attleborough and Mansfield till it comes to a comer marking the boundary of the towns of Attleborough, Mansfield and Wrentham; thence southwesterly by the boundary line as it now exists between the towns of Attleborough and Wrentham to a comer marking the boundary of the said towns of Attleborough and Wrentham, and the town of Cumberland in the state of Rhode Island; thence about southerly along the boundary line between the said towns of Attleborough and Cumberland to the point of beginning, is hereby set off from Attleborough and incorporated as a town under the name of North Attleborough; and said town of North Attleborough is hereby invested with all the powers, privileges, rights and immunities and is made subject to all the duties, liabilities and requisitions to which other towns are entitled and subjected by the constitution and laws of this commonwealth.

OTHER PROVISIONS
CHAPTER 412, ACTS OF 1887

- Section 2. Payment of taxes assessed and in arrears.
- Section 3. Liability for support of paupers.
- Section 4. Existing rights in favor of or against town of Attleborough.
- Section 5. Division of corporate property and debts.
- Section 6. Election districts.
- Section 7. First meeting for election of town officers.
- Section 8. Towns to pay equally for surveys and establishing lines.
- Section 9. Reimbursement for bounties and state aid to soldiers.
- Section 10. Rights of existing corporations to continue.
- Section 11. Subject to acceptance by a majority of the registered voters.

Approved June 14, 1887

Accepted by voters in Town Meeting assembled, June 30, 1887

ARTICLE I. TOWN MEETING

Section 1. TIME AND PLACE

- a. The Annual Town Meeting shall be held on the first Tuesday in April in each year, upon which day Town officers, required to be elected by ballot shall be chosen. The polls shall be opened at seven o'clock in the morning and shall remain open until eight o'clock in the evening.
- b. On completing the election and counting the votes and declaring the results thereof, the Meeting shall stand adjourned until the first Monday of June at half-past seven o'clock in the evening for the transaction of all other business that may properly be brought before the Meeting.
- c. A semi-annual Town Meeting shall be held on the third Monday in October.
- d. A Special Town Meeting may be held at such times as the Board of Selectmen may order. The Board of Selectmen shall notify all Departments in writing seven (7) days prior to closing of the warrant for said Special Town Meeting.
- e. Town Meetings, both Annual and Special and including Special Elections, shall be held in public buildings that are accessible to handicapped persons. Other business sessions of the Town shall be held in buildings and/or areas accessible to handicapped persons whenever and wherever feasible or possible.
- f. Each Session of Town Meeting, of the Annual or Semi Annual or Special shall adjourn no later than 10 o'clock in the evening. An RTM member may at any time make a motion to extend any session of Town Meeting past 10 o'clock. The motion shall require a Majority vote of those members present.

Section 2. NOTICE AND MEMBESHIP

Notice of every Town Meeting shall be given by posting copies of the Warrant calling said meeting at least twenty-one days before the day appointed for said meeting in not less than ten (10) public places in the Town and also in one place in each of the voting precincts within the Town. No action at Town Meeting shall be valid unless the subject matter thereof is contained in said Warrant.

The membership of the Representative Town Meeting shall consist of eighteen members in each precinct with one-third of its members elected annually at the April Town election for a term of three years; provided, however, effective at the April Town Election in 2007 and each said election thereafter, the Town shall choose by ballot five (5) Representative Town Meeting members from each precinct for a three year term such that each precinct shall have a total of seventeen (17) members after the election of 2007, sixteen (16) members after the election of 2008, and fifteen (15) members after the election of 2009 and each year thereafter.

Section 3. PETITIONS AND ARTICLES

- a. The first Monday in March shall be the last day for filing petitions with the Board of Selectmen for the insertion of articles in the Warrant for the Annual Town Meeting; and the Warrant shall be closed no later than ten days after the first Monday in March.

ARTICLE I. TOWN MEETING

- b. August 20 shall be the last day for filing petitions with the Board of Selectmen for the insertion of articles in the Warrant for the Semi-Annual Town Meeting; and the Warrant shall be closed no later than August 27.
- c. All petitioned articles that mention State, Federal, Town or any other laws or refer to any parcel of land or road or any other pertinent information must have a copy of such law or map showing the location of the parcel of land or road or any other pertinent information attached to the petitioned article submitted to the Board of Selectmen. Copies of these documents shall also be appended to the printed recommendations of the Finance Committee.
- d. Articles covering the annual departmental appropriations for the ordinary recurring expenses of the Town shall precede all other articles in the Warrant for the Annual Town Meeting; and the proposed budgets for such ordinary recurring expenses shall have been received by the Finance Committee no later than the first Monday in April in each year.
- e. All items meeting the Capital Improvements criteria as defined in Article III, Section 2.a and with a cost exceeding twenty-five thousand dollars (\$25,000) shall appear as separate articles on the Warrant of the Town Meeting, provided however, that the Town Administrator may submit an omnibus article for items proposed through the Capital Improvements Program, per Article III, Section 2.

Said omnibus article shall be comprised of four (4) parts:

- Part 1. Items to be appropriated through taxation,
- Part 2. Items to be appropriated through grants and other funds (enterprise),
- Part 3. Borrowing for capital purposes,
- Part 4. Authorization for the Town to apply for and expend grant funds (if forthcoming for any projects).

Each item listed in each part may be voted on separately or collectively, except on appropriations of one hundred thousand dollars (\$100,000) or more as specified in Section 4 k of this article.

The omnibus Capital Improvement Program article shall also include an estimate of the total amount to be paid on the bonds, including estimated interest costs; the expected term of the bonds, and a forecast of the repayment schedule; a statement of the sources of funds that will repay the bonds, to include as applicable: taxation, betterments, State or Federal assistance, Enterprise Fund payments, or any other form of reimbursement to the Town.

- f. Articles in the Warrant shall be acted upon in the order in which they stand, unless the Meeting shall direct otherwise by a two-thirds vote.

ARTICLE I. TOWN MEETING

g. Members of any appointed board, commission or committee shall serve without compensation except by vote of Town Meeting unless otherwise provided by Town by-laws or Massachusetts General Laws. The amount of compensation of members of any appointed board, commission or committee shall be collectively contained in a separate article in the Warrant and shall be fixed annually by vote of the Town at an annual meeting.

Section 4. RULES OF TOWN MEETING

- a. To the extent that the following is applicable, reconsideration shall be conformity herewith:
1. A motion to reconsider shall require a two-thirds vote of the RTM members present.
 2. The RTM member submitting a motion to reconsider shall state cause therefore and, subject to a ruling by the Moderator, be prepared to submit the entire article in its amended form. The refusal of the Moderator to allow such a motion shall be subject to an appeal to the RTM members.
 3. A two-thirds vote on any motion to reconsider shall have the effect of placing before the assembly the article in question in its last adopted form including all amendments.
 4. The allowance of a repeated motion to reconsider the identical article shall rest within the sole discretion of the Moderator.
- b. No motion, the effect of which would be to dissolve a Town 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 action on, or consideration of, any article to an adjournment of the meeting to a stated time and place.
- c. 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 put first, and an affirmative vote thereon shall be a negative vote on any smaller sum or shorter time.,
- d. RTM voting in Town Meeting may be by show of hands. If the result is in doubt the Moderator shall count or cause to be counted by tellers the uplifted hands. If still in doubt, or if the result is questioned by eighteen (18) RTM members, the Moderator shall conduct a roll call vote.
- e. If before action is taken on any article, eighteen (18) or more members request a roll call vote in which a verbal response shall be recorded by name in the journal, the same shall be ordered.
- f. A quorum at any Town Meeting, unless otherwise required by law, shall mean one-half of the membership, not including any vacancies which might then exist, plus one. A lesser number may organize any adjourn to some further time.
- g. Only registered voters of the Town may be admitted to Town Meeting except by permission of the Moderator or his designee. All non-registered voters so admitted shall be assigned to a definite portion of the Town Meeting place.

ARTICLE I. TOWN MEETING

- h. No person shall address the meeting without first being recognized by the Moderator. No person shall speak for more than ten (10) minutes at one time on any question unless his time shall be enlarged by vote of the meeting, and no person shall speak more than once on any question to the exclusion of any other who may desire to speak.
- i. All Town Officials shall be allowed to speak at all Town Meetings, following recognition by the Town Moderator whether or not they are current residents of the Town of North Attleborough.
- j. A motion or amendment to a motion shall be reduced to writing before being submitted to the Meeting unless this requirement is waived by the Moderator.
- k. The Moderator shall be guided by TOWN MEETING TIME, a manual of parliamentary procedure, on questions not covered by the General Laws of the Commonwealth or by these By-Laws.
- l. Voting on appropriations of one hundred thousand dollars (\$100,000) or more, other than for recurring departmental expenses, shall be by roll call vote in which a verbal response shall be recorded by name in the journal unless this requirement is waived by a unanimous vote of RTM members.

Section 5. FINANCE COMMITTEE

- a. There shall be a Finance Committee of nine (9) citizens, legal voters of the Town of North Attleborough who shall be appointed within twenty (20) days after the close of the Annual Town Meeting.
- b. The Finance Committee shall be appointed by the Town Moderator.
- c. As the terms of the members expire the Town Moderator shall make appointments for terms of three (3) years.
- d. In the event of a vacancy on the Committee due to death, resignation, or removal from Town, the appointment to fill the unexpired term shall be made by the Town Moderator.
- e. Members of the Finance Committee may serve as Representative Town Meeting members.
- f. No other officer of the Town or a member of any Board, Commission, or other Committee of the Town, whether elected or appointed, shall be a member of the Finance Committee, except as otherwise noted.
- g. It shall be the duty of the Finance Committee to consider all articles in any Warrant for a Town Meeting and to recommend appropriate action to the voters of the Town.
- h. The committee shall investigate the cost of maintenance and the expenditures of the different departments of the Town and recommend in detail the amount to be appropriated for each department for the ensuing year.

ARTICLE I. TOWN MEETING

- i. On or before the first Monday in April of each year the Board of Selectmen shall present to the Committee an estimate of the expenditures of each department for the ensuing year together with the tabulated expenditures of the two (2) preceding years. Copies of all petitioned articles to be inserted in the Warrant shall be transmitted to the Finance Committee the first Monday following the Closing of the Warrant.
- j. Annual detailed estimates to be furnished to the Town Accountant are required by State Law, Chapter 41, Section 59 as amended.
- k. The Finance Committee shall at least fourteen (14) days prior to the holding of the business session of a Town Meeting make public its recommendations in print regarding the articles to be considered at said Meeting. In making its recommendations for the operations of all Town departments the Committee shall specify the amount recommended for (1) Salaries and Wages (2) other department costs and (3) new equipment. In making its recommendations, the vote of the Committee on each article shall be set forth as part of the recommendations.
- l. The Board of Selectmen shall within ten (10) days of the receipt of the report of the State Audit of the municipal accounts transmit a copy thereof to the Chairman of the Finance Committee such report to be made available to all Committee members.
- m. Any transfer from the reserve fund shall be made by a majority vote of the Finance Committee, but only after due consideration of the request indicates that the transfer is for extraordinary or unforeseen expenditures.

Pages 14 and 15 are reserved for future expansion of ARTICLE 1.

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ARTICLE II. TOWN ADMINISTRATION

Section 1. BOARD OF SELECTMEN

- a. The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law or by these By-Laws.
- b. The Selectmen may appear, either personally or by Town Counsel, or by special counsel, before any court, or any state or County Board or Commission, to protect the interests of the Town.
- c. The Selectmen shall defend all suits brought against the Town, and may settle at their discretion any claim or suit to which the Town is a party, which does not require the payment of more than two thousand dollars (\$2,000.00). Any settlement requiring a payment of more than two thousand dollars (\$2,000.00), except as authorized by law, shall be made only when authorized by a vote of Town Meeting. The Selectmen are authorized to settle land damage cases in an amount not exceeding twenty-five hundred dollars (\$2,500). .
- d. All conveyances of land or interest in land shall be signed by the Board of Selectmen, unless otherwise provided by law or by vote of the Town, and shall be sealed with the Town seal.
- e. It shall be one of the duties of the Board of Selectmen to see that the provisions of all By-Laws of the Town and all articles passed by vote of the Town in Town Meeting, irrespective of which Department or person is affected thereby, are executed according to the import of .the provisions of each of said By-Laws or Articles.
- f. The Selectmen shall prepare and distribute the following:
 1. For the Annual Town Meeting:
 - a. An estimate of the expenditures of each Department for the ensuing year, together with the tabulated expenditures of the two proceeding years. These documents shall be distributed on or before the first Monday in April.
 2. For all Town Meetings:
 - a. Copies of all Petitioned Articles to be inserted in the Warrant.
 - b. Copies of other information pertinent to budgets or articles of any Town Meeting.
 3. These documents shall be distributed as follows:
 - 9 copies to the Finance Committee
 - 3 copies to the RTM Coordinating Committee
 - 1 copy to each of the Selectmen
 - 1 copy to the Town Treasurer
 - 1 copy to the Town Accountant
 - 1 copy to Town Counsel
 - 1 copy to each By-Law Study and Codification Committee Member

ARTICLE II. TOWN ADMINISTRATION

g. The Board of Selectmen shall have the supervision and control of garbage, refuse, and solid waste collections and the Town's Landfill operations on Mt. Hope Street.

The Board of Selectmen shall make such rules, orders and regulations as it deems necessary. Such rules, orders and regulations shall not take effect until they have been filed with the Town Clerk and published at least once in a newspaper having a regular circulation within the Town.

- h. Solid waste collection:
1. The Board of Selectmen may establish a Solid Waste Fee as it deems necessary for the collection and disposal of garbage, recycling, refuse, and solid waste throughout the Town. Monies received from the Solid Waste Fee shall be applied to the Landfill Enterprise Fund Account.
 2. The Board of Selectmen may amend the fee to recover the cost of providing rubbish and recycling collection and disposal throughout the Town.
 3. The Board of Selectmen shall hold a Public Hearing prior to establishing or amending such fee or adopting Rules and Regulations pertaining to such a fee.

Section 2. TOWN ADMINISTRATOR

A. APPOINTMENT AND REMOVAL

1. In accordance with MGL Chapter 41, Section 23A, the Selectmen shall appoint a town administrator who shall be appointed by them for a term of one or three years and may remove him at their discretion. A town administrator appointed under the provisions of this section shall be sworn to the faithful performance of his duties. During the time that he holds office he shall hold no elective town office, but he may be appointed by the selectmen or, with their approval, by any other town officer, board, committee or commission, to any other town office or position consistent with his office. He shall receive such aggregate compensation, not exceeding the amount appropriated therefore, as the selectmen may determine. He shall act by and for the selectmen in any matter which they may assign to him relating to the administration of the affairs of the town or of any town office or department under their supervision and control, or, with the approval of the selectmen, may perform such other duties as may be requested of him by any other town officer, board, committee or commission.

2. The eligibility of any elected or appointed Town of North Attleborough official to serve as Town Administrator shall be governed by applicable Massachusetts General Laws.

ARTICLE II. TOWN ADMINISTRATION

3. If the office of Town Administrator is vacant, as a result of death, removal, resignation or otherwise, or the Town Administrator is on a leave of absence exceeding two (2) weeks, the Board of Selectmen by an affirmative vote of at least three (3) members, shall appoint a qualified Town Administrator officer or employee to serve as the acting Town Administrator. Said acting Town Administrator shall receive compensation as set by the affirmative vote of at least three (3) Selectmen, but shall not exceed the rate of compensation approved for the administrator being replaced. The appointment of the acting Town Administrator shall not exceed a four (4) month period.

B. DUTIES

1. The Town Administrator shall be the administrative officer of the Town of North Attleborough, reporting directly to the Board of Selectmen and acting as their agent. He shall be responsible for the effective and professional administration of the affairs of the Town as described herein.

2. The Town Administrator shall administer, either directly or through a person or persons appointed by him or the Board of Selectmen, all provisions of this by-law.

3. The Town Administrator shall be responsible for the proper administration and development of the annual operating budget process.

4. The Town Administrator shall recommend to the Selectmen strategic plans and objectives for mitigation or other purposes. He shall have prepared multi-year forecasts on revenues and expenditures for use in analyzing financial impacts in collective bargaining issues, insurance costs, and other long-term costs. He shall recommend to the Board of Selectmen, for their approval, debt management and capital planning policies. He shall further recommend policies and long-range goals to improve the efficiency and effectiveness of Town Government.

5. The Town Administrator shall keep the Board of Selectmen fully informed regarding all departmental operations, fiscal affairs, general problems and administrative actions. He shall keep the Board of Selectmen and the Finance Committee informed as to the financial condition and needs of the Town.

6. The Town Administrator shall be responsible for the negotiation of all contracts which the Board of Selectmen are authorized by law to enter into. Such proposed contracts shall be subject to final approval and execution by the Board of Selectmen, unless the Board of Selectmen votes specifically to authorize the Town Administrator to execute the contracts on behalf of the Board of Selectmen. He shall monitor town contracts to see that they are properly managed, terms of the contract are being met, and the expenses charged are in compliance with the contract.

ARTICLE II. TOWN ADMINISTRATION

7. The Town Administrator shall act as the Town's insurance coordinator. He shall be responsible for ensuring that all pertinent policies are in effect, see that adequate insurance coverage is provided, ensure that claims are properly processed, conduct cost benefit analyses on existing policies and/or proposed changes. He shall render an annual report to the Board of Selectmen on all claims and losses.
8. The Town Administrator shall act as the grant coordinator of the Town. He shall collect and distribute information on grants, establish uniform procedures for grant applications, prepare or assist in developing grant proposals and shall monitor all town grants to ensure fiscal and program compliance.
9. The Town Administrator, in cooperation with other town officials selected by him, shall establish policies, procedures and guidelines for town procurements in accordance with applicable federal, state or local laws. He shall keep a full and complete inventory of the real and fixed assets of the Town.
10. The Town Administrator shall be responsible for the approval of the purchase of all supplies, materials, equipment and other services, for all departments or agencies under the jurisdiction of the Board of Selectmen.
11. The Town Administrator shall act as agent of the Board of Selectmen in coordinating activities, budgets and operations of town departments, boards, committees and commissions that come under the jurisdiction of the Board of Selectmen. He shall coordinate these activities with officers and boards elected by the voters, keeping all informed of ongoing activities and issues.
12. The Town Administrator shall plan, organize and supervise the operational audits of the activities of Town departments to evaluate the efficiency of resource utilization and the effectiveness of governmental services. Audit areas may include staffing, scheduling, vehicle management and any other topic requested by the Board of Selectmen or other elected boards.
13. The Town Administrator shall participate in the collective bargaining process and see that the provisions of the collective bargaining agreements are enforced in departments under his jurisdiction.
14. The Town Administrator shall assist the Board of Selectmen in the recruitment and selection of department heads under their jurisdiction. He shall perform and conduct the annual performance review for all department heads.

ARTICLE II. TOWN ADMINISTRATION

15. The Town Administrator shall ensure that the Town maintains a professional personnel system by monitoring the effectiveness of policies, procedures and practices as required by law, in accordance with proper personnel practices. He shall ensure that the recruitment, selection, promotion, transfer, discipline and removal of employees are conducted in accordance with applicable state and federal laws, and with Personnel By-Laws and policies adopted pursuant to the same. The Human Resources Administrator shall coordinate personnel administration with the Town Administrator.

16. The Town Administrator shall perform public relations functions for the Board of Selectmen by presenting the Town's position on issues, responding to citizen complaints, preparing press releases, and representing the Board at conferences, hearings, and meetings with county, State and Federal agencies. He shall serve as the Board's liaison to business, industrial and community groups.

17. The Town Administrator shall be responsible for the use and maintenance of all town facilities and equipment under the jurisdiction of the Board of Selectmen.

18. The Town Administrator shall attend all regular and special meetings of the Board of Selectmen and have a voice but no vote in all its meetings. He shall attend all regular and special sessions of the Town Meeting to answer questions and provide information. He shall oversee the preparation of the Annual Town Report and Town Meeting Warrants.

19. The Town Administrator shall see that all provisions of General Laws, by-laws, and other votes of Town Meeting and votes of the Board of Selectmen, which require enforcement, direction and supervision are carried out and performed.

20. The Town Administrator shall perform such other duties as may be required by the Board of Selectmen.

ARTICLE II. TOWN ADMINISTRATION

Pages 21 and 22 are reserved for future expansion of ARTICLE II

ARTICLE II. TOWN ADMINISTRATION

Pages 21 and 22 are reserved for future expansion of ARTICLE II

ARTICLE III TOWN FINANCE.

Section 1. ANNUAL OPERATING BUDGET PROCESS

- a. The Town Administrator shall be responsible for the proper administration and development of the annual operating budget.
- b. On or about January 2, the Town Administrator shall furnish to each department, board, commission and committee a uniform budget document, a budget calendar and guidelines for the preparation of budgets. The proposed budgets shall be returned on a date specified by the Town Administrator.
- c. All department heads shall submit their budgets to their respective boards, commissions or committees for approval prior to submission to the Town Administrator.
- d. The Town Administrator shall review and consolidate all budget proposals into a comprehensive proposed town budget.
- e. The Town Administrator shall prepare a statement showing all sources of revenue received by the Town in the preceding two (2) fiscal years and estimates of the same for the current and coming fiscal years. He shall further, report the probable amount of property taxes to be levied and raised to defray all expenses and liabilities together with an estimate of the tax rate necessary to raise said amount.
- f. The Town Administrator shall present the proposed comprehensive budget and revenue statements along with a budget message to the Board of Selectmen.
- g. The budget message shall address and explain the differences between the current and forthcoming budgets. The Town Administrator shall also comment upon the budgets of departments, boards, commissions and committees not under the jurisdiction of the Selectmen and give an overview of budgetary trends and issues for Town government as a whole.
- h. The Board of Selectmen shall consider the proposed budget and make such recommendations relative thereto as they deem expedient and proper in the interest of the Town.
- i. The Board of Selectmen, no later than the first Monday in April, shall present to each member of the Finance Committee, the comprehensive proposed budget, supporting documents, and their recommendations relative thereto. Copies of the same shall be placed in the Town Clerk's office, and in the Public Library, and made available to the Public.
- j. The Town Administrator shall amend or revise the revenue estimates whenever new information shall warrant such changes. All such revised estimates shall be provided to each member of the Finance Committee as soon as possible.

ARTICLE III TOWN FINANCE

k. Upon the request of the Finance Committee, town officials shall appear before said committee to explain their budget requests.

Section 2. CAPITAL IMPROVEMENTS

a. The Town Administrator shall be authorized to direct all departments to submit their capital budget requests in a form and on a schedule established by the Board of Selectmen. Any spending request that meets one or more of the following criteria shall be considered a capital improvement for capital budgeting purposes:

1. Any expenditure that is to be funded by bonding.
2. The acquisition or improvement of land.
3. The new construction, major reconstruction, or renovation of buildings, water and sewer facilities, streets, or bridges, with a cost exceeding ten thousand dollars (\$10,000). The ..costs for planning and design studies in preparation for such projects shall be included under this definition, together with operating expenditures which can be directly assigned to such projects.
4. The purchase of equipment or vehicles with a useful life of at least three (3) years and a cost exceeding five thousand dollars (\$5,000).
5. The contracting of a long-term lease for equipment or vehicles.

No appropriation for a capital improvement shall be voted by the Town Meeting unless the request for the proposed capital improvement has first been submitted to the Town Administrator as herein provided.

b. The Town Administrator shall submit annually to the Board of Selectmen a five-year Capital Improvements Program to include: (a) a list of all capital improvements proposed to be undertaken during the next five (5) years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule; and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. The Town Administrator shall be assisted in development of the capital improvements program by the Finance Director. The first. year of the Capital Improvements Program shall constitute the proposed capital improvements budget for the coming fiscal year and the ensuing four (4) years of the plan are included for planning purposes.

c. The Board of Selectmen shall review the proposed capital improvements program and make such changes as it considers necessary to reflect its stated policies and program objectives. It shall return the proposed Capital Improvements program to the Town Administrator for presentation to the Finance Committee for its review on or before February 15th for the Annual Town Meeting. Copies of the Capital Improvement Program shall be placed in the Town Clerk's office and the Public Library and shall be made available to the public.

ARTICLE III. TOWN FINANCE

d. The Finance Committee shall review the proposed Capital Improvements Program as submitted by the Town Administrator and make such changes as it considers necessary. The proposed capital improvements program shall be included in the report of the Finance Committee to the town at the Annual Town Meeting. The Capital Improvement Budget shall be published in a newspaper of general circulation at least seven (7) days prior to the Annual Town Meeting.

Section 3. TOWN ACCOUNTANT

a. The Town Accountant shall examine the books and accounts of all town officers, Boards and Committees entrusted with the receipt, custody or expenditure of money, and all original bills and vouchers on which money has been or may be paid from its treasury.

b. The Town Accountant shall examine all bills, drafts, orders and payrolls, and, if found correct and approved, shall draw a warrant upon the treasury for the payment of same. He may disallow and refuse to approve for payment, in whole or in part, any claim as fraudulent, unlawful or excessive, and in such case he shall file with the Town Treasurer a written statement of the reasons for such refusal.

c. The Town Accountant shall keep a complete set of books wherein shall be entered the amount of each specific appropriation, the amounts and purposes of expenditures therefrom, the receipts from each source of income, the amount of each assessment levied, and the abatements made.

d. The Town Accountant shall, whenever any appropriation shall have been expended or whenever he believes a liability incurred against any appropriation may be in excess of the unexpended balance thereof, notify the Selectmen and the Board, Committee, head of Department or officer authorized to make expenditures therefrom, and no claim against such appropriation shall be allowed nor any further liability incurred until the Town makes provision for its payment.

e. The Town Accountant shall immediately upon the close of each financial year of the Town compile statements in tabulated form showing the amounts appropriated and the amounts expended from each appropriation during the fiscal year together with such information as is required by laws of the Commonwealth of Massachusetts and shall forthwith furnish a copy thereof to the Selectmen. Refer to G.L., Chapter 41 as amended.

Section 4. COLLECTOR OF TAXES

a. The Collector of Taxes is authorized to use all legal means of collecting taxes and interest

b. All fees, charges, demands, and commissions paid to the Collector of Taxes shall be paid into the Town Treasury and shall belong to the Town.

ARTICLE III. TOWN FINANCES

- c. The Collector of Taxes shall receive such compensation as is voted by the Town.
- d. Refer to M.G.L. Chapter 41 for full duties of Tax Collector.

Section 5. TOWN TREASURER

- a. The Town Treasurer shall receive and take charge of all money belonging to the Town, and pay over and account for the same according to the order of the Town or of its authorized officers. No other person shall pay any bill of any Department.
- b. All payments made by the Town Treasurer shall be made directly to the person or persons, firm or corporation whose bills have been properly certified and approved, and no payment shall be made in a lump sum to the various Boards of the Town, to Town officers, or to any employees of the Town, to be by them disbursed.
- c. The Town Treasurer shall have the custody, management and sale of all lands held by the Town under a Tax Collector's deed, or a taking of land for taxes after the title of the Town has become absolute by the foreclosure of the right of redemption according to law. Furthermore, he is authorized and empowered, with the approval of the Board of Selectmen, in the name and on behalf of the Town to sell and convey such lands and to execute, acknowledge, and deliver proper deeds for that purpose.
- d. The Town Treasurer shall be the custodian of all bonds belonging to the Town, except that the bonds of the Town Treasurer shall be in the custody of the Town Clerk.
- e. The Town Treasurer shall be the custodian of, and be responsible for the safe holding of all moneys, properties, and securities of all trust funds heretofore or hereafter given, devised or bequeathed to the Town, and he shall, with the approval of the Board of Selectmen, invest and reinvest and manage the same, and expend therefrom moneys as may be appropriated by vote of Town Meeting for the purposes of a particular fund; except that the income of permanent funds may be made available for expenditure as earned with the approval of the Board of Selectmen.
- f. The Town Treasurer shall have the power, with the approval of the Board of Selectmen, in the name and on behalf of the Town, to sell, transfer and deliver any and all securities and properties so held for such price or considerations and on such terms and conditions as he and they shall determine. The foregoing provisions shall be subject to and not in derogation of any and all directions or provision made by donors in wills or other instrument of gift in respect to such fund or funds.

ARTICLE III. TOWN FINANCE

Pages 27 through 29 are reserved for future expansion of ARTICLE III

ARTICLE III TOWN FINANCE

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ARTICLE IV. GENERAL PROVISIONS

Section 1. CONTRACTS

- a. The procedures established by the Uniform Procurement Act M.G.L. c.30B shall apply to all Town contracts for the procurement of supplies, services or real property and for disposing of supplies or real property, except where additional requirements are stipulated in these By-Laws.
- b. All contracts for the procurement of supplies or services in the amount of one thousand dollars (\$1,000.00) or greater shall be approved by vote of the Board or Committee having supervision of the department or function to which the same relates. In all cases where the amount of the contract is five thousand dollars (\$5,000.00) or greater, the same shall be in writing and signed by at least a majority of the Board or Committee, except as set forth in Section 2.B.6. of Article II, making such a contract. Copies of said contract shall be filed with the Town Accountant, the involved department or committee and the contractor. Boards may require three (3) quotes from available vendors for sums exceeding two hundred dollars (\$200.00).
- c. The trade-in value of any property shall not be used to reduce any contract price.
- d. Every contract entered into by the Town in the amount of five thousand dollars (\$5,000) or greater shall be accompanied by a suitable bond for the faithful performance of said contract, or by a suitable deposit of money or security in lieu of said bond.
- e. All signed contracts of five thousand (\$5,000.00) or greater, agreements, bonds, and deeds in which the Town is a party, shall be submitted to the Town Counsel for approval as to form.
- f. The Town Accountant shall verify the availability of funds for all contracts to which the town shall be a party.
- g. The Chief Procurement Officer as appointed by the Board of Selectmen may delegate powers and duties in accordance with c. 30B s. 19.
- h. Any Board or officer in charge of a Department of the Town may, with the prior approval of the Selectmen in writing, sell or otherwise dispose of property within the control of the Department which has become obsolete or is not required for further use by such Department. Property of a value exceeding three hundred dollars (\$300.00) shall be sold, traded in, or otherwise disposed of on the basis of competitive bids. All such property shall be sold or otherwise disposed of by means of open advertised bidding.
- i. Whenever a Town Board or officer having charge of real estate, except park, forest and conservation land, shall determine that such real estate is no longer needed for the use of the Department, such Board or officer shall forthwith give notice of such determination to the Board of Selectmen. The Board of Selectmen shall then have custody of such property and shall dispose of same by a two-thirds vote of a regular or special Town Meeting.

ARTICLE IV. GENERAL PROVISIONS

Section 2. ELIGIBILITY OF TOWN OFFICERS TO DO BUSINESS WITH THE TOWN

No Town officer, elected or appointed, or member of a Committee chosen by the Town or by the Board of Selectmen, nor any agent of such officer or Committee, shall have any financial interest in any contract or bargain made or approved in behalf of the Town by himself, any Board or Committee of which he is a member, or for which he may act as agent. The Town Treasurer shall pay no bills contracted in violation of this section.

Section 3. TOWN PROPERTY

- a. All property required for the operation of a particular Department shall be in the custody of the Department Head.
- b. Town motor vehicles shall be used for Town Business only.
- c. All Town-owned vehicles, except certain vehicles used by the Police Department, designated by the Chief of Police, shall be clearly identified as Town property by having lettered on the front doors of each side of the vehicle, in letters at least three inches high, identifying the Town and giving the name of the Town Department to which the vehicle has been assigned, or a Town Seal, as used by all departments.

Section 4. OFFICIAL RECORDS AND PAPERS

- a. All original records, papers and documents of the Town shall be kept in their respective places in the Town offices and shall not be allowed to be removed therefrom.
- b. Public records shall be open to the inspection of the citizens of the Town during business hours, but shall remain during such inspection under the supervision of the Board or officer designated to keep charge thereof.
- c. All boards, committees and commissions, however established, shall submit a copy of the approved minutes of a public meeting to the Town Clerk, as keeper of the records, within fifteen days of said approval.

Section 5. EMERGENCY CLAUSE

In cases of extreme emergency caused by enemy attack, sabotage, or other such hostile actions or resulting from explosion, fire, flood, earthquake, hurricane, tornado or other such catastrophes, as determined by the Board of Selectmen, a Committee or Board may, without competitive bids, award contracts otherwise subject to this article to perform work and to purchase or rent materials and equipment, all as may be necessary for temporary repair and restoration to service of any public work in order to preserve the health and safety of persons or property.

ARTICLE IV. GENERAL PROVISIONS

Pages 32, through 34 are reserved for future expansion of ARTICLE IV

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ARTICLE V. TOWN OFFICIALS - APPOINTMENTS, MEETINGS, AND REPORTS

Section 1.

a. The Town at its Annual Meeting shall in every year when the term of office of any incumbent expires, except when other provision is made by law, choose by ballot from its registered voters the following Town officers for the following terms of office:

For terms of three (3) years:

- A Moderator
- A Town Clerk
- A Town Treasurer-Collector of Taxes

For terms of three (3) years-one (1) to be elected each year:

- Three (3) Assessors
- Three (3) members of the Board of Health
- Three (3) members of the Electric Commission
- Three (3) members of the Board of Public Works

For terms of three (3) years-two (2) members to be elected each year and one (1) member to be elected 3rd year:

- Five (5) Selectmen
- Five (5) Park Commissioners
- Five (5) members of the Planning Board

For terms of three (3) years-two (2) members to be elected each year and three (3) members to be elected every fourth year:

- Seven (7) members of the School Committee

For terms of three (3) years-two (2) members to be elected each year:

- Six (6) members of the Library Trustees.

For terms of five (5) years-one member to be elected each year:

- Five (5) members of the Housing Authority (one member to be appointed by the State.)

Section 2.

a. All Town Officers and any Boards or Committees not named in Section 1 of this article shall be appointed by the Board of Selectmen, unless other provision is made by vote of the Town Meeting.

b. All appointees to boards, commissions, or committees may, after a public hearing if requested, be removed for cause by the appointing authority.

ARTICLE V. TOWN OFFICIALS - APPOINTMENTS, MEETINGS, AND REPORTS

Section 3.

- a. No member of any Board or Committee, elective or appointed, shall serve as Superintendent or Director under the Board or Commission of which he is a member. Nor shall any employee of the Town, part-time or full-time, serve as a member of any Board or Commission, elective or appointive, who controls the Department responsible for payment of the salary or wages of said employee.
- b. No Town officer, Department head, member of any Committee, Board or Commission shall either directly or indirectly accept any commission, bonus, gift, loan, or any other compensation from any company or person with whom his Department does business.

Section 4.

- a. All officers, Boards and Committees shall notify the Town Clerk of their organization and office hours, and/or time of stated meetings, within thirty (30) days after the close of the Annual Town Meeting or date of appointment.
- b. All new Committees authorized by vote of Town Meeting shall be appointed within sixty (60) days following the close of the Town Meeting.
- c. All appointments or reappointments to existing committees shall be made within thirty days following the last official date of the previous appointments, except as otherwise stipulated.
- d. If there is a failure to elect, or if a vacancy occurs in any Town office due to death, resignation, removal from Town, or any other cause, other than the office of Selectmen, Town Clerk, Treasurer, Collector of Taxes or Auditor, the Selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board, committee, or commission other than representative town meeting, consisting of two (2) or more members, the remaining members shall give written notice thereof, within one month of said vacancy, to the Selectmen, who, with the remaining member or members of such board, committee, or commission, shall, within three (3) weeks of such notice, fill such vacancy by roll call vote; and a majority of the votes of the officers entitled to vote shall be necessary to such election. If the Selectmen do not receive the written notice within one month of said vacancy, the Selectmen shall fill such vacancy. The person so appointed or elected shall be a registered voter of the Town and shall perform the duties of the office until the next annual meeting or until another is qualified.
(Refer: GL Ch. 41 Section 11)
- e. All Boards, Commissions and Committees with the exceptions named below shall hold their meetings on or after 6:00 PM on any day Monday through Friday on which public business can be conducted. The following Boards, Commissions and Committees may hold their meetings prior to 6:00 PM:

ARTICLE V. TOWN OFFICIALS - APPOINTMENTS, MEETINGS, AND REPORTS

- Council on Aging
- Election Commission
- Municipal Commission on Disabilities.
- Board of Assessors
- Personnel Appeals Board
- Traffic Study Committee

Special Meetings, Emergency Meetings and Work Sessions, all as defined below, and sub-committee meetings may be scheduled at such other times as deemed necessary.

The following definitions shall apply:

1. Special meetings: A meeting posted for a singular specific purpose; which may include meetings with outside consultants, or abatement hearings.
2. Emergency Meetings: A meeting called due to sudden and unforeseen occurrence(s) or condition(s) requiring urgent action for which less than forty-eight (48) hours notice can be given.
3. Work Sessions: A session including a field trip, at which a quorum is not required and at which no decision(s) shall be made and no vote(s) shall be taken.

f. Any meeting of a governmental body, as described in Massachusetts General Laws Chapter 39 Section 23A, and any Town Meeting may be cablecast on the municipal government access channel by any resident who has completed the CATV Licensee's video training workshop, except when a meeting is held in executive session.

g. A quorum of any board, committee, or commission, unless otherwise required by By-Law, shall mean a majority of the membership not including any vacancies which may then exist.

Section 5.

The Board of Selectmen shall determine the hours when offices in Town Hall shall be open for public business. Hours shall be the same from week to week with the exception of holiday periods and shall include one evening per week.

Section 6.

a. Each Department, Board, and Committee of the Town shall annually present to the Board of Selectmen, a full and comprehensive report of all its acts, a review of its conditions, and an estimate of the appropriation needed for the ensuing year.

b. Each Department head shall, at the time of taking office and thereafter at the close of each calendar year, file with the Board of Selectmen, in such form as the Selectmen may reasonably require, an inventory of all stock, tools, equipment, and supplies in the custody and control of the Department.

ARTICLE V. TOWN OFFICIALS - APPOINTMENTS, MEETINGS, AND REPORTS

Section 7.

The annual report of all the Town officers, Boards and Committees shall be printed and issued in one book, and in addition to the Department reports for the municipal year the book shall contain:

1. A complete list of the Town officers and terms of service and salaries, showing the organization of the different Boards.
2. Copies of the Warrant for the Annual Town Meeting and Special Town Meetings held during the municipal year, together with the minutes of the Town Clerk, showing the action taken at each meeting, and a copy of the Warrant for the Annual Town Meeting for the ensuing year.
3. A report of all claims that are outstanding and all suits in which the Town is a party.
4. A report of what streets have been laid out and constructed, the length and width, cost of construction and amount of land damages in each instance.
5. A tabulated statement showing the object of each appropriation for the year, the amount appropriated, the amount expended, the balance unexpended or the amount overdrawn, if any, in each instance.
6. A classified statement of all expenditures and receipts of the Town in detail, so as to give a fair and full exhibit of the objects and methods of all expenditures.

ARTICLE V. TOWN OFFICIALS - APPOINTMENTS, MEETINGS, AND REPORTS

Pages 39 and 40 are reserved for future expansion of ARTICLE V

ARTICLE V. TOWN OFFICIALS - APPOINTMENTS, MEETINGS, AND REPORTS

Pages 39 and 40 are reserved for future expansion of ARTICLE V

ARTICLE VI. TOWN OFFICERS

Section 1. TOWN CLERK

- a. The Town Clerk shall, within ninety (90) days after the final adjournment of any Town Meeting, submit to the Board of Selectmen the official record of such Meeting.
- b. The Town Clerk shall furnish all Boards and Committees a copy of all votes affecting them.
- c. The Town Clerk shall keep a true copy, in a book to be kept for such purposes alone, of all deeds and conveyances executed by the Selectmen or by any other person or Committee authorized by the Town. It shall be the duty of the Town Clerk to see that a copy of every conveyance to the Town or any interest in land, and any plans thereof, which is recorded in the Registry of Deeds, be received and recorded by the Town Clerk's office.
- d. The Town Clerk shall as soon as practicable after any election has been held by the Town, or any appointment of Committees or other officials has been made by any appointing authority, issue a written or printed notice to all persons who have been elected to any office, or chosen to serve on any Committee, stating the office to which each person has been elected or appointed and the duties thereof. It shall be required that all such elected or appointed officials shall appear before the Town Clerk to receive the oath of office. Such notice shall not apply to elected RTM members who shall be notified of their election by the Board of Election Commissioners.
- e. The Town Clerk shall keep a record of the membership of all Boards and Committees, their office hours, organization, and the time of stated meetings.
- f. It shall be the duty of the Town Clerk to keep a book or record for the sole purpose of recording the location of all highways and Town ways within the Town, and the date of acceptance thereof.
- g. All fees, charges, or commissions paid to the Town Clerk shall be paid into the Town Treasury and shall belong to the Town, unless otherwise provided by law; and the Town Clerk shall receive such compensation as may be voted by the Town.
- h. For other duties of Town Clerk refer to Chapter 88 of the Acts of 1999 and G.L. Chapters 39,41,50,51,53,54,55 and 56.

Section 2. TOWN COUNSEL

The Board of Selectmen may annually in May and whenever a vacancy shall exist, or need for legal counsel exists, choose some competent lawyer, lawyers, law firm, legal partnership, or legal corporation to act as Town Counsel. Town Counsel shall be paid such compensation as said Board shall determine in accordance with the Personnel By-Laws and may be removed at their discretion.

ARTICLE VI. TOWN OFFICERS

- b. The term of said Town Counsel shall begin on the first day of June of each year and shall continue until the appointment and acceptance of his successor.
- c. The Town Counsel shall, when required by the several Town officers, Boards, and Committees, furnish a written opinion on any legal question that may be submitted to him in regard to any matter which concerns the Town or them as Town officers, and he shall at all times furnish legal advice to any officer of the Town, excluding RTM members other than the Chairman of the RTM Coordinating Committee or his designee, who may require his opinion upon any subject with reference to the duties incumbent upon such officer by virtue of his office. All requests for legal opinions shall be submitted to the Town Counsel in writing.
- d. The Town Counsel shall, unless otherwise directed by the Board of Selectmen, prosecute all suits ordered to be brought by the Town, or defend suits brought against the Town or its officers in their official capacity. He shall, when requested by the Board of Selectmen, appear before any tribunal, whether in law, equity or otherwise, or before any Board, referee, Commissioners, Committee, arbitrators or other tribunal in matters in which the Town may be interested.
- e. If a Department or Board of the Town shall bring suit against another Department or Board of the Town, Town Counsel shall defend the Department or Board being sued. The Department or Board bringing suit shall hire its own attorney and any and all legal fees incurred by such suit shall be paid from appropriate funds in the budget of the Department or Board bringing suit.
- f. Town Counsel shall submit to the Town Clerk a copy of the Registry of Deeds on every conveyance or any interest in land, or any plan thereof.

Section 3. SEALER OF WEIGHTS AND MEASURES

- a. The Sealer of Weights and Measures shall be appointed by the Board of Selectmen in accordance with the Massachusetts Civil Service Laws and Rules, and shall receive such compensation as the Selectmen may determine, subject to applicable laws.
- b. The Sealer of Weights and Measures shall be responsible for the licensing of Hawkers and Peddlers under Chapter 101 of the General Laws.
- c. He shall keep accurate records of all examinations made, and shall account for and pay into the Town treasury all fees received by virtue of his office.
- d. Chapter 98 Section 56 of the General laws as amended is adopted. (D-13)
- e. Except as otherwise provided, sealers shall receive the following fees for sealing the following weighing measuring devices:

ARTICLE VI. TOWN OFFICERS

1. For each scale with a weighing capacity of more than 10,000 lb., fifty dollars (\$50.00)
 2. For each scale with a weighing capacity of 5,000 to 10,000 lb., thirty dollars (\$30.00)
 3. For each scale with a weighing capacity of 1000 to 5000 lb., twenty dollars (\$20.00)
 4. For each scale with a weighing capacity of 100 to 1000 lb., ten dollars (\$10.00)
 5. For each scale with a weighing capacity of under 100 lb., five dollars (\$5.00)
 6. For each liquid capacity measure, except vehicle tanks, with the capacity of more than one gallon and measures on pumps, two dollars (\$2.00)
 7. For each liquid measuring meter, except water meter: the diameter of the inlet pipe of which is one-half inch or less, four dollars (\$4.00); more than one-half inch but not more than one inch, six dollars (\$6.00); for each such type of liquid measuring meter, the diameter of the inlet pipe which is more than one inch, the following shall apply, vehicle tank pump twenty dollars (\$20.00), vehicle tank gravity twenty-five dollars (\$25.00), bulk storage fifty dollars (\$50.00).
 8. Each machine or other mechanical device used for determining linear of area measurement, five dollars (\$5.00).
 9. All weights and other measures, fifty cents (\$0.50) each.
- f. Sealers shall also receive reasonable compensation for the use of special facilities, necessary repairs, alterations and adjustments made by them.

Section 4. TOWN PLANNER

- a. The Town Planner shall be appointed annually by the Planning Board.
- b. Duties of the Town Planner include:
 1. Assist in developing strategies for the application and analysis of the town problems and the evaluation of their potential impact upon the physical, economic, and sociological condition in the region.
 2. Serve as a liaison between the Planning Board, the Department of Community Affairs, and the Regional Planning and Economic Development Services.
 3. Responsible for the gathering, preparing, and evaluating statistical information in cooperation with the Planning Board.

ARTICLE VI. TOWN OFFICERS

4. Maintain regular attendance at seminars and courses involving Municipal Planning.
5. Assist in the orderly growth and preservation of natural features of the town.
6. Assist the Planning and Zoning Boards in their normal operation.
7. Perform other related duties as may be required by the Planning Board.

Section 5. TOWN ENGINEER

- a. The Town Engineer shall be appointed annually by the Board of Selectmen with the advice of the Department of Public Works and the Planning Board, and each of those Boards shall give their recommendations for the annual performance evaluation.
- b. The Town Engineer shall be responsible for administering the Engineering Department in accordance with the policies established by the Board of Selectmen. He/she shall perform administrative and technical work in providing professional engineering services for all municipal departments providing advice, assistance, and cooperation.
- c. Duties of the Town Engineer includes having complete charge of the supervision over the Town Engineering Department in furnishing engineering services to the various Town Departments; being responsible for making preliminary and field surveys for specified public improvements projects; assembling necessary data and preparing plans and sketches; preparing projects plans and specifications relating to water mains, sanitary and storm sewers, street construction and surfacing, school layouts and Planning Board Projects; support the Assessors' Office by updating each year the Assessors' maps from the plans and deeds recorded with the Registry of Deeds.
- d. The minimum qualifications for the position shall include college graduation with a major in civil engineering and four years experience in varied engineering projects, principally involving public works construction in the municipal field and certification as a Registered Professional Engineer.

Section 6. HUMAN RESOURCE DEPARTMENT

SUB-SECTION 1: ESTABLISHMENT OF THE DEPARTMENT

- a. There is hereby established a municipal Department of Human Resources for the purposes of mutually serving North Attleborough's School Department and such other general governmental operations.

ARTICLE VI. TOWN OFFICERS

b. The appointing authority of every governmental unit of the Town, except the Board of Electric Commissioners, however appointed, elected, or constituted, and empowered to employ persons to perform a service for the municipality shall utilize the services of the Human Resources Administrator and Human Resources Department, consistent with the provisions herein provided.

SUB-SECTION 2: ESTABLISHMENT OF THE POSITION OF HUMAN RESOURCES ADMINISTRATOR

a. **APPOINTMENT:** A selection committee comprised of three members of the Board of Selectmen and three members of the School Committee may appoint an Administrator of Human Resources. Any person so appointed to the office of Administrator of Human Resources shall be qualified by reasons of experience in personnel administration and knowledge of the state and federal laws governing municipal personnel administration in the Commonwealth. The minimum qualifications for appointment to said office shall be set forth in an official job description or position description developed jointly by the Board of Selectmen and School Committee.

b. During the time the Human Resources Administrator holds office, he/she shall hold no elective town office.

SUB-SECTION 3: GENERAL RESPONSIBILITIES AND ACCOUNTABILITY

a. The Human Resources Administrator shall manage the daily operations of the Human Resources Department, under the supervision and joint direction of the School Superintendent and Town Administrator and consistent with the written policies established by the School Committee and Board of Selectmen

b. The municipality's Human Resources Administrator shall serve the town as its personnel director by administering the day to day personnel practices, procedures and systems of the municipality, including, but not limited to:

1. Employee recruitment, testing, appraisal and evaluation
2. Employee training and development
3. Employee benefits and service programs
4. Employee safety and health programs
5. Administration of the municipality's wage and salary classification plan.

ARTICLE VI. TOWN OFFICERS

SUBSECTION 4: DUTIES AND RESPONSIBILITIES OF THE HUMAN RESOURCES DEPARTMENT:

The Human Resources Department's responsibilities on behalf of the town, shall include but not be limited to the following:

- a. Monitor and review current personnel policies, job classification and salary structures, and collective bargaining agreements and recommend changes as required.
- b. Maintain, and have control of personnel records for all municipal employees.
- c. Administer employee insurance programs.
- d. Plan and coordinate recruitment and selection procedures for municipal employees including the preparation and placement of recruitment announcements and advertising, recommendation of appropriate recruitment process, assist departments in the screening and identification of most highly qualified candidates. Performs record/background checks as may be required.
- e. Administers the town's classification and pay plans, including, making recommendations or reclassification of existing positions, assisting in the conducting of classification and salary survey studies. The Human Resources Administrator shall keep all boards, committees, and commissions, however appointed or constituted, fully informed of any changes or amendments to the classification plan or any changes of a rule or regulation which was promulgated as a part of the compensation
- f. Administers the municipality's workers' compensation program and assists departments in administering injured on duty matters. Assists in the development of internal policies and procedures to reduce employee accidents.
- g. Maintains personnel policies and procedures while ensuring their consistent interpretation and application.
- h. Acts on behalf of the town with the Massachusetts Civil Service Commission and all other state and federal agencies in matters relating to employment and personnel management.
- i. Monitors and maintains records relative to employee benefits, including, but not limited to, the use of vacation, incentive and sick leave, consistent with municipal by laws, employment contracts and collective bargaining agreements.
- j. Administers employee training programs.

ARTICLE VI. TOWN OFFICERS

- k. Administers collective bargaining agreements and prepares recommendations for the Board of Selectmen and School Committee prior to commencement of negotiations. Assists in collective bargaining negotiations where appropriate.

SUB-SECTION 5: IMPLEMENTATION OF THIS BY-LAW

This by-law shall take effect on July 1, 1998, or on such other date as maybe determined by the Representative Town Meeting. If any provision of this By-Law conflicts with any provision of the Personnel By-Law, this By-Law's provision shall supercede such conflicting provision. .

Pages 48 and 49 are reserved for future expansion of ARTICLE VI

Pages 48 and 49 are reserved for future expansion of ARTICLE VI

ARTICLE VII. ELECTED BOARDS

Section 1. PLANNING BOARD

- a. The Planning Board shall exercise the powers granted and perform the duties imposed under the provision of Sections 81A and 81Y inclusive, Chapter 41 of the General Laws as amended thereto, and shall issue its own rules and regulations.
- b. Every person submitting a plan to the Planning Board shall send notice to the Town Clerk by registered mail, postage prepaid, that he has submitted such a plan and such notice shall describe the land to which the plan relates sufficiently for identification, and shall state the date when such plan was submitted.
- c. Whenever a Town way is laid out or altered, a plan shall be made and filed with the Town Clerk by the Planning Board.

Section 2. BOARD OF ASSESSORS

- a. The Assessors shall assess taxes to the owners of record on January first of each year, and shall deliver the tax list and warrant to the Collector of Taxes on or before the date set forth in the General Laws for such commitment. They may abate taxes as provided in the General Laws and shall notify the Collector and the Town Treasurer on the first day of each month of the amount of taxes abated in the preceding month, stating separately the amount abated from each tax levy.
- b. The Board of Assessors shall determine and designate numbers of the buildings on such streets as they deem necessary, and no person shall affix or suffer to remain on any building owned by him a street number other than the one designated by the Board. The Board may recommend the numbering of buildings on a private way.
- c. The owner of an unnumbered building may request the Board to designate the number for such buildings and the Board shall comply with such request. For duties of Assessors refer Chapter 41, G. L. as amended.

Section 3. BOARD OF HEALTH

- a. The Board of Health may appoint the following officers, agents, and assistants to administer the health laws of the Commonwealth and the regulations of the Board, and may fix the salaries or other compensations and terms of office of such officers, agents, and assistants subject to the Personnel Bylaws and other applicable laws:
 1. Physician to the Board
 2. Health Officer
 3. Health Nurse

ARTICLE VII. ELECTED BOARDS

4. Clerk
5. Inspector of Milk and Dairies
6. Inspector of Restaurant Sanitation
7. Health Agent
8. Such others as may be in the judgment of the Board be required.

b. The Board of Health may make reasonable health regulations, which shall be published once in a newspaper circulated in the Town and such publication shall be notice to all persons. Copies of all such publications will be available at the Board of Health office.

Duties of Board of Health refer G.L. Chapter 94, 94A, 94B, 94C and III as amended.

Section 4. BOARD OF PUBLIC WORKS

a. In accordance with Chapter 656 of the Acts of 1973 there shall be established in the Town of North Attleborough a Board of Public Works, hereinafter called the Board, consisting of three (3) members. The members thereof shall be elected to serve for terms of three (3) years, one to be elected each year. The members of the Board shall forthwith after each annual Town election, elect from its members a chairman and a clerk for the ensuing year. In case of a vacancy, the remaining members of the Board shall, jointly with the Board of Selectmen, within thirty (30) days, fill such vacancy until the next Town election, when a new member or members shall be elected to fill the unexpired term. No person shall serve on the Board who holds an elective or appointive office in the Town other than that of Town meeting member, and no person who is an employee of the Department of Public Works shall serve on the Board.

b. Upon the qualification of the initial members of the Board of Public Works, the Board shall have all the powers and duties now and from time to time vested by general or special law or Town bylaw in the following Boards, Departments, and offices, or in Boards, Departments, and offices having corresponding powers and duties in the Town of North Attleborough, to wit: Water Commissioners, Sewer Commissioners, Tree Warden, Highway Superintendent and Moth Superintendent. No existing contracts or liability shall be affected by such abolition, but the Board of Public Works shall in all respects be the lawful successor of the Boards, Departments, and offices so abolished. The Board shall have such added powers with respect to public works as the Town may from time to time by by-law provide, any other provisions of the law to the contrary notwithstanding.

c. The Board shall appoint and fix the compensation of a Director of Public Works who shall exercise and perform, under its supervision and direction, such of the powers, rights and duties transferred to it under Section b and as it may from time to time designate. He shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the Board. He shall be specially fitted by education, training and experience to perform the duties of his office and need not be a resident of the Town during his tenure of office. During his tenure, he shall hold no elective office other than Town meeting member, nor shall he engage in any other

ARTICLE VII. ELECTED BOARDS

business or occupation. He shall, subject to the approval of the board, appoint such assistants, agents and employees as the exercise and performance of his powers and duties and rights may require. He shall keep a full and complete record of the doings of his office shall render to the Board, as often as it may require, a full report of all operations under his control during the period reported upon, and annually, and from time to time as required by the Board, shall make a synopsis of such reports for publication and shall keep the Board fully advised as to the needs of the Town within the scope of his duties, and shall annually, not less than ten (10) days prior to the expiration of the calendar year, furnish to the Board a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said rights and duties. Each permanent employee of any Board, Department or office abolished by this act shall be transferred to and become an employee of the Board of Public Works and shall not be reduced or dismissed without just cause.

d. The Superintendent of Streets shall be appointed by the Board of Public Works in accordance with the provisions of the Massachusetts Civil Service Law and Rules, and shall receive such compensation as the Board may determine subject to the approval of the Human Resources Administrator and the Personnel By-Laws. He shall act as the agent of the Board in the operation of the Highway Department as the BPW may require.

e. Under the provisions of Chapter 656 of the Acts of 1973 the Town of North Attleborough may after the expiration of three years from the effective date of this act vote at an annual meeting to revoke this act, and the question of such revocation shall be submitted to the voters in the form of the following question: "Shall an act passed by the General Court in the year nineteen hundred and seventy-three, entitled 'An Act establishing a department of public works in the town of North Attleborough' be revoked?" If a majority of votes cast in answer to said question is in the affirmative, then at the next annual Town election held after said vote of revocation, the Town shall elect such officers as are necessary to exercise and perform the powers, rights and duties transferred to the Board of Public Works by said act. Such action shall not affect any contract or liability then created or existing. All general laws respecting Town administration and Town officers, and any special laws," relative to said Town, the operation of which has been superseded by this act, shall then be in full force and effect. Any by-law inconsistent with such special or general laws shall be revoked thereby. Any subsequent vote to revoke this act shall not be taken more often than once in three years.

f. The Board of Public Works shall annually in April appoint a tree Warden who shall exercise the duties set forth in Chapter 87 of the General Laws and who shall receive such compensation as is voted by the Town.

Section 5. SCHOOL COMMITTEE

a. The Committee shall direct the operations of the North Attleborough public schools through formal policies approved for this purpose.

b. No unauthorized person shall remain upon the grounds of any public school or within a

ARTICLE VII. ELECTED BOARDS

public school within the Town between the hours of 5:00 PM and 7:00 AM after a request by a police officer or other lawful authority to move on; unless a person is duly authorized by the School Department or its lawful agents are present upon said grounds or within said school, or unless they are using facilities for recreations, at which time a request to move on shall not rest with the Police Department but with that person duly authorized. Such authorized person shall have all authority regarding others present, while he is lawfully present upon the grounds or within the school. Any person who is found to be with unlawful design or intent upon any public school grounds or within any public school, at any time; or who is found to be an unauthorized person who refuses to move on from the grounds of a public school or from within a public school may be detained without a warrant by a police officer of the Town as prescribed under the General Laws of the Commonwealth of Massachusetts, Chapter 272.

ARTICLE VII ELECTED BOARDS

Pages 54 and 55 are reserved for future expansion of ARTICLE VII

ARTICLE VII. ELECTED BOARDS

Pages 54 and 55 are reserved for future expansion of ARTICLE VII

ARTICLE VIII. APPOINTED BOARDS AND COMMITTEES

Section 1. BY-LAW STUDY AND CODIFICATION COMMITTEE

- a. The By-Law Study and Codification Committee shall consist of five (5) members, appointed by the Board of Selectmen, to serve overlapping terms of three (3) years.
- b. The Committee will study, codify and recommend changes to the By-Laws of the Town in the form of a petition on the warrant of any Town Meeting.
- c. All petitions for new and/or amended By-Laws shall be submitted to the By-Law Study and Codification Committee; the Committee will review the proposed By-Law in order to make a written recommendation to the Finance Committee and Board of Selectmen.

Section 2. COUNCIL ON AGING

- a. The Town has created a Council on Aging in accordance with the provisions of Chapter 40, Section 8B of the General Laws.
- b. The Council shall coordinate and carry out programs designed to meet the problems of aging in cooperation with the programs of the commission on Aging established under Chapter 6, Section 73 of the General Laws.
- c. The Council shall consist of seven (7) members, appointed by the Board of Selectmen, and serving overlapping terms of three (3) years.
- d. Whenever a vacancy shall occur in the membership of the Council by whatever reason, the vacancy shall be filled by appointment of the Board of Selectmen for the remainder of the term.
- e. The Council shall prepare and submit an annual report of its activities to the Town and shall send a copy thereof to the State Commission on Aging.
- f. The Council may appoint such clerks and other employees as may be required. Council members shall serve without pay.

Section 3. HISTORICAL COMMISSION

- a. The Historical Commission shall be governed by Section 8D of Chapter 40 of the General Laws.
- b. The Historical Commission shall consist of seven (7) members appointed by the Board of Selectmen to serve overlapping terms of three (3) years and two (2) alternate members also appointed by the Board of Selectmen to serve one (1) year terms.

ARTICLE VIII APPOINTED BOARDS AND COMMITTEES

- c. The Commission shall serve without pay.
- d. The Commission shall prepare and submit an annual report of its activities to be included in the annual town report.
- e. Lacking an appropriation, no contracts or business could be entered into that required expenditures of Town Funds.

Section 4. BOARD OF ELECTION COMMISSIONERS

- a. The Board of Election Commissioners shall be governed by Chapter 51, Section 16A of the General Laws.
- b. It is a four (4) member board, appointed by the Board of Selectmen, and consisting of two (2) each of the major political parties.
- c. The term is for four (4) years, with one (1) term expiring on April 1 of each year.
- d. Nomination papers: Each candidate shall file with the Board of Election Commissioners, prior to obtaining blank nomination papers, a statement containing his name and address and the Town Office for which he intends to be a candidate. Chapter 53 Section 9A General Laws

Section 5. NEGOTIATING COMMITTEE

The negotiating committee shall consist of three (3) members, one (1) attorney and the Town Administrator to be appointed annually by the Board of Selectmen to negotiate the labor contracts of all town employees represented by unions and to make recommendations to the Board of Selectmen.

Section 6. CONSERVATION COMMISSION

- a. The Conservation Commission shall be composed of seven (7) members appointed by the Board of Selectmen, two to be appointed each year, and three (3) to be appointed every third year, for terms of three (3) years.
- b. The Commission is established for the promotion and development of the natural resource and for the protection of the watershed resources of the town.
- c. The Commission may adopt rules and regulations governing the use of land and waters under their control and prescribe penalties by a fine of twenty five dollars (\$25.00) for a first offense in the calendar year, fifty (\$50.00) for a second offense in the calendar year and one hundred dollars (\$100.00) for a third and subsequent offense in a calendar year for any violation thereof.

ARTICLE VIII APPOINTED BOARDS AND COMMITTEES

d. The complete text regarding the Conservation Commission is contained "in Chapter 40, Section 8c of the Massachusetts General Laws.

Section 8. PATHWAY SYSTEM COMMITTEE

a. The Pathway System Committee shall create within the Town, a Pathway System, for the purpose of establishing designated routes for various types of recreational transportation and enjoyment; the establishment of a list of governing rules and regulations for their safe and proper use; to see that such routes are maintained, providing areas through which the designated routes are located; to work with and coordinate with neighboring communities and/or states in the creation of continuous pathways which shall be extended to and beyond the physical boundaries of the Town of North Attleborough.

b. Said Pathway System Committee to consist of five (5) members who shall be appointed annually as follows: one member from each of two (2) existing committees appointed by its respective chairman and representing the Park Commission and Conservation commission; the Chief of Police or his representative; and two (2) members to be appointed at large by the Board of Selectmen.

Section 10. MUNICIPAL BUILDING COMMITTEE

a. The Municipal Building Committee shall consist of seven members, one to be the Town Administrator, and six to be appointed by the Board of Selectmen to serve overlapping terms of three years, with two terms expiring June 1st of each year.

b. The Municipal Building Committee shall be responsible for every contract for the construction, reconstruction, alteration, or remodeling, as well as the furnishings and equipment herein, for all municipal buildings involving the expenditure of more than \$75,000.00 except that the Police Facility Building Committee shall be the awarding authority for the remodeling, reconstruction or extraordinary repairs, including furnishings, equipment and related items to the building located at 102 South Washington Street and except that the Board of Public Works shall be the awarding authority for the rehabilitation, remodeling, reconstruction or extraordinary repairs, including equipment, furnishings and related items to water and sewer infrastructure to include conveyance and treatment facilities such as water treatment plants, wastewater treatment facilities, pump stations and drinking water wells and their appurtenances, and except that the School Building Committee shall be the awarding authority for the rehabilitation, remodeling, reconstruction or extraordinary repairs, including equipment, furnishings and related to items to all School buildings, approved by the Massachusetts School Building Authority,

c. Whenever a vacancy shall occur, for whatever reason, the vacancy shall be filled by appointment of the Board of Selectmen for the remainder of the term.

d. The Committee shall serve without pay.

e. The Committee may appoint such clerks and other employees as may be required, who shall receive such compensation as determined by the Committee in accordance with the Personnel By-Laws.

ARTICLE VIII APPOINTED BOARDS AND COMMITTEES

- f. The Committee shall request a representative of the town agency having jurisdiction over the municipal building under contract to be an ex-officio member of the Committee and be present at the Committee's meetings. The representative shall be a member of and appointed by the involved town agency.
- g. The Committee shall prepare and file quarterly reports with the Board of Selectmen and an annual report to be included in the annual town report.

Section 18. INSURANCE ADVISORY BOARD

- a. The Town has created an Insurance Advisory Board which shall, on a continuing basis, study the insurance needs of the Town and make recommendations to the Board of Selectmen.
- b. The Insurance Advisory Board shall be appointed annually and shall consist of three (3) members serving three (3) year terms.

Section 19. MUNICIPAL COMMISSION ON DISABILITY

- a. The Municipal Commission on Disability shall be governed in accordance with the provisions of Chapter 40, Sections 8J and 22G of the Massachusetts General Laws.
- b. The Commission's principle is to:
 - Research local problems of people with disabilities;
 - Advise and assist municipal officials in ensuring compliance with Federal and State disability laws, particularly the Massachusetts Architectural Access Board (AAB) and the Americans with Disabilities Act (ADA);
 - Review policies and activities of municipal departments and boards as they affect persons with disabilities;
 - Provide information, referral, advocacy and technical assistance to individuals, businesses and organizations in all matters pertaining to disability.
- c. The Commission shall consist of no less than five (5) nor more than nine (9) members, appointed by the Board of Selectmen and serving overlapping terms of three (3) years. A majority of the Commission members shall consist of people with disabilities; one member shall be a member of the immediate family of a person with a disability; and one member shall be either an elected or appointed official of the Town of North Attleborough.
- d. The Commission shall serve without pay.
- e. Whenever a vacancy shall occur in the membership of the Commission for whatever reason, the vacancy shall be filled by appointment of the Board of Selectmen for the remainder of the term.
- f. The Commission shall meet at least ten times annually, shall keep accurate records of its meetings and actions and shall file an annual report of its activity to the Town for printing in the Town's annual report.

ARTICLE VIII. APPOINTED BOARDS AND COMMITTEES

Pages 60 through 62 are reserved for future expansion of ARTICLE VIII

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ARTICLE IX. INSPECTORS

Section 1. BUILDING INSPECTOR

- a. The Board of Selectmen shall appoint in March a qualified person as Building Inspector for a term of three (3) years. The qualifications shall be as defined in the Massachusetts General Laws.
- b. The Building Inspector shall receive such compensation as the Board of Selectmen may determine in accordance with the Personnel By-Laws.
- c. The Building Inspector shall report directly and be solely responsible to the Board of Selectmen.
- d. The Building Inspector shall be the Administrative Chief in the Town responsible for administering and enforcing the State Building Code, Rules and Regulations of the Architectural Access Board, Zoning and Town By-Laws, or amendments or additions thereto. He shall have the power to establish rules and regulations for the administration of his department and carrying out his responsibilities.
- e. The Board of Selectmen may appoint an additional person or persons as local Building Inspector(s) to assist the Building Inspector in enforcing the State Building Code and Rules and Regulations of the Architectural Access Board.
- f. The Building Inspector shall account for and pay into the Town Treasury all fees received by virtue of his office.
- g. The name and official address of each Building Inspector and local inspector(s) shall be submitted no later than April of each year to the Bureau of Building Regulations and Standards by the Town Clerk.

Section 2. DUTIES OF THE BUILDING INSPECTOR

- a. The Building Inspector shall inspect buildings and other structures within the Town, shall enforce all laws relating to construction, alteration, and repair of the same, perform all the duties incumbent upon him under State Laws, and all other laws imposed upon him by the By-Laws of the Town.
- b. The Building Inspector shall keep and maintain a permanent record of all business of his Department, which record together with all books and papers relating to the transactions of the Department shall be kept open for the inspection of the Board of Selectmen. Such records may be inspected by any interested citizen during regular Town office hours.
- c. The Building Inspector shall receive applications and grant permits for the construction, addition, alteration, moving or tearing down of buildings and other structures as described in the State Building Code, and shall keep a permanent record of such applications and permits showing in chronological order the following information:

ARTICLE IX. INSPECTORS

1. The permits granted, with sufficient description to identify the building by location, size, etc., with reference to any plans of said building on file;
 2. Endorsement by the Building Inspector of the dates of such interim inspection made by him, with notation as to degree of compliance with the State Building Code and original plans filed with the application, and notation of action taken for noncompliance;
 3. Endorsement by the Building Inspector of the date of final inspection and use approval through the issuance of an occupancy permit;
- d. The Building Inspector shall not grant a permit until he shall have carefully inspected the plans and specifications and the premises mentioned in the application and ascertained that the State Laws and Town By-Laws will be fulfilled.
- e. The Building Inspector shall as often as practicable inspect buildings and other structures, and in case of violation of the Code shall take such measures for securing compliance therewith as may be necessary. In the event that a violation is found and is not corrected within a reasonable time he shall notify the owner, agent, or person having an interest therein, by registered mail with return receipt, stating the nature of the violation.
- f. The Building Inspector shall examine every building or other structure which he has reason to believe is unsafe or dangerous, and if he finds an unsafe or dangerous condition existing, he shall forthwith in writing notify the owner, agent or other person having an interest therein to make the same safe and secure. Such notice shall be forwarded by registered mail with return receipt and a copy filed with the Board of Selectmen. If, within thirty (30) days the owner has not complied, the Building Inspector may execute the order at the owner's expense.
- g. Before any building or other structure shall be lathed, plastered, or sheathed, the Building Inspector shall inspect the same. He shall make such inspection within forty-eight (48) hours after notice from the owner or builder that the premises are ready for inspection.
- h. The Building Inspector shall, so far as may be necessary for the performance of his duties, have the right to enter any building or premises for examination or inspection and may order the suspension of such operations as do not conform to the provisions of the State Building Code, and no person shall continue such operations after formal notification by the Building Inspector. A copy of said order to be filed with the Board of Selectmen.
- i. The Building Inspector shall report to the Board of Assessors at least once a month the correct names of persons to whom permits have been issued, and said report shall include the home address of the person, the correct address for which the permit was granted, the nature of the work, and the valuation. He shall also report to the assessors on all permits that have been canceled since the date of his previous report.

ARTICLE IX. INSPECTORS

j. The Building Inspector may decline to grant a permit if, in his judgment, the public health, safety, or general welfare will be insured by its granting.

Section 3. BUILDING PERMITS

a. No buildings or other structures shall be constructed, added to, altered, moved or tom down unless a permit therefor has first been granted by the Building Inspector in accordance with the provisions of the State Building Code, and applicable provisions of the Zoning By-Laws.

b. No such permit, however, shall be required in the case of one story wooden buildings less than five feet square or containing less than twenty-five (25) square feet of area, nor in the case of necessary repairs which do not affect foundations, party walls, external walls, partition walls, chimneys, stairways, or floors.

c. Permits required by this By-Law shall be granted only upon written application therefor filed with the Building Inspector upon such forms as he shall require, setting forth:

1. the description of the proposed buildings or other structures, the additions, alterations, repairs, or the proposed moving or tearing down operations;
2. the uses for which the premises are intended to be used;
3. a plan of the lot showing the location of the proposed building or other structure; and
4. such other information as the Building Inspector may require.

d. In the case of locations where sewage disposal mains are not available, applications for building permits shall be accompanied by a Board of Health approved plan for the construction of a septic system, cesspool or septic tank.

e. The Building Inspector shall take action on an application for a permit either granting the permit or notifying the applicant of the reasons for the denial of the permit, within thirty (30) days of receipt of the application.

f. Any-work for which a permit has been issued by the Building Inspector shall be actively pursued within six (6) months and completed within two (2) years of the date of issuance of the permit. The Building Inspector may grant for reasonable cause one or more extensions of time for additional periods, not exceeding ninety (90) days each for both actively pursuing the work and for completing the work. Any project not completed within the applicable time limits is in violation of the Zoning By-Laws.

ARTICLE IX. INSPECTORS

Section 4. APPEALS

- a. A denial, of a building permit, based on the Zoning By-Laws, may be appealed by the applicant within thirty (30) days following receipt of the written notification from the Building Inspector. The applicants shall file the necessary documents with the Town Clerk. The decision on the appeal shall be made by the Zoning Board of Appeals following a public hearing in accordance with the Zoning Enabling Act.
- b. A denial of a building permit based on the State Building Code may be appealed to the State Building Code Appeals Board within forty-five (45) days following receipt of the written notification from the Building Inspector. The applicant shall file the appeal directly with the board on forms provided by the board. Said board shall render the decision on the appeal following a public hearing in accordance with the Massachusetts General Laws.
- c. Suspension or revocation of a building permit may be appealed in. accordance with the 1974 Zoning By-Laws as amended.

Section 5. INSPECTOR OF ELECTRICAL WIRING

- a. The Board of Selectmen shall appoint annually in Maya qualified electrician as Inspector of Electrical Wiring for a one (1) year term. The qualifications shall be as defined in the Massachusetts General Laws.
- b. The Board of Selectmen may at any time appoint for such terms as the Building Inspector determines, but not to exceed one (1) year, one or more qualified electricians .as Assistant Inspectors of Electrical Wiring to act in the disability or absence of the Inspector of Electrical Wiring and while so acting shall have and may exercise all of the powers and duties of the Inspector of Electrical Wiring.
- c. No person shall put in place, change or alter any wiring designed to carry a current of electricity for light, heat, power, fire warning or security system purposes without first having obtained a permit therefor from the Inspector of Electrical Wiring. Permits shall be granted by the Inspector of Electrical Wiring upon written application which shall indicate the character of the proposed installation and the number, rating and kind of current consuming devices to be connected.
- d. The duties of the Inspector of Electrical Wiring shall include:
of Electrical Wiring shall include:
 1. Supervision of every wire over or under the streets or buildings in the town and every wire within or supplied from buildings and structures subject to the state building code except wires in a manufactured building or building components as defined in the state building code and inspected in accordance with rules and regulations promulgated by the building code commission.

ARTICLE IX. INSPECTORS

2. Inspection and approval of all wiring installations before it is covered over and granting permission before any wiring shall be connected to any source of electrical supply.
 3. Enforcement of the pertinent codes relating to wiring installations as established by the Massachusetts Electrical Code, local rules and regulations, and the Massachusetts General laws as amended.
- e. The Inspector of Electrical Wiring shall report to the Building Inspector the violation of any code, rule, or regulation or law relative to electrical wiring.
- f. The Inspector of Electrical Wiring shall account for and pay into the Town Treasury all fees received by virtue of his office.

Section 6. INSPECTOR OF GAS PIPING AND GAS APPLIANCES IN BUILDINGS

- a. The Building Inspector, in May, shall appoint a qualified person as Inspector of Gas Piping and Gas Appliances in Buildings for a term of one (1) year. The qualifications shall be as defined in the Massachusetts General Laws.
- b. The Building Inspector may at any time appoint for such terms as he determines, but not to exceed one (1) year, one or more qualified Assistant Inspectors of Gas Piping and Gas Appliances in Buildings to act in the absence of the Gas Piping and Gas Appliances Inspector and while so acting shall have and may exercise all of the powers and duties of the Inspector of Gas Piping and Gas Appliances in Buildings.
- c. The duties of the Inspector of Gas Piping and Gas Appliances in Building shall include:
 1. Inspection of all gas-fittings in the process of construction, alteration, or repair for which permits are granted in the town.
 2. Enforcement of the pertinent codes relating to gas-fitting or gas appliances in buildings established by the Massachusetts Fuel Gas Code, local rules and regulations and the Massachusetts General Laws as amended.
 3. Issuance of permits for the installation of containers or liquefied petroleum gas and shall inspect such installation and the regulating equipment used in connection therewith.
 4. Notification of the Chief of the Fire Department of each permit and location of each container of liquefied petroleum gas installed thereunder.

ARTICLE IX. INSPECTORS

d. The Inspector of Gas-Piping and Gas Appliances in Buildings shall report to the Building Inspector the violation of any code, rule, or regulation or law relative to gas-fitting or gas appliances in buildings.

e. The Inspector of Gas-Piping and Gas Appliances in Buildings shall account for and pay into the Town Treasury all fees received by virtue of his office.

Section 7. INSPECTOR OF PLUMBING

a. The Building Inspector in May, shall appoint a qualified person as the Inspector of Plumbing for a term of one (1) year. The qualifications shall be as defined in the Massachusetts General Laws.

b. The Building Inspector may at any time appoint for such terms as he determines, but not to exceed one (1) year, one or more qualified Assistant Inspectors of Plumbing to act in the absence of Plumbing and while so acting shall have and may exercise all of the powers and duties of the Inspector of Plumbing.

c. The duties of the Inspector of Plumbing shall include:

1. Inspection of all plumbing in the process of construction, alteration or repair for which permits are granted within the town.
2. Enforcement of the pertinent codes relating to plumbing installation as established by the Massachusetts Uniform State Plumbing Code, local rules and regulations and the Massachusetts General Laws as amended.

d. The Inspector of Plumbing shall report to the Building Inspector the violation of any code, rule or regulation or law relative to plumbing.

e. The Inspector of Plumbing shall account for and pay into the Town Treasury all fees received by virtue of his office.

ARTICLE IX. INSPECTORS

Pages 69 and 70 are reserved for future expansion of ARTICLE IX

ARTICLE IX. INSPECTORS

Pages 69 and 70 are reserved for future expansion of ARTICLE IX

ARTICLE X. ANIMAL CONTROL

Section 1. DOG OFFICER AND FIELD DRIVER

- a. One or more Dog Officers shall be appointed annually in May and shall receive such compensation as may be directed by the Human Resources Administrator subject to applicable laws.
- b. No person owning or keeping a dog within the Town shall permit it to go at large on public ways, parks, playgrounds, school yards, or public properties, or buildings unless it is restrained or controlled by a leash of suitable material, and being not more than six (6) feet in length.
- c. Any working dogs, such as police dogs, farm dogs, guide dogs, hunting dogs, or watch dogs, shall be allowed to perform their necessary duties with the proper restraint and control as may be required by its master or person or persons in whose charge the dog is assigned.
- d. Any owner or keeper of a dog who shall fail to comply with any order of the Dog Officer or fail to comply with this by-law shall be punished by a fine of twenty dollars (\$20.00) for a first offense in the calendar year, thirty dollars (\$30.00) for second offense in the calendar year, forty dollars (\$40.00) for a third offense in the calendar year and fifty dollars (\$50.00) for a fourth or subsequent offense in the calendar year. This Article is in compliance with the General Laws, Chapter 140, Section 173A.
- e. The Dog Officer shall apprehend and confine all dogs observed by him within the limits of the Town in violation of this by-law. He shall forthwith release any dog so confined, if duly licensed to its owner or keeper upon payment to the Dog Officer of twenty dollars (\$20.00) together with the sum of seven dollars (\$7.00) for each day or fractional portion thereof of such confinement. Such payment shall be considered reimbursement for the time and expense necessary to prevent further violation of this by-law and shall not bar proceedings under subsection d of this by-law. The Dog Officer shall not make any complaint to the District Court after having collected such payment unless directed by the Board of Selectmen.

Section 2. DOG LICENSING

- a. Each person who is the owner or keeper of a dog within the Town of North Attleborough, six (6) months old or over, shall cause it to be licensed during each license period and pay the fee therefore. The licensing of a dog shall be at the office of the Town Clerk.
- b. The annual license period shall commence on April 1 of each year and terminate thereafter on March 31. During the license period, the owner or keeper of the licensed dog shall cause it to wear around its neck or body a collar or other suitable material to which is securely attached a tag in the form established by the Dog Officer and upon which shall appear the license number, license year, and name of the Town. A substitute tag for a lost tag can be obtained from the Town Clerk for a fee of one dollar (\$1.00).

ARTICLE X. ANIMAL CONTROL

c. The license fee shall be:

1.

Male dog	\$20.00
Female dog	\$20.00
Spayed female or neutered male	\$5.00

2. Any license purchased on or after May 1 of each year shall include a late charge of twenty-five dollars (\$25.00), unless proof, such as a bill of sale or affidavit or similar document, can be shown that the dog was purchased or brought into Town within the previous sixty (60) days. There shall be no fee charged for a license for a dog specifically trained to serve a blind or deaf person, provided a certificate is provided by the State Commission for the Blind or Deaf. No license fee or part thereof is refundable.

3. The Town Clerk shall not grant a license for any dog unless the owner or keeper thereof provides a veterinarian's certificate of vaccination or a certificate of exemption; and a certificate from a veterinarian shall be required for a spayed female or neutered male. The license shall be in a form established by the Town Clerk and shall be subject to conditions and requirements approved by the Board of Selectmen.

d. Kennels:

1. This Section shall not apply to a person who obtains a kennel license from the Town Clerk and pays the annual fee of twenty-five dollars (\$25.00) for five (5) dogs or less or fifty dollars (\$50.00) for more than five (5) dogs for the license period herein above. Such kennel license shall be in a form established by the Town Clerk and shall be subject to conditions and requirements approved by the Board of Selectmen.

2. The Dog Officer may at any time inspect any kennel and if, in his judgment, it is not being maintained in a sanitary and humane manner, revoke or suspend such license.

e. This Section shall not apply to any pet shop the owner of which is licensed under Section 39A of Chapter 129 of the General Laws.

f. Any license or kennel license held by any person found guilty of or penalized for cruelty to animals or for possessing or training a fighting animal shall be void as of the date thereof and shall be immediately surrendered to the Town Clerk together with any tag thereunder. No new license or new kennel license shall be issued to such person for two (2) years after the date of the surrender of the license or kennel license.

ARTICLE X. ANIMAL CONTROL

g. The Board of Selectmen shall annually within ten (10) days after June 1 in each licensing year issue a warrant to the Dog Officer directing him to catch and confine all dogs within the Town that have not been licensed and tagged as herein above required, to file and prosecute complaints for failure to comply with this Section against the owners or keepers thereof, and to destroy by approved methods each dog which has been detained for a period of at least ten (10) days, provided that the Dog Officer may make available for adoption any dog not found to be diseased for such sum as is approved by the Board of Selectmen. Any dog so adopted shall be licensed before delivery to the purchaser. The Dog Officer shall keep and maintain records required by the Board of Selectmen for each confined dog.

h. A Police Officer or Dog Officer can kill a dog ordered to have been restrained if such dog is found outside of its enclosure and not under the immediate control of its owner or keeper; and, if a dog ordered to be restrained shall wound any person or wound or kill any animal, the owner or keeper of such dog shall be liable in tort to the person injured thereby in treble the amount of the damages sustained.

i. Whoever suffers any loss by the maiming or killing of his live stock or fowl (both of which terms are defined in Section 136A, as amended, of said Chapter 140) by dogs, which are outside the premises of the owners or keepers, may inform the Board of Selectmen, which shall investigate the damages done, determine whether the same was inflicted by dogs, and determine what part of the damages are to be paid by the Town. The Board of Selectmen shall then notify the Town Treasurer to make payment of that sum from available funds received by the Town for licensing of dogs during that license period; provided, however, no owner shall be reimbursed if, at the time of the loss, the owner was in violation of this Section.

Section 3. CANINE WASTE LAW

It shall be the duty of each person who owns, possesses, controls or harbors a dog(s) to remove and dispose of any feces left by his/her dog(s) on any public area within the Town of North Attleborough or any private property neither owned nor occupied by said person. This regulation shall not apply to a dog accompanying a handicapped person who, by reason of his or her handicap, is physically unable to comply with the requirements of this section or to any person who utilizes a service dog.

ARTICLE X. ANIMAL CONTROL

Pages 74 and 75 are reserved for future expansion of ARTICLE X

ARTICLE X. ANIMAL CONTROL

Pages 74 and 75 are reserved for future expansion of ARTICLE X

Section 1.

- a. No person, corporation, or Town Department, shall make any excavation within the limits of any public way in the Town without first securing a permit issued by the Board of Public Works, hereinafter called the BPW. Such permit shall be issued only upon written application stating the location and extent of the proposed excavation and shall be exercised only in accordance with any conditions imposed thereon.
- b. It shall be a condition of each permit thus issued that the surface of the highway shall be restored to an acceptable condition by the BPW or its authorized agent at the expense of the person, corporation, or Town Department to whom the permit is issued. Also the licensee shall protect the Town against the claims of all persons who may be injured in their person or property by reason of such excavation by filing a bond with the Town in such amount as BPW may determine or a certificate indicating that the licensee has insurance coverage for such contingencies. The BPW may fix the time within which such permit shall remain in force and may prescribe what precautions shall be taken to guard the public against injury. The Board of Public Works may also require a bond to guarantee the faithful and satisfactory performance of the work authorized by such permit.
- c. No person having authority to dig up or obstruct any street shall do so in a manner which does not leave reasonable access for persons and vehicles to property abutting on such street, or which does not leave a reasonable passage through the street for fire apparatus.
- d. Any person, corporation, or Town Department, before making any such excavation shall notify the head of the BPW and heads of all other Town Departments having wires, pipes, drains, or conduits under their control in or on the way to be excavated, of the proposed excavation. Twenty-four (24) hours' notice of any excavation or obstruction to be made in the public way shall be given by the licensee to the Chiefs of the Fire and Police Departments.

Section 2.

The BPW may grant a written license to any person to occupy or obstruct a sidewalk for a limited time for the more convenient erection, alteration, or repair of a building, and it may require the person to whom such license is given to furnish a satisfactory bond to the Town to hold it harmless from all claims for loss or damage arising from such occupancy or obstruction. Whenever any sidewalk becomes obstructed under such license, the person doing the work or causing the same to be done shall place a good and convenient temporary walk around such obstruction when ordered to do so by the BPW.

Section 3.

No person shall allow a gate or door of any building or fence hereafter constructed or remodeled to swing on, over or into any public street or sidewalk in the Town.

ARTICLE XI. STREETS AND WAYS

Section 4.

- a. No person shall permit water from eaves or leader pipes of any building owned or cared for by him to be discharged upon any sidewalk or public way in the Town. Between the hours of 9:00 AM and 9:00 PM, and at any time of day or night during freezing temperature, no persons shall wash any window or wall of a building in such manner as to cause the discharge of water upon any public sidewalk or walk devoted to public use.
- b. No person, as owner or one in control of the premises, shall pump, drain or otherwise discharge water upon any sidewalk, public way or way open to the public use without written approval of the Board of Public Works, which may deny the request if the activity may obstruct or impede travel or cause injury to person.

Section 5.

Every owner, tenant, or agent of any building shall remove snow, ice or any other material that endangers the safety of pedestrians, from the roof of the building of which he is owner, tenant or agent, so that the same shall not fall and injure pedestrians on the highway. .

Section 6.

No person shall place or maintain over any sidewalk any awning, shade, shade frame, canopy, sign or other signboard without a permit from the Building Inspector as agent of the Board of Selectmen. He may require any person to whom such permit is given to furnish a satisfactory bond to the Town to hold it harmless from all claims for damages arising from such overhanging device.

Section 7.

The Police Department at the request of the Superintendent of Streets, is authorized to remove or cause to be removed any vehicle interfering with the removal or plowing of snow from any public way. The cost of such removal and storage charges, if any, will be imposed upon the owner of such vehicle, who shall be notified immediately of such removal.

Section 8.

No person shall operate a sound truck or other vehicle using sound or public address device on the Town ways without first securing a permit from the Board of Selectmen.

Section 9.

No vehicle shall travel, or object be moved on any public way, which has any device attached to or made part of its wheels or rollers, or other supports on which it rests, which will injure the surface of the way, unless otherwise allowed by law.

ARTICLE XI. STREETS AND WAYS

Section 10.

Whenever, in order to move a building or for any other necessary purpose, a person desires that wires of any such company be cut, disconnected or removed, the company shall forthwith cut, disconnect or remove the same, if the person, desiring this to be done has first left a written statement, signed by him, of the time when, and the place described by reference to the crossings of streets or highways, where he wishes to remove said wires, at the office of the company in the city or town where such place is situated, fourteen (14) days before the time so stated, or, if there is no such office, if he has deposited such statement in the post office, postage prepaid and directed to the company at its office nearest to said place, twenty-one (21) days before the time mentioned in said statement. Persons, other than a city or town, or the Commonwealth, desiring the removal of such wires shall reimburse the company or municipality having control of said wires for all costs incurred during their temporary removal and replacement. If the company neglects or refuses to cut, disconnect or remove wires, as herein before provided, the inspector of wires, or the Board of Selectmen of a town having no such inspector, may cause the same to be cut, disconnected or removed and the city or town may recover of the company in contract the expense of so doing. Reimbursement shall also be made to a city or town for costs incurred during the temporary removal of signs, lights, traffic signals, trees, or other services required in order to move a building or for any other purpose. A person desiring the removal of such obstructions as are under the control of a city or town shall have a written statement, signed by him, of the time when, and the place, described by reference to the crossings of streets or highways, where he wishes to remove such obstructions, at the office of the city or town clerk fourteen (14) days before the time so stated; provided however, that no such removal shall be made without the prior approval of an authorized representative of the appropriate department of the city or town.

Section 11.

The Board of Public Works will grade and patch but not install drainage, on private ways that the BPW determines, with the approval of the Board of Selectmen, require such repairs by public necessity, provided more than one-half of the abutters, based on lots frontage, on such private ways request such repairs and such private ways have been open to use for over five (5) years. No betterments will be assessed. The Town shall not be liable for any such repair work done on private ways.

Section 12.

The owner of any building used for human occupancy, employment, recreational, or other similar purpose upon land in the Town abutting on a public or private way in which there is a common sanitary sewer installed after the adoption of this By-Law as herein provided, shall at said owner(s) expense, connect the building by a sufficient drain to the common sewer. A variance from this requirement may be granted by the Board of Health for sufficient reason(s) as determined by the Board of Health rules and regulations, including that by reason of its grade or

ARTICLE XI. STREETS AND WAYS

level, or any other similar cause cannot be drained into such sewer, until such incapacity is removed, or if there would be undue hardship as determined by the Board of Health to require such connection, and further provided that a private septic system is installed or in place which meets the requirements of the Board of Health, said variance to be for so long as said septic system meets those requirements. And further, to authorize the Board of Health to prepare and approve written policies related to the implementation of this article, and to require the Board of Health to conduct at least two (2) public hearings related to this By-Law prior to the implementation of said By-Laws and in accordance with Article XXX of the Town By-Laws.

ARTICLE XI. STREETS AND WAYS

Pages 80 and 81 are reserved for future expansion of ARTICLE XI

ARTICLE XI. STREETS AND WAYS

Pages 80 and 81 are reserved for future expansion of ARTICLE XI

ARTICLE XII. PUBLIC SAFETY

Section 1. POLICE DEPARTMENT

a. The Chief of Police, all permanent full-time members and permanent intermittent patrolmen of the Police Department shall be appointed by the Board of Selectmen in accordance with provisions of the Massachusetts Civil Service Laws and Rules. Special Police Officers may be appointed by the Board of Selectmen, said appointments to expire on April 30 of each year. The Chief shall be responsible to the Board of Selectmen and shall submit an annual report and such other lawful reports as may be required or requested to the Board of Selectmen. The Chief will operate his Department under the provisions of G.L. 41, Section 97 A.

b. The Chief of Police is the chief administrative officer of the Department and the departmental authority in all matters of policy, operations and discipline. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the Department.

Section 2. CONSTABLES

The Board of Selectmen shall annually appoint as many constables as they may deem necessary and expedient, each for a term of one year, beginning May 1, who shall hold office at the discretion of the Board of Selectmen.

Section 3. TRAFFIC REGULATIONS

a. The Board of Selectmen may make such rules, orders and regulations as they in their opinion, may deem necessary and expedient for the regulation of vehicles used and operated on the streets and ways in said Town of North Attleborough.

b. Such rules, orders, and regulations shall not take effect until they have been published at least once in a newspaper having a regular circulation in said Town of North Attleborough.

Section 4. MOTORBOATS

a. Motor boating on all Town owned ponds and waterways shall be confined to those hours between sunrise and one-half hour after sunset of a given day.

b. The speed of motorboats on Lower Falls Pond shall not exceed fifteen (15) miles per hour. The speed on the Upper Falls Pond shall not exceed twenty-five (25) miles per hour.

c. The penalty for violation of this article shall be fifty dollars (\$50.00) fine for the first offense for any violation in a calendar year and one hundred (\$100.00) fine for second and subsequent offense for any violation in a calendar year.

ARTICLE XII. PUBLIC SAFETY

Section 5. FIRE DEPARTMENT

- a. The Board of Fire Commissioners shall consist of three (3) qualified members who are appointed by the Board of Selectmen to serve overlapping terms of three (3) years, with one (1) term expiring on June 1st of each year.
- b. The Board of Fire Commissioners shall have jurisdiction over the administration of the Fire Department, and of the property therein utilized, including the fire alarm system. They shall make such reports and at such times on the administration of the Department as the Board of Selectmen may require.
- c. The Fire Commissioners shall hold an organization meeting within ten (10) days of their appointment. Commencing May 1988 the Commissioners shall appoint a Chief of the Fire Department whose term shall be for a period of three (3) years. The Fire Chief shall not simultaneously hold office as a member of the Board of Fire Commissioners.
- d. The Fire Chief shall have charge of and jurisdiction over all firefighters, and all facilities and equipment of the Fire Department in fighting fires or other hazards coming within the province and responsibility of the Department.
- e. All permanent full time firefighters shall be employed by the Fire Commissioners in accordance with the provisions of the Massachusetts Civil Service Laws and Rules, and shall receive such compensation as the Fire Commissioners may determine subject to applicable laws.

Section 6. CARRIERS FOR HIRE

- a. No person, firm or corporations shall maintain a stand for the purpose of receiving or discharging passengers upon any street in the Town unless granted a permit by the Board of Selectmen.
- b. No person, firm or corporation engaged in the carriage of persons for hire by motor vehicle shall operate in the Town of North Attleborough unless by certificate of public necessity or convenience granted by the State Department of Public Works or by taxi driver's license issued by the Board of Selectmen.

Section 7. WATERFOWL

- a. No person shall feed or bait any geese in any area of the Town of North Attleborough. "Feeding" and "baiting" shall mean the placing, exposing, depositing, distributing or scattering of any com, wheat or other grain, bread, salt or any other food or nutritive substance(s) in any manner or form in any area so as to constitute for such waterfowl an attraction or enticement to enter on such area.

ARTICLE XII. PUBLIC SAFETY

b. Nothing in this by-law shall be construed to limit the authority of the Director of the Division of Fisheries and Wildlife or his agent or designee, restrict the feeding of domesticated waterfowl by a farmer on his property or waterfowl by a licensed propagator within a confined area, or to prohibit the feeding by the owner or his designee of waterfowl lawfully kept as a pet.

c. Any person who violates this by-law may be punished by a fine of twenty five dollars (\$25.00) for a first offense in the calendar year, fifty dollars (\$50.00) for a second offense in the calendar year and one hundred dollars (\$100.00) for a third and subsequent offense in a calendar year.

ARTICLE XII. PUBLIC SAFETY

Pages 85 and 86 are reserved for future expansion of ARTICLE XII

Pages 85 and 86 are reserved for future expansion of ARTICLE XII

ARTICLE XIII. POLICE REGULATIONS

Section 1.

- a. No person or persons shall place or convey through any public street or way any sewage, nightsoil, house offal, swill, garbage, dead or decaying vegetable or animal matter, manure, noxious or gaseous refuse liquid, or waste material, prohibited by state law unless it be in closed and covered vehicles and with written permission from the Board of Health. Furthermore no person or persons shall dump or deposit the aforementioned waste materials except in such places as are designated for that purpose by the Board of Health, the Board of Selectmen or their designated agent.
- b. No person or persons shall carry or transport for hire, refuse, cans, bottles, glass, or waste materials over public ways or streets except in vehicles and in containers equipped with sufficient covers or covering to prevent scattering of litter along said public streets or way without written permission from the Board of Selectmen and the Board of Health.
- c. No person shall throw or drop in or upon any public footpath, sidewalk, public way or place, or private way to which the public has right of access as invitees, any piece of wire, metal, mineral, glass, or any other material including cans and bottles, that might be or would be a source of annoyance or danger to anyone lawfully passing over or using the same; or that may prove injurious in any respect to the hooves and paws of animals, the tires of vehicles, or the feet of people.
- d. No person shall dump, deposit, or place snow and/or ice on any public way in the Town so as to obstruct or impede travel thereon or to cause injury to person or persons using the way.

Section 2.

No person shall skate or coast upon a sled on any sidewalk, street or public place except at such times and upon such streets or places as the Board of Selectmen or the Chief of Police may, by public notice, designate for such purpose.

Section 3.

No person shall ride or drive any motorcycle, mini-bike, snowmobile, automobile, bicycle, cart, wagon, or other vehicle (with the exception of invalids' wheelchairs, children's carriages, tricycles or similar machines) over or upon any sidewalk of a public way, square or park.

Section 4.

Three or more persons shall not stand in a group or near each other on any public way or sidewalk or within a private way or place to which the public has a right of way or access as invitees, in such manner as to obstruct free passage for pedestrians or vehicles, after a request to move on is made by a police officer of the Town. Chapter 41, Section 98, General Laws.

ARTICLE XIII. POLICE REGULATIONS**Section 5.**

No person or persons shall play at any game in which a ball or any other object is used, fly any kite, or throw stones, missiles or other objects in any street, public way or sidewalk. Nor shall any person throw, drop, or allow to be dropped any stone, missile or other object from any bridge or building, upon a public way or sidewalk, or to shoot with bows and arrows or to fire any weapon whose pellet is discharged by air or gas upon any public way, street or sidewalk.

Section 6.

No person shall place or keep any table, stall, booth, or cart, or any structure in any public way or any public place in the Town or upon the sidewalks for the sale of food, fruit, merchandise, or other thing without permission first being obtained from the Board of Selectmen.

Section 7.

- a. No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1 of the Massachusetts General Laws, while on, in or upon any public way to which the public has access; any public park, playground, conservation area, cemetery, parking lot, municipal buildings and the grounds appurtenant thereto. A violation of this by-law shall be deemed a breach of-the peace.
- b. Nothing herein shall be construed to prohibit the duly licensed use and consumption of said liquors as provided by law, or the use and consumption of said liquor in or upon private properties or dwellings as may be permitted by law.
- c. Any person convicted for violation of this by-law shall be punished by a fine of fifty dollars (\$50.00) for each offense.

Section 8.

No person shall park or leave unattended his motor vehicle within any part of the area posted and marked as a fire lane in any parking area or parking lot, private or public, within the Town. Any person violating this Section shall be punished by a fine of fifteen dollars (\$15.00) for each offense.

Section 9.

It shall be unlawful to install a mechanical protection device that is automatically keyed to and/or activates the telephone (number) lines controlled by and/or listed to the North Attleborough Police Department. All such devices installed before the effective date of this Section shall be removed within sixty (60) days. Mechanical protection devices shall be defined automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded

ARTICLE XIII.A. POLICE REGULATIONS

voice alarm upon receipt of a stimulus from the sensory apparatus that has detected a physical force or condition inherently characteristic of a fire or unauthorized intrusion.

Section 10. ROLLING PAPERS AND TOBACCO PRODUCTS

No person or business shall sell, or offer for sale to any person under the age of eighteen (18) any cigarette rolling papers or tobacco products in the Town of North Attleborough. Any person or business which violates this by-law by selling rolling papers or tobacco products to any person under the age of 18 shall be punished by a fine of:

Fifty dollars (\$50.00) for each offense of selling rolling papers.

One hundred dollars (\$100.00) for the first offense of selling tobacco products in a twelve-month period.

Two hundred dollars (\$200.00) for the second offense of selling tobacco products in a twelve-month period.

Three hundred dollars (\$300.00) for the third offense of selling tobacco products in a twelve-month period.

Enforcing Officer: Police Officer, Health Agent, or their designated agent.

Section 11. ALARM SYSTEM - POLICE RESPONSE

A. Definitions

1. For the purpose of this by-law, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. The term "Alarm System" means an assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110-volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire Alarm Systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this by-law. The provisions of Section 3 of this by-law shall apply to all users.

ARTICLE XIII. POLICE REGULATIONS

- b. The term "False Alarm" means (a) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of his employees or agents; (b) any signal or oral communication transmitted to the Police Department requesting or requiring or resulting in a response on the part of the Police Department, when in fact there has been no unauthorized intrusion, robbery or burglary, or attempt threat. For the purpose of this definition, activation of alarm systems by acts of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.

B. Control and Curtailment of Signals Emitted by Alarm Systems

1. Every alarm user shall submit to the Police Chief the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises, wherein the alarm system is installed.
2. All alarm systems installed after the effective date of this ordinance, which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within ten (10) minutes after activation of the alarm system.
3. Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7 PM and 6 AM which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (a) of this section and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user, or members of the alarm user's family or those persons designated by the alarm user under paragraph (a) of this section in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

C. Penalties

1. Upon receipt of three (3) or more false alarms within a calendar year, the Police Chief may order the user:
 - a. to discontinue the use of the alarm;
 - b. may disconnect any direct connections to the Police Department;
 - c. may order that further connections to the communications console in the Police Department will be contingent upon the user equipping any alarm system with a device that will shut off any audible horn or bell within ten (10) minutes after activation of the alarm system.

ARTICLE XIII. POLICE REGULATIONS

2. The user shall be assessed fifty dollars (\$50.00) as a false alarm service fee for each false alarm in excess of three (3) occurring within a calendar year. All fees assessed hereunder shall be paid to the Town Treasurer for deposit to the general fund.

Section 12. HANDICAPPED PARKING

a. Any person that has lawful control of a public or private way or of improved or enclosed property used as off-street parking area for businesses, shopping mall, theaters, auditoriums, sporting or recreational facilities, residential dwellings or for any other place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle which bears the distinguishing license plate authorized by Section 2 of Chapter 90.

b. The parking spaces reserved in said off-street parking area for handicapped license plates shall be in accordance with the following formula:

Total Parking Spaces	Reserved Parking Spaces
0-15	0
16-25	1
26-40	2
41-100	3
101-200	4
201 or greater	5

Total parking spaces in an off-street parking lot shall not include those spaces that are duly posted and/or duly marked as restricted to employees or residents.

Parking spaces designated as reserved under this by-law shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required", shall be as near as possible to a building entrance or walkway, shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to handicapped persons; and shall be twelve (12) feet wide or two (2) eight (8)foot wide areas with four (4) feet of cross hatch between them.

c. No person shall obstruct or occupy any parking space(s) or access aisle(s) reserved for use by disabled veterans or handicapped persons, or in such manner to obstruct any curb ramp designed for use by handicapped persons as a means of egress to a street or public way. The penalty for violation of this by-law shall be one hundred and fifty dollars (\$150.00).

ARTICLE XIIA. POLICE REGULATIONS

Pages 92 and 93 are reserved for future expansion of ARTICLE XIIA

ARTICLE XIA. POLICE REGULATIONS

Pages 92 and 93 are reserved for future expansion of ARTICLE XIA

ARTICLE XIIB. FIRE REGULATIONS

Refer to the General Laws, Chapter 89, Sections 7 and 7 A and to the General Laws, Chapter 148, Section 8 and also to the State Building Code and all other applicable laws.

Section 1. SECURED KEY ACCESS

Any building, including a residential building of more than five (5) units which has a fire alarm system or other fire protection system will provide secure key box installed in a location accessible to the Fire Department in case of an emergency. This key box will contain keys to fire alarm control panels and other keys necessary to operate or service fire protection systems. The key box will be a type approved by the Chief of the North Attleborough Fire Department and will be installed at a location approved by the Chief. Upon written notice by the Chief to install the key box, the owner or person in control of the building will have a period of ninety (90) days to install the key box or be subject to a fine of fifty dollars (\$50.00) for each day the violation of this Section continues.

Section 2. HAZARDOUS MATERIALS

The town prohibits use of the following public roadways by motor vehicles transporting hazardous materials as defined by the US Department of Transportation:

1. Commonwealth Avenue and Robert F. Toner Boulevard,
2. Elm Street,
3. South Washington Street (between Intersection of Route 120 North to US Route I),
4. North Washington Street (from the Intersection of Route One, south to South Washington Street),
5. John Dietsch Boulevard.

Said restriction shall not apply to vehicles carrying hazardous materials engaged in pick up and local delivery within the legal limits of the Town of North Attleborough.

Section 3. HAZARDOUS MATERIALS PERMIT TO STORE & USE

- a. All storage of Hazardous Materials, other than in motor vehicles, within the legal limits of the Town of North Attleborough shall require a "permit to store" issued by the Chief of the Fire Department. Said permit shall be issued annually in the month of March and shall list the type and quantity of the hazardous material.

ARTICLE XIIB. FIRE REGULATIONS

- b. The Chief of the Fire Department shall conduct a hazard analysis of the requested storage and may require as a condition of approval of the permit, that safety measures be employed to assure handling and storage of the permitted Hazardous Materials not inconsistent with State or Federal Laws.
- c. Failure to obtain a permit shall be punishable by a fine of not more than three hundred dollars (\$300.00) for each day the violation of this section continues.
- d. There shall be no fee for this permit.
- e. Hazardous Material for the purpose of this by-law shall be defined as chemicals listed in the Federal Superfund Reauthorization Act of 1987 hazardous material list, as amended from time to time.
- f. Said permit does not alter in any way other Federal and/or State regulations regarding hazardous materials as may be required.

Section 4. FIRE ALARM SYSTEM

- a. All Fire Alarm Systems connected to the Fire Department Dispatch Center shall be maintained in good operating condition at all times.
- b. In the event that a Fire Alarm System connected to the Fire Department transmits an alarm signal condition to the Fire Department through a mechanical failure, malfunction, improper installation or negligence of the user, his employees or agents, the Fire Chief may assess the owner a False Alarm service fee of three hundred dollars (\$300.00) for each false alarm in excess of three (3) false alarms occurring within a calendar year. All fees assessed hereunder shall be paid to the Town Treasurer for deposit into the Fire Alarm Fund.
- c. False Fire Alarms caused by Acts of God, including by but not limited to power outages, hurricanes, tornadoes, earthquakes, thunderstorms or adverse weather or atmospheric disturbances shall not be deemed to be a false fire alarm.
- d. The Chief of the Fire Department may authorize the disconnection of any Fire Alarm System from the Municipal Fire Alarm System if, after three (3) false alarms, such system, in the opinion of the Fire Chief, is not maintained in good operating condition.

ARTICLE XIIB. FIRE REGULATIONS

Pages 96 and 97 are reserved for future expansion of ARTICLE XIIB

ARTICLE XIIB. FIRE REGULATIONS

Pages 96 and 97 are reserved for future expansion of ARTICLE XIIB

ARTICLE XIIC. UNDERGROUND STORAGE OF GASOLINE
AND OTHER FLAMMABLE LIQUIDS

Section 1.

Any gasoline storage tank or tanks installed below the level of the ground under license duly granted by the local Board of Selectmen shall be tested for leakage at the expense of the owner upon installation, ten years after the date of installation of such tank or tanks, at five (5) year intervals thereafter, or at any time when the same shall be required, in the opinion of the Board of Selectmen. Such testing shall be done under the supervision of the Chief of the Fire Department, using testing methods approved by the Board of Fire Commissioners. The tank or tanks shall be removed by the owner if they should fail the test or at any time when they shall become a hazard because of leakage or otherwise, in the opinion of the Chief and upon direction of the Board of Selectmen.

Section 2.

The fact of installation, maintenance and/or usage of such gasoline storage tanks under a license duly granted by the Board of Selectmen shall constitute an agreement on the part of the owner or owners of such tanks to save and hold harmless the Town of North Attleborough from any and all reasonable and necessary expenses of removing the said tanks upon expiration of the license, or at any time when the same shall be required, in the opinion of the Chief of the Fire Department.

Section 3.

The fact of installation, maintenance and/or usage of such gasoline storage tanks under a license duly granted by the Board of Selectmen shall constitute an agreement on the part of the owner or owners to remove at the cost of the owner or owners such tanks upon the discontinuance and/or abandonment of that business necessitating or using such tanks whether or not such discontinuance and/or abandonment be less than the ten year limitation above mentioned. Removal of such tanks under the provisions herein shall be within forty-five (45) days of the date of discontinuance or abandonment.

Section 4.

Jurisdiction over any and all leakage of gasoline, gasoline fumes or other harmful and injurious matter into any main, line or other conduit below the surface of the ground, constituting a detriment to the public health and/or safety of the public, shall be vested with the office of the Chief of the Fire Department.

Section 5.

Upon satisfactory showing of such leakage into any such main, conduit or line, the Chief shall cause to be sent, registered mail, notification of such leakage to all owners of land duly

ARTICLE XIIC. UNDERGROUND STORAGE OF GASOLINE
AND OTHER FLAMMABLE LIQUIDS

licensed for such storage of gasoline or other flammable or injurious material in the area defined as the source of such leakage. Such notice shall contain the following:

- a. the fact of leakage and the particular main, line or conduit affected;
- b. the defined area within which the source of leakage is located if ascertainable;
- c. a demand upon the owner(s) of such licensed land within the defined area to take necessary action to test and confirm the absence of any such leakage from storage tanks upon the owner's particular land;
- d. a reasonable time limit within which to effect such tests, not to exceed seventy two hours; .
- e. notification of the intention of the Town to make such reasonable and necessary tests as are requested upon the failure of the owner to take action;
- f. the amount of charge for such tests in the event the owner fails to comply with the demand.

Section 6.

The fact of installation, maintenance and/or usage of such storage tanks under license of the Board of Selectmen, with the actual or implied consent of" the owner of such land, shall constitute an agreement on the part of the owner of such licensed land to take such action as requested above to discover the presence or absence of any such leakage; and shall further constitute an agreement on the part of the owner to hold and save harmless the Town from any reasonable and necessary expenditures incurred by the Town in testing the licensed land upon failure of the owner to comply with the notification of the Chief.

Section 7.

The fee for the license duly granted by the Board of Selectmen shall not exceed fifty dollars (\$50.00). The fee for the annual renewal by the Town Clerk shall not exceed twenty-five dollars (\$25.00).

ARTICLE XIIC. UNDERGROUND STORAGE OF GASOLINE
AND OTHER FLAMMABLE LIQUIDS

Pages 100 and 101 are reserved for future expansion of ARTICLE XIIC

ARTICLE XIIC. UNDERGROUND STORAGE OF GASOLINE
AND OTHER FLAMMABLE LIQUIDS

Pages 100 and 101 are reserved for future expansion of ARTICLE XIIC

ARTICLE XIII. HAWKERS AND PEDDLERS

Section 1.

a. No person shall go from place to place in this Town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares, or merchandise, either on foot, on or from any animal or vehicle, or in any manner without a license therefor from the Director of Department of Labor and Industries, Division of Standards.

b. This article does not apply to commercial agents or other persons selling by sample, lists, catalogues, or otherwise for future delivery, nor to any dealer regularly engaged in supplying customers with fuel oil for heating or cooking purposes from a fixed place of business and who does not customarily solicit direct sales from house to house or by means of outcry, sign or signal, nor to any person who peddles only fish obtained by his own labor or that of his family, fruits, vegetables or other farm products raised or produced by himself or his family, nor to persons selling articles for charitable purposes.

Section 2.

No person hawking, peddling, carrying or exposing any article for sale shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the Town nor shall he otherwise carry or convey such articles than in vehicles and receptacles which are neat and clean and do not leak.

Section 3.

Hawkers and peddlers may sell without license newspapers, religious publications, ice, flowering plants, and such flowers, fruits, nuts and berries as are wild or uncultivated. The Selectmen may by regulations, not inconsistent with Chapter 101 of the General Laws, regulate the sale or barter by hawkers and peddlers of said articles without the payment of any fee.

Section 4.

Every person licensed as a hawker or peddler shall produce his license for inspection whenever demanded by a Selectman or the Town Administrator, Sealer of Weights and Measures, Town Treasurer, Town Clerk, Constable, Police Officer or Justice of the Peace; and if he fails so to do he shall be subject to the same penalty as if he had no license. Each peddler shall wear a badge provided by the State in a conspicuous place. Each vehicle shall have attached to the front or side thereof in a place where it may be readily and plainly seen the plate or tag provided by the State with the license number attached.

Section 5.

The Sealer of Weights and Measures, Constables and Police Officers shall arrest and prosecute every hawker and peddler whom they have reason to believe guilty of violating any provisions of the General Laws pertaining to hawkers and peddlers.

ARTICLE XIII. HAWKERS AND PEDDLERS

Section 6.

The Board of Selectmen may 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 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 flags, badges, medals, buttons, flowers, souvenirs and similar articles, provided that no person under sixteen years of age shall be accredited as such agents, that such 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 names of such organization or post and the date on which the license is to be exercised and that no such agent shall be authorized to make or attempt to make such sales in front of any private premises against objections of the owner or occupant thereof.

Section 7.

A hawker or peddler who sells or barter or carries for sale or barter or exposes thereof any goods, wares, or merchandise except as permitted by Chapter 101 of the General Laws, shall forfeit not more than two hundred dollars (\$200.00) to be equally divided between the Commonwealth and the Town.

Section 8.

- a. No transient vendor, as defined by Sections 1 and 2 of Chapter 101, of the General Laws shall make any sale within the Town without state and local licenses as required by Chapter 101, as amended. Any transient vendor that does not comply with Chapter 101 shall be subject to a fine of twenty dollars (\$20.00) for each day on which he is in noncompliance.
- b. No transient vendor shall make any sale of goods, wares or merchandise on private property within the Town unless he has written permission from the owner of the private property. Every transient vendor shall produce his license for inspection and his written permission from the owner of the private property whenever demanded by the Board of Selectmen, Town Administrator, Constable, or Police Officer; and if he fails to do so he shall be subject to the same penalty as herein above provided.

ARTICLE XIII. HAWKERS AND PEDDLERS

Pages 104 and 105 are reserved for future expansion of ARTICLE XIII

ARTICLE XIII. HAWKERS AND PEDDLERS

Pages 104 and 105 are reserved for future expansion of ARTICLE XIII

ARTICLE XIV. JUNK DEALERS - FLEA MARKETS

Section 1.

No person shall engage in the purchase, sale or barter of junk, old metals or second-hand articles without having obtained therefor a license issued by the Board of Selectmen.

Section 2.

a. Every keeper of a shop for the purchase, sale or barter of junk, old metal or second-hand articles shall keep a book in which will be written at the time of each purchase of any article, a description thereof, the name, age, and residence of the person from whom purchased, and the day and hour when such purchase was made. Such book shall be at all times open to the inspection of the Chief of Police or any person by him authorized to make such inspection.

b. Every keeper of such shop shall put in a suitable and conspicuous place of his shop a sign having his name and occupation legibly inscribed thereon in large letters. Such shop and all articles of merchandise therein may be at all times examined by the Chief of Police or by any police officer by him authorized to make such inspection.

Section 3.

All persons conducting antique sales or bazaars commonly referred to as "Flea Markets" shall be licensed by the Board of Selectmen. Residents will be permitted to hold one yard sale of household articles, not to exceed three consecutive days, during each calendar year without a license, any subsequent yard sale during that calendar year shall require a special permit or license and be approved by the Board of Selectmen. A fee of two dollars (\$2.00) is hereby charged for such license obtained. Civic, religious and fraternal organizations shall be exempt from the fee.

Section 4.

a. Any person or persons who shall receive a fee, for the conducting of a sale upon property owned by them, from persons to sell their goods at said sale, shall be deemed a commercial enterprise and shall require a license and be approved by the Board of Selectmen. A fee of seventy-five dollars (\$75.00) is hereby charged for said Annual license.

All civic, religious and fraternal organizations shall be exempt from that fee.

b. All signs used to advertise a sale shall be removed within twenty-four (24) hours after completion of the sale.

c. All sales shall be conducted during the hours specified by the licensing authority.

d. This Section shall be enforced by the North Attleborough Police Department. It shall be the duty of said department to investigate any violation of this section coming to their attention.

ARTICLE XIV. JUNK DEALERS - FLEA MARKETS

Section 5.

The Board of Selectmen shall issue licenses to pawnbrokers in accordance with the provisions of and subject to the limitations in M.G.L. Ch. 140 Sec. 70-85, inclusive and any other acts relative to the business of pawnbrokers and any acts in amendment thereto now or hereafter passed, and may waive the requirements of Section 2(a) of Article XIV for good cause shown provided the license applicant is not a pawnbroker.

ARTICLE XIV. JUNK DEALERS - FLEA MAR.KETS

Page 108 is reserved for future expansion of ARTICLE IV

ARTICLE XV. REMOVAL OF JUNK

Section 1.

a. No person or entity, corporate or otherwise, as owner or one in control of premises, shall keep in the open in any area in the Town of North Attleborough, except land designated by the Board of Selectmen or Board of Health for public dumping purposes, any junk automobile, wagon, truck, bus, cycle, trailer, or any other material meeting the definition of junk in the 1974 Zoning By-laws as amended.

b. Upon notice by the Building Inspector to remove such junk from the premises the owner or controller of the premises shall have a period of thirty days to effect such removal or be subject to a fine of twenty dollars (\$20.00) for each day the violation continues. Refer G. L. Chapter 140 Section 55.

ARTICLE XV. REMOVAL OF JUNK

Page 110 is reserved for future expansion of ARTICLE XV

ARTICLE XVI. REFUSE COLLECTIONS

Section 1.

Under such rules, regulations and restrictions permitted by the laws of the Commonwealth of Massachusetts, the Board of Selectmen may license suitable persons to collect, for private hire, refuse, ashes, papers, cans, bottles and all other waste materials.

Section 2.

No person shall engage in the collection of refuse, ashes, papers, cans, bottles and all other waste materials without having obtained therefor a license issued by the Board of Selectmen under such rules and regulations as said Board of Selectmen may deem expedient and proper.

Section 3.

This section is effective if and when the Town provides a Recycling Plant.

Every household whose trash is collected by the Town shall separate waste material into the following categories before depositing same for collection: (1) glass and cans, (2) paper, and (3) other waste. If no separation takes place, the refuse will not be picked up and the household must remove the material within a twelve (12)-hour period or suffer a fine of fifteen dollars (\$15.00).

ARTICLE XVI. REFUSE COLLECTIONS

Page 112 is reserved for future expansion of ARTICLE XVI

ARTICLE XVII. BETTERMENTS

Section 1.

In ways, accepted or private, the persons receiving benefit from the installation of a common sewer line shall pay a proportionate assessment, not to exceed 66% of the cost thereof as ascertained, assessed and certified by the Board of Public Works pursuant to the provisions of Chapter 83, and any amendments thereto, of the General Laws, unless the Town Meeting votes that the assessment shall be paid entirely by the person(s) receiving the betterment. In no case shall such assessment exceed the benefit or advantage received by the person or persons so assessed.

Section 2.

In ways, accepted or private, the total cost of laying water pipes or lines including the cost of the pipes, and other material, and of the labor in laying the pipe and other expenses incidental thereto shall be assessed proportionately by the Board of Public Works to the owners of land receiving benefit from the laying of such water line, pursuant to the provisions of Chapter 232 of the Acts of 1955 of the General Court. In no case shall the assessment against any owners exceed the benefit received.

Section 3.

In ways, accepted or private, the persons receiving benefit from the installation of a main drain shall pay a proportionate assessment of the cost thereof as ascertained, assessed and certified by the Board of Selectmen pursuant to the provisions of Chapter 83, and any amendments thereto, of the General Laws. In no case shall the assessment exceed the benefit or advantage received by the person or persons so assessed.

Section 4.

Building of roads on accepted ways of the Town shall be done under the Betterment Act with the abutting property owners being assessed a sum not to exceed one half of the cost thereof.

Section 5.

The laying of curbstone and installation of sidewalks shall be exempt from assessment of betterments, unless an assessment is specified in an article for the project approved by Town Meeting vote. The abutting property owners shall be assessed a sum not to exceed on half of the cost thereof.

ARTICLE XVII. BETIERMENTS

Section 6.

Nothing in this article shall be construed to restrict or abrogate the power of the Planning Board to require the construction or installation of municipal utilities or improvements in ways shown on subdivision plats under the control of the Planning Board at the sole expense of the subdivision developer, and no assessment shall be made under this article on account of any utility or improvement so constructed or installed by a developer at his sole expense.

Section 7.

If any section of this article or portion thereof, or the application of such section or portion thereof to any person or circumstances shall be held invalid, the validity of the remaining section or portions thereof of this article and their applicability to other persons or circumstances of the section shall not be affected thereby.

ARTICLE XVII. BETIERMENTS

Page 115 is reserved for future expansion of ARTICLE XVII

ARTICLE XVIII. GRANTING OR RENEWING CERTAIN LICENSES AND PERMITS

Section 1.

- a. No later than September 1st of each year, the Tax Collector shall furnish in writing to each licensing or permitting authority of the Town (hereafter referred to as "licensing authority") a list with the name and address of any person or entity, corporate or otherwise (hereinafter referred to as "person"), that has neglected or refused to pay any tax, fee, assessment, betterment or other charge due to the Town for over one year. Such list shall not include the name of any person that has a pending application for an abatement or a pending petition before the Appellate Tax Board.
- b. The licensing authority may deny, revoke or suspend any license or permit including renewals or transfers issued by it if the person that applied for or holds the license is on the list furnished by the Tax Collector. Prior to such denial, revocation or suspension, the licensing authority shall hold a hearing for which written notice shall be given by the licensing authority to the applicant or holder and to the Tax Collector. Such written notice shall be delivered or sent by certified mail not less than fourteen days prior to the date for the hearing. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit. Any decision made by the licensing or permit authority with respect to such denial, revocation or suspension shall be made only for the purpose of such hearing and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such denial, revocation or suspension. Any license or permit denied, suspended or revoked under this Article shall not be reissued or renewed until the licensing authority receives a certificate issued by the Tax Collector that the person has no unpaid tax, fee, assessment, betterment or other charge due to the Town as of the date of issuance of said certificate.
- c. Any person shall be given an opportunity to enter into a payment agreement thereby allowing the licensing authority to issue a certificate indicating such limitations to the license or permit and the validity of said license or permit shall be conditioned on 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 shall be given written notice by delivery or by certified mail and a hearing not less than fourteen days after such notice.
- d. The applicant or holder may appeal in writing to the Board of Selectmen the decision of the licensing authority to deny, suspend, or revoke a license or permit in accordance with Section 2 of this article within five (5) days of the decision. The Board of Selectmen shall hold a hearing on the appeal not less than seven (7) days after written notice of the hearing is delivered or sent by certified mail to the appealing person, the Tax Collector, and the licensing authority. The Board of Selectmen may waive such denial, suspension, or revocation if it finds after the hearing that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Chapter 268, Section 1, in the business or activity conducted in or on said property.

ARTICLE XVIII. GRANTING OR RENEWING CERTAIN LICENSES AND PERMITS

e. This section shall not apply to the following licenses and permits: open burning, Chapter 48, Section 13; bicycle permits, Chapter 85, Section 11A; sales of articles for charitable purposes, Chapter 101, Section 33; children work permits, Chapter 149, Section 69; clubs, associations, dispensing of or beverage licenses, Chapter 140, Section 21E; dog licenses, Chapter 140, Section 137; fishing, hunting, trapping license, Chapter 131, Section 12; marriage licenses, Chapter 207, Section 28; and theatrical events, public exhibition permits, Chapter 140, Section 181.

ARTICLE XVIII. GRANTING CERTIAN LICENSES AND PERMITS

Page 118 is reserved for future expansion of ARTICLE XVIII

ARTICLE XIX. DEMOLITION OF HISTORICALLY SIGNIFICANT BUILDINGS

Section 1. Intent and Purpose

This Bylaw is enacted for the purpose of protecting the historically or architecturally significant buildings and structures within the Town and to encourage owners of such properties to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings or structures rather than demolish them.

Section 2. Definitions

Commission:	The North Attleborough Historical Commission
Inspector:	The North Attleborough Building Inspector
Demolition:	Any act of pulling down, destroying, removing or razing a building or structure, or commencing the work of total or substantial destruction with the intent of completing the same. .
Significant Building or Structure:	<p>(a) Any building or structure listed on the National Register or eligible for National Register listing.</p> <p>(b) Any building or structure researched and found by the Commission to be historically significant, or architecturally significant in terms of construction, or association with an important architect or builder.</p>

Section 3. Procedure

- a. Within seven (7) days of receipt of an application for a demolition permit for a building or structure which is eighty (80) years or older, the inspector shall forward a copy of this application to the Commission. No demolition permit should be issued at that time.
- b. Within thirty (30) days from the Building inspector's receipt of a demolition permit application, the Commission shall determine whether the structure is historically or architecturally significant. If the commission determines the building or structure is not considered significant, the Commission shall so notify the inspector in writing and the inspector may issue a demolition permit. If the building or structure is determined to be significant, the Commission shall so advise the owner and the inspector in writing, and the inspector shall not issue a demolition permit for a period of six (6) months from the date of the application unless the Commission informs the inspector prior to the expiration of said six (6) months that the applicant for the demolition has made a reasonable but unsuccessful effort to locate a purchaser for the building or structure, or one who is willing to preserve, rehabilitate or restore the building or structure, or has agreed to accept a demolition permit on specified conditions approved by the Commission.

ARTICLE XIX. DEMOLITION OF HISTORICALLY SIGNIFICANT BUILDINGS

Section 4. Emergency Demolition

Nothing in this bylaw shall restrict the Building inspector from immediately ordering the demolition of any building or structure in the event of an imminent danger to the safety of the public.

Section 5. Enforcement and Remedies

- a. The building inspector and/or the Commission are authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.
- b. No building permit shall be issued with respect to any premises upon which a building eighty (80) years or older has been voluntarily demolished with disregard for the provisions of the bylaw, for a period of eighteen (18) mos. after the date of the completion of such demolition. As used herein "premises" refers to the parcel of land upon which the demolished building or structure was located and all adjoining parcels under common ownership or control.
- c. No permit for the erection of a new structure on the site of an existing building determined to be a preferably-preserved significant building or structure may be issued prior to issuance of a permit for demolition of such existing buildings.

Section 5. Severability

In case any section, paragraph or part of this bylaw for any reason is declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

ARTICLE XIX. DEMOLITION OF HISTORICALLY SIGNIFICANT BUILDINGS

Page 121 is reserved for future expansion of ARTICLE XIX

ARTICLE XX. SUPPLEMENTARY REGULATIONS

Section 1. REMOVAL OF TOP SOIL

- a. The removal of top soil from any parcel of land in the Town of North Attleborough, by any person, firm or corporation shall be allowed only by approval of the Planning Board after Public Notice and Hearing.
- c. No approval is required where topsoil removal is:
 - i. incidental to or in connection with the construction, alteration, excavating or grading for a building or road or,
 - ii. involved in the use of the land, for which a plan has been approved by the Planning Board.
- d. No approval shall be required where the surface area from which topsoil is removed is less than two hundred (200) square feet.
- e. Approval by the Planning Board shall be subject to the determination that the topsoil removal is not detrimental to the neighborhood.
- f. Approval shall be limited to two (2) years from date of acceptance.
- g. Removal operations as a nonconforming use shall not be extended beyond the property lines of the particular parcels upon which such operations are in progress at the time of the adoption of this amendment.
- h. All areas from which topsoil has been removed shall:
 - 1. be graded to meet adjacent ground elevations at a slope of not less than one (1) foot vertical to two (2) feet horizontal.
 - 2. A suitable plant cover shall be seeded and maintained until established to the satisfaction of the Planning Board. A bond may be required to insure the satisfactory completion of this covering.
- i. In issuing approval, the Planning Board may impose other reasonable restrictions under removal operations. Such requirements imposed in addition to those above shall be considered as conditions of approval.
- j. Maximum excavation under a single granted permit shall be five (5) acres.

ARTICLE XX. SUPPLEMENTARY REGULATIONS

Section 2. REMOVAL OF STONE, SAND, GRAVEL AND SUBSOIL

- a. The quarrying of stone, sand, gravel and subsoil shall be allowed only by approval of the Planning Board after Public Notice and Hearing.

- b. Site Plans. Site plans shall be filed in triplicate with the Planning Board for any land which is used or intended to be used for the extraction of sand, gravel, rock and associated earth materials. Site plans of the removal areas shall be prepared by a registered professional engineer or registered land surveyor at a scale of forty (40) feet to the inch and shall be in accordance with and indicate the following:
 1. Lot lines and ownership.
 2. Existing topography and proposed elevations at two-foot contour intervals.
 3. Names of abutters as found on the most recent tax list.
 4. Adjacent public streets and private ways.
 5. Proper provisions for safe and adequate water supply and sanitary sewerage and for temporary and permanent drainage of the site.
 6. A location plan at a scale of 1 in. = 1000 ft.
 7. Plan for regrading of all or parts of the slopes resulting from such excavation or fill.
 8. Plan for replacement of at least four inches of compacted topsoil over all excavated, filled, or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
 9. Hours of operation and plan for lighting, if night operation is contemplated.
 10. Proposed lateral support to all adjacent property.
 11. Proper provision for vehicular traffic, service roads, control of entrances and exits to highways.
 12. The relation of future buildings, temporary buildings and operations machinery to the removal areas.
 13. Delineation of removal areas and depths.

ARTICLE XX. SUPPLEMENTARY REGULATIONS

14. Provision for a substantial fence enclosing the excavation or quarry where any excavation or quarry will extend under original ground level or will have a depth of ten feet or more and create a slope of more than one foot in two feet. Such fence shall be located ten feet or more from the edge of the excavation or quarry, and shall be at least six feet in height.
 15. Method of removal.
 16. Distance of excavation to street and lot-lines.
 17. Disposition of boulders and tree stumps.
 18. Cleaning, repair and/or resurfacing of streets used in the removal activities which have been adversely affected by the removal activity.
- c. Adequate provision is to be made for drainage during and after completion of operations.
- d. When quarrying is discontinued, earth shall be reshaped to conform to approval plan. The maximum allowable slopes shall be fifty (50) per cent (one (1) foot vertical to two (2) feet horizontal). These measures shall be taken progressively as the use of each part of an operating quarry is discontinued to all intents and purposes, and shall not be postponed until final abandonment of the entire quarry.
- e. All timbers, structures and the like shall be removed when the operation is terminated.
- f. Approval shall be limited to two (2) years from date of acceptance.
- g. The extension of existing quarries as nonconforming uses shall be restricted to the property lines of the parcel upon which such operations are in progress at the time of the adoption of this amendment provided however, that no existing operation shall be extended so as to violate or further violate the restrictions of this subsection.
- h. Removal operations shall not be conducted or extended closer than fifty (50) feet to a public road, existing dwelling, park or school, and shall be so indicated on the plan entitled Supplementary Regulation Section B, Subparagraph 2.
- i. All equipment for sorting, washing, crushing, grading, drying, processing and treating, or other operation machinery, shall not be used closer than one hundred (100) feet from any public street or from any adjoining lot line.
- j. Off-street parking as required in Section VI, C shall be provided.
- k. Any access to excavated areas or areas in process of excavation will be adequately posted with KEEP OUT-DANGER signs.

ARTICLE XX. SUPPLEMENTARY REGULATIONS

- l. Any work face or bank that slopes more than thirty (30) degrees downward adjacent to a public street will be adequately fenced at the top.
- m. Lateral support shall be maintained for all adjacent properties.
- n. The use of explosives shall be done in accordance with the regulations for storage or handling of explosives as punished by the Commonwealth of Massachusetts.
- o. All operations shall be conducted in such a manner so as to comply with the laws of the Commonwealth of Massachusetts regulating water pollution and air pollution.
- p. Before approval of a permit for any excavation the owner shall file a performance bond, or deposit money, or other negotiable securities in an amount determined by the Planning Board to be sufficient to cover costs of all, or any part of cleaning the site upon completion of work, such as removing stumps, large boulders, general cleanup and other miscellaneous debris.
- q. Before granting approval, the Planning Board shall find that the proposed operation will not be injurious or dangerous to the public health; will not produce noise, dust or other effects observable from adjacent property in amounts seriously objectionable or detrimental to the normal use of the property; will not result in a change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted and will not have a material adverse effect on the water supply, health or safety of persons living in the neighborhood or on the use of or amenities of adjacent land.
- r. The permit issued shall be granted only to the owner of record and shall not be transferable.
- s. In granting a permit hereunder, the Planning Board shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town, which may include conditions as to the overall operations set forth above and as relating to the site plan and land reuse plan requirements set forth in the paragraphs below.
- t. Land Restoration Planes). Land restoration planes) must be submitted to and approved by the Planning Board subject to the regulations set forth in the following paragraphs:
 1. The Planning Board may require up to three (3) approved alternative future land restoration plans be submitted for such land as is used for the extraction of and, gravel, rock and associated earth materials. It is recognized that land restoration of the removal areas is in the public interest.
 2. Said land restoration plan and its implementation applies to the conversion of the abandoned site and its planned restoration. It is, therefore, required that any land restoration plan correspond to a situation which could reasonably occur in the immediate future (zero to five (5) years), and be revised as necessary as the existing physical character of the removal area changes.

ARTICLE XX. SUPPLEMENTARY REGULATIONS

3. The land restoration plan or any part thereof which reasonably applies to an area which has been abandoned from removal use shall be put into effect within one (1) year of the abandonment of said operation.

u. **Bonding:** The Planning Board shall require a bond or other security to insure compliance with its conditions of authorization, unless, in a particular case it specifically finds that such security is not warranted and so states its decision giving reasons for its finding. Release of the bond shall not be made until inspection by the Planning Board has shown satisfactory compliance. The Planning Board may require a public hearing before release of the bond.

v. **Exemptions:** The removal of earth material in any of the following operations shall be exempt from this section.

1. The removal of less than ten (10) cubic yards of material in the aggregate in any year from anyone one (1) lot.
2. The transfer of material from one part of a lot to another part of the same lot.
3. The removal of material necessarily excavated in connection with lawful construction of a building, structure, street, driveway, sidewalk, path or other appurtenance.

Section 3. ENFORCEMENT OF REGULATIONS

It will be the duty of the Planning Board or their designated Agent to administer and enforce the Provisions of these supplemental regulations.

Anyone found to be in violation of these regulations shall be so notified by the Planning Board or their agent, by registered or certified mail, return receipt requested, of the alleged violations. Whoever violates any of these supplementary regulations shall be punished by a fine of three hundred dollars (\$300.00), for each day the violation continues.

ARTICLE XX. SUPPLEMENTARY REGULATIONS

Page 127 is reserved for future expansion of ARTICLE XX

ARTICLE XXI. PENALTY FOR VIOLATION OF BY-LAWS

Section 1. GENERAL FINE

Unless otherwise provided whoever violates any of the provisions of these By-Laws shall be punished by a fine of not more than three hundred dollars (\$300.00) for each offense unless otherwise provided for in the General Laws of the Commonwealth of Massachusetts.

Section 2. NON-CRIMINAL DISPOSITION

a. Any person taking cognizance of a violation of a specific By-Law, rule or regulation which he is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings may give to the offender a written notice to appear before the clerk of the Fourth 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 in triplicate and shall contain the name and address if known, of the offender, the specific offense charged, and the time and place for his required appearance. Such notice shall be signed by the enforcing person and shall be signed by the offender whenever practicable in acknowledgment that such notice has been received.

b. If the enforcing person is unable to deliver a copy of the notice to the offender at the time and place 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, department or 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.

c. At or before the completion of each tour of duty, or at the beginning of the first subsequent tour of duty, the enforcing person shall give to his commanding officer or department head those copies of each notice of such a violation he has taken cognizance of during such tour which have not already been delivered or mailed by him as aforesaid. Said commanding officer or department head shall retain and safely preserve one copy and shall, at a time not later than the next court day after such delivery or mailing, deliver the other copy to the clerk of the court before which the offender has been notified to appear.

d. The disposition of such notices by the Clerk of the Fourth District Court shall be in accordance with Section 21D of Chapter 40 of the General Laws.

Section 3. NON-CRIMINAL VIOLATIONS

Violation of the following By-Law Sections may be enforced in the manner provided in Section 21D of Chapter 40 of the General Laws, as amended from time to time, and Section 2 hereinabove set forth; for the purpose of this Section the specific penalty which is to apply for the violation of each such section shall be listed below and the Town's officers or employees whose titles are listed under each Section shall be deemed to be enforcing officers for each such Section.

ARTICLE XXI. PENALTY FOR VIOLATION OF BY-LAWS

Article VII, Section 3 – Board of Health

Penalty: \$100.00 first offense for any violation of rules and regulations in a twelve month period
 \$200.00 second offense for any violation of rules and regulations in a twelve month period
 \$300.00 third and subsequent violation(s) of rules and regulations in a twelve month period.
 Enforcing Officer: Board of Health or their designated agents.

Article VIII, Section 6 - Conservation Commission

Penalty: \$25.00 first offense for any violation of rules and regulations in a calendar year.
 \$50.00 second offense for any violation of rules and regulations in a calendar year.
 \$100.00 third and subsequent offense for any violation of rules and regulations in a calendar year.
 Enforcing Officer: Conservation Commission,
 Conservation Officers, Police Officer

Article IX, Section 3 - Building Permits

Penalty: \$100.00 for the first violation in a twelve month period.
 \$200.00 for the second violation in a twelve month period.
 \$300.00 for the third and subsequent violation(s) in a twelve month period.
 Enforcing Officer: Building Inspector

Article IX, Section 3 – 1.d - Zoning By-Laws Penalty

Penalty: \$100.00 for the first violation in a twelve-month period
 \$200.00 for the second violation in a twelve-month period
 \$300.00 for the third and any subsequent violation(s) in a twelve-month period
 Enforcing Officer: Building Inspector

Article X, Section 1 - Dog Officer

Penalty: \$20.00 first offense in calendar year
 \$30.00 second offense in calendar year
 \$40.00 third offense in calendar year
 \$50.00 fourth and subsequent offense in calendar year
 Enforcing Officer: Dog Officer

Article X, Section 3 – Canine Waste Law

Penalty: First Violation in Calendar Year - \$25.00
 Second Violation in Calendar Year - \$50.00
 Third and Subsequent Violations in Calendar Year - \$100.00
 For the purpose of these enforcements a calendar year is defined as January to December

ARTICLE XXI. PENALTY FOR VIOLATION OF BY-LAWS

Article XI - Streets and Ways

Penalty: \$300.00 per day

Enforcing Officer: Board of Public Works

Article XII. Section 4 - Motorboats

Penalty: \$50.00 first offense for any violation in a calendar year.

\$1000.00 for second and subsequent offense for any violation in a calendar year.

Enforcing Officer: Police Officer

Article XII. Section 7 - Waterfowl

Penalty: \$25.00 first offense for any violation in a calendar year.

\$50.00 second offense for any violation in a calendar year.

\$100.00 third and subsequent offense for any violation in a calendar year.

Enforcing Officer: Conservation Agent

Article XIII A - Waste Materials

Penalty: \$300.00 per offense

Enforcing Officer: Board of Health or their designated agent.

Article XIII A. Section 7 - Public Drinking

Penalty: \$50.00 per offense

Enforcing Officer: Police Officer

Article XIII A. Section 8 - Fire Lane

Penalty: \$15.00 per offense

Enforcing Officer: Police Officer, Fire Fighter

Article XIII A Section 12 - Handicapped Parking

Penalty: \$150.00 per offense

Enforcing Officer: Police Officer

Article XIII A. Section 10 - Sale of Cigarette Rolling Paper and Tobacco Products

Penalty for sale of rolling paper: \$50.00 per offense

Penalty for sale of tobacco products to any person under the age of 18:

\$100.00 for first offense in a twelve-month period.

\$200.00 for second offense in a twelve-month period.

\$300.00 for third offense in a twelve-month period.

Enforcing Officers: Police Officer, Health agent, or their designated agent

Article XIII B, Section 1 - Secured Key Access

Penalty: \$50.00 for each day

Enforcing Officer: Fire Chief

Article XIII B. Section 3 - Hazardous Materials Permit to Store and Use

Penalty: not more than \$300.00 per day

Enforcing Officer: Fire Chief

ARTICLE XXI. PENALTY FOR VIOLATION OF BY-LAWS

Article XIII. Section 8 - Street Vendors

Penalty: \$20.00 per day

Enforcing Officer: Selectmen,
Town Administrator,
Constable,
Police Officer

Article XVI - Removal of Junk

Penalty: \$20.00 per day

Enforcing Officer: Building Inspector

Article XVII. Section 3 - Trash Disposal Recycling

Penalty: not more than \$15.00 per day

Enforcing Officer: Board of Health

Article XX - Supplemental Regulations

Penalty: \$300.00 per day

Enforcing Officer: Planning Board or its Agent

ARTICLE XXX. REPEAL AND AMENDMENT OF BY-LAWS**Section 1. REPEAL AND AMENDMENT OF BY-LAWS**

These By-Laws may be altered, repealed, or amended at any Town Meeting, an article, or articles for such purpose having been inserted in the Warrant for such meeting.

Section 2. EFFECTIVE DATE OF BY-LAWS

These revised By-Laws shall take effect upon their publication or posting, acceptance and approval as required by law and all the By-Laws previously adopted by the Town of North Attleborough are hereby repealed upon the date of such publication or posting, acceptance and approval.

Section 3. SEPARABILITY CLAUSE

If any provision herein, or the application of any such provision to any person or circumstance shall be held invalid, the validity of the remainder of this set of By-Laws, and the applicability of such provision to other persons or circumstances shall not be affected thereby.