

**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

Revised through \_September\_2021

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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 Leprilete 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 corner 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 corner marking the boundary of the towns of Attleborough, Mansfield and Wrentham; thence southwestly by the boundary line as it now exists between the towns of Attleborough and Wrentham to a corner 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 most of the registered voters.

Approved June 14, 1887

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



## **ARTICLE I**

### **TOWN MANAGER**

- Section 1.** In addition to those express duties and responsibilities provided for in the Town Charter, the Town Manager 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.
- A. The Town Manager may appear, either personally or by Town Attorney, or by special counsel, before any court, or any state or County Board or Commission, to protect the interests of the Town.
- B. The Town Manager 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 Council. The Town Manager is authorized to settle land damage cases in an amount not exceeding twenty-five hundred dollars (\$2,500).
- C. All conveyances of land or interest in land shall be signed by the Town Manager, unless otherwise provided by the general laws, by Charter or by vote of the Town Council, and shall be sealed with the Town seal.
- D. It shall be one of the duties of the Town Manager to see that the provisions of all Bylaws of the Town and all actions and votes taken by Town Council, 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 Votes.

## **ARTICLE II**

### **TOWN COUNCIL AND STANDING COMMITTEES OF THE TOWN COUNCIL**

**Section 1. TOWN COUNCIL STANDING BY-LAW COMMITTEE**

- A. Composition: The Town Council standing By-Law Committee shall consist of five (5) members appointed by the Town Council President. The Complement of the

standing committee will be comprised of (3) council members and two (2) residents of town. Members will serve for a term of one year.

- B. Responsibilities of the Chair: The Chair of the Standing By-law Committee shall be appointed by the President of the Town Council and will be responsible for the following: Maintaining the schedule and developing agendas, notifying the Town Council clerk for posting and locations of meetings and reporting to the Town Council. The Chair will appoint a committee clerk/Secretary from amongst the committee members who will be responsible for taking the meeting minutes. The Chair may appoint a Vice-Chair” from amongst the councilors on the Town Council Standing Rules Committee, who can lead meetings if/when the Chair is unable to attend.
  
- C. Purpose: The Town Council Standing By-Law Committee, upon referral by the Town Council, may study and recommend changes or additions to all By-laws of the Town. All measures submitted by a council member or free petitions that are legislative in nature may be reviewed by the Town Council Standing By-Law committee upon referral by the Town Council.
  
- D. Procedures:
  - 1. Upon referral by the Town Council, written recommendations or proposed language changes, eliminations, or additions in the wording of the Town’s By-Laws may be presented to the Town Council by the Town Council Standing By-Law Committee in the form of a measure for review and approval by the Town Council. The Standing By-Law Committee may or may not recommend a measure, petition, initiative petition or supplemental petition relative to By-Laws.
  
  - 2. Upon completion of the review process the measure or free petition will be read into the record at two consecutive council meetings and published and posted on the Town website no less than fourteen (14) days prior to the Town Council vote to approve the amendment and in accordance with Sections 2-6 and 2-8 of the Charter.
  
  - 3. Zoning By-Laws, changes, or amendments are to comply with all notice and publication requirements of General Laws, Chapter 40A, Section 5.

4. All Committee meetings shall comply with the Open Meeting Law and shall provide a period at each regular meeting for public commentary.

**Section 2. TOWN COUNCIL STANDING FINANCE COMMITTEE**

- A. Composition: There shall be a Town Council Standing Finance Committee consisting of up to seven (7) members appointed by the President of the Town Council. The Standing Committee will have four (4) Town Council members and three (3) residents. Members will serve for a term of one year.
- B. Responsibilities of the Chair: The Chair shall be appointed by the President of the Council and will organize the committee and be responsible for schedules, agendas, meeting notices, and reporting to the Council on the committee's actions. The Chair will appoint a committee clerk/secretary from amongst the Committee members who will be responsible for taking the meeting minutes. The Chair may appoint a "Vice-Chair" from amongst the Councilors on the Town Council Standing Finance Committee, who can lead meetings if/when the Chair is unable to attend.
- C. Purpose: The Town Council Standing Finance Committee may advise the Town Council of Financial matters upon referral by the Town Council. The Town Council Standing Finance Committee may upon referral by the Town Council, review and advise the Town Council on items included by not limited to annual budget, supplemental budgets and other appropriations, funding of contracts, financial transfers, the capital inventory, and Capital Improvement Plan (CIP) and the infrastructure; the purchase, sale, or leasing of land and/or buildings and other capital items; and borrowing and debt.
- D. Procedures:
  1. Reserve Fund Transfer Requests may be referred by the Town Council to the Town Council Standing Finance Committee with supporting documentation for recommendation to the full council.
  2. Line-Item Transfers (including departmental transfers) requests over a limit established by the Town Council may be referred by the Town Council to the Town Council Standing Finance Committee for recommendation to the full council.

3. Have the authority at any time to investigate the books, accounts, and management of any Town agency and, via an approved requested by the Town Manager that, as appropriate, to require Department Heads/Managers and employees of the Town to appear before it and to provide information.
4. The Town Council Standing Finance Committee upon completion of their review on the budget and capital improvement items proposed by the Town Manager will forward recommendations to the Council for approval.
5. The Town Council Standing Finance Committee procedures will be defined per Article V1-Financial Management, Sections 6-10 of the Town of North Attleborough Charter adopted July 1, 2019.
6. All committee meetings shall comply with the Open Meeting Law and shall provide a period of each regular meeting for public commentary.

**Section 3. TOWN COUNCIL STANDING RULES COMMITTEE**

- A. Composition: The Town Council Rules Standing Committee shall be comprised of five (5) members including three (3) council members and two (2) residents of the town to be appointed by the President of the Town Council. Members will serve for a term of one (1) year.
- B. Responsibilities of the Chair: The Chair of the Standing Committee shall be appointed by the President of the Town Council and will be responsible for the following: Maintaining the schedule and developing agendas, notifying the Town Council clerk for posting and locations of meetings and reporting to the Town Council. The Chair will appoint a committee clerk/Secretary from amongst the committee members who will be responsible for taking the meeting minutes. The Chair may appoint a Vice-Chair” from amongst the councilors on the Town Council Standing Rules Committee, who can lead meetings if/when the Chair is unable to attend.
- C. Purpose: The duties and responsibilities of the Town Council Standing Rules Committee are to recommend the rules that govern the behaviors and processes of the Town Council as a body and may include, but is not limited to the following:
  - Define purpose and composition of committee.

- Meeting format and requirements
- Quorum
- Parliamentary procedure
- Conduct of meetings
- Public comment
- Hearings
- Debate decorum
- Remote participation
- Executive Sessions

D. Procedures:

1. The Town Council Standing Rules Committee procedures identified in Article II, Section 2-9 of the North Attleboro Charter adopted July 1, 2019.
2. All committee meetings shall comply with the Open Meeting Laws and shall provide a period at each regular meeting for public commentary.

**Section 4. TOWN COUNCIL STANDING ECONOMIC GROWTH AND SUSTAINABILITY SUB-COMMITTEE**

- A. Composition: The Town Council Standing Economic Growth and Sustainability Sub-Committee shall be comprised of three (3) Town Councilors and two (2) residents. At least one of the resident members should be the owner of a business in the town of North Attleboro. Members will serve for a term of one (1) year.
- B. Responsibilities of the Chair: The Chair of the Standing Economic Growth and Sustainability Sub-Committee shall be appointed by the President of the Town Council and will be responsible for the following: Maintaining the schedule and developing agendas, notifying the Town Council clerk for posting and locations of meetings and reporting to the Town Council. The Chair will appoint a committee clerk/Secretary from amongst the committee members who will be responsible for taking the meeting minutes. The Chair may appoint a Vice-Chair” from amongst the councilors on the Town Council Standing Rules Committee, who can lead meetings if/when the Chair is unable to attend.

- C. Purpose: The duties and responsibilities of the Town Council Standing Economic Growth and Sustainability Sub-Committee are to advise and make recommendations to the Town Council on matters related to the economic vitality and quality of life in North Attleboro that have been referred to the sub-committee by the Town Council in the following areas:
- To support the local economy of North Attleboro
  - Development of long-term goals and strategies to implement the Town's financial and programmatic goals.
  - Other issues affecting community resources, economic growth, sustainability, and economic development.
- D. All sub-committee members shall comply with the Open Meeting Law and shall provide a period at each regular meeting for public commentary

**ARTICLE III**  
**ADMINISTRATIVE ORGANIZATION**

**Section 1. GENERAL**

- A. No 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.
- C. The Town Manager 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.
- D. Each Department head shall at the time of taking office and thereafter at the close of each calendar year, file with the Town Manager, in such form as the Town Manager may reasonably require, an inventory of all stock, tools, equipment, and supplies in the custody and control of the Department.

**Section 2. BUILDING INSPECTOR**

- A. The Town Manager shall appoint a qualified person as Building Inspector. The qualifications shall be as defined in the Massachusetts General Laws. Appointments are subject to Article IV of the Charter.
- B. The Building Inspector shall report directly to and be solely responsible to the Town Manager.
- C. 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. The Building Inspector shall also serve as the Town's Zoning Enforcement Officer. See A63 FROM KP LAW

**Section 3. DIRECTOR OF PUBLIC WORKS**

- A. The Town Manager shall appoint and fix the compensation of a Director of Public Works in accordance with Article IV of the Charter. The Director shall exercise and perform such of the powers, rights and duties transferred to the Director by Charter, general or special law or By-law. The Director 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 the tenure of office. During such tenure, the Director shall hold no elective office, nor shall the Director be engaged in any other business or occupation.
- B. The Director of Public Works shall have the supervision and control of garbage, refuse, and solid waste collections and the Town's landfill operations on Mt. Hope Street.
  - 1. The Board of Public Works, in consultation with the Director of Public Works and Town Manager, may establish a Solid Waste fee as deemed 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 the Landfill Enterprise Fund Account.

2. The Board of Public Works, in consultation with the Director of Public Works and Town Manager, may amend the fee to recover the cost of providing rubbish and recycling collection and disposal throughout the Town.

**Section 4. HUMAN RESOURCES DEPARTMENT**

- A. There is hereby established a municipal Department of Human Resources for the purposes of mutually serving North Attleborough School Department and such other general government operations.
- B. The appointing authority of every governmental unit of the Town, except the Board of Electric Commissioners, empowered to employ persons to perform a service for the municipality shall utilize the services of the Human Resources Department, consistent with the provisions herein provided.
- C. The Human Resources Department shall be overseen by a Human Resources Director, appointed pursuant to Section 5-10 of the Town Charter. The Human Resources Director shall manage the daily operations of the Human Resources Department, under the supervision and joint direction of the School Superintendent and Town Manager.
- D. The Human Resource Director shall serve the Town as its personnel director by administering the day-to-day personnel policies, practices, procedures, and systems of the municipality, including but not limited to:
  - I. Employee recruitment, testing, appraisal, and evaluation
  - II. Employee training and development
  - III. Employee benefits and service programs
  - IV. Employee safety and health programs
  - V. Administration of the municipality's wage and salary classification plan.
- E. The Human Resource Department's responsibilities on behalf of the Town, shall include but not be limited to the following:



- i. Monitor and review current personnel policies, job classifications, salary structures, and collective bargaining agreements and recommend changes as required.
- ii. Maintain and have control of personnel records for all municipal employees.
- iii. Administer employee insurance programs.
- iv. 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.
- v. 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 Director shall keep all departments fully informed of all changes or amendments to the classification plan or any changes of an applicable rule or regulation.
- vi. 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.
- vii. Maintains personnel policies and procedures while ensuring their consistent interpretation and application.
- viii. Acts on behalf of the Town with the Massachusetts Civil Service Commission and all other state and federal agencies relating to employment and personnel management.
- ix. 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.
- x. Administers employee training programs.
- xi. Administers collective bargaining agreements and prepares recommendations for the Town Manager and School Committee prior to commencement of negotiations. Assists in collective bargaining negotiations where appropriate.

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

**Section 5. INSPECTOR OF ANIMALS**

- A. The Inspector of Animals shall be appointed in accordance with Article IV of the Charter
- B. The duties of the Inspector of Animals include:
  - 1. Inspection of domestic animals
  - 2. Certificates of healthy condition
  - 3. Notices of a quarantine of infected animals
  - 4. Examinations of barns.
- C. The Inspector of Animals shall comply with and enforce all orders and regulations directed to by the Director of the Division of Animal Health under the provisions of Chapter 129, Sections 15-43 of the Massachusetts General Laws.

**Section 6. INSPECTOR OF ELECTRICAL WIRING**

- A. The Town Manager shall appoint a qualified electrician as Inspector of Electrical Wiring. Appointments are subject to of Article IV of the Charter.
- B. The Town Manager 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 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 Inspector of Electrical Wiring shall report to the Building Inspector the violation of any code, rule, regulation, or law relative to electrical wiring. (The Inspector of Electrical Wiring shall account for and pay into the Town Treasury all fees received by virtue of his office.

**Section 7. INSPECTOR OF GAS PIPING AND GAS APPLIANCES IN BUILDINGS**

- A. Pursuant to Section 4-3 of the Town Charter, the Town Manager 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 Town Manager 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 the powers and duties of the Inspector of Gas Piping and Gas Appliances in Buildings.
- C. The Inspector of Gas-Piping and Gas Appliances in Buildings shall report to the Building Inspector the violation of any code, rule, regulation or law relative to gas-fitting or gas appliances in buildings.
- D. 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 8. INSPECTOR OF PLUMBING**

- A. Pursuant to Section 4-3 of the Town Charter, the Town Manager 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 Town Manager 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 the powers and duties of the Inspector of Plumbing.
- D. The Inspector of Plumbing shall report to the Building Inspector the violation of any code, rule, 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.

**Section 9. RECREATION DIRECTOR**

- A. The Recreation Director shall be appointed by the Town Manager in accordance with Article IV of the Charter.
- B. The Recreation Director will plan, organize, and supervise the recreational program under the direction of the Park and Recreation Commissioners and Town Manager.

**Section 10. TOWN ACCOUNTANT**

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.

- A. 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. The Town Accountant 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.
- B. 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.
- C. Whenever the Town Accountant believes a liability incurred against any appropriation may be in excess of the unexpended balance thereof, the Town Accountant notify the Town Manager 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.

- D. 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 Town Manager Refer to Mass Gen. Laws. Ch. 41 section 61, "Annual Report" as amended.

**Section 11. TOWN CLERK**

- A. 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 Town Council 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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 12. TOWN PLANNER**

- A. The Town Planner shall be appointed by the Town Manager in accordance with Article V, Section 4-3 of the Town Charter.
- B. The Town Planner's duties and responsibilities will include but not limited to:

- i. Assist in developing strategies for the application and analysis of town problems and the evaluation of their potential impact upon the physical, economic, and sociological condition in the region.
- ii. Serve as a liaison between the Planning Board and the Regional Planning and Economic Development Services.
- iii. Responsible for the gathering, preparing, and evaluating statistical information in cooperation with the Planning Board.
- iv. Maintain regular attendance at seminars and courses involving Municipal Planning.
- v. Assist in the orderly growth and preservation of natural features of the Town.
- vi. Assist the Planning and Zoning Boards in their normal operation; and
- vii. Perform other related duties as may be required by the Town Manager.

**Section 13. TREASURER COLLECTOR**

- A. The Town Treasurer Collector is authorized to take charge of all monies belonging to the Town, including fees, charges, demands and other amounts due and to use all legal means of collecting taxes and interest thereon as may be provided in the Massachusetts General Laws, by Town Charter, or these by-laws. No other person shall pay any bill of any department.
- B. All fees, charges, demands, and commissions paid to the Town Treasure Collector shall be paid into the Town Treasury and shall belong to the Town. All payments made by the Town Treasurer Collector shall be made directly to the person or persons, firm, or corporation whose bills have been properly certified and approved and no payments 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 Treasurer Collector shall have powers and duties as may be authorized for treasurers and collectors of taxes by the General Laws, the Charter or Town bylaws, including but not limited to the authority to use all legal means of collecting taxes and interest.

The Treasurer Collector shall have the custody, management and sale of all lands held by the Town under a Treasurer'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 the Treasurer Collector is authorized and empowered, with the approval of the Town Council 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 Treasurer Collector shall be the custodian of all bonds belonging to the Town, except that the bonds of the Town Treasurer Collector shall be in the custody of the Town Clerk.
- E. The Treasurer Collector 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 or she shall, with the approval of the Town Manager, invest and reinvest and manage the same, and expend therefrom moneys as may be appropriated by vote of Town Council 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 Town Manager.
- F. The Treasurer Collector shall have the power, with the approval of the Town Manager in the name and on behalf of the Town, to sell, transfer and deliver all securities and properties so held for such price or considerations and on such terms and conditions as the Town Treasurer Collector and the Town Manager 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.

**Section 14. VETERANS AGENT**

- A. The Veterans Agent shall be appointed by the Town Manager in accordance with Article IV of the Charter.
- B. The Veterans Agent shall serve as a Burial Agent for the purpose of furnishing such information, advice, and assistance to veterans and their dependents as may be necessary to enable them to procure the benefits to which they are or may be entitled. The Veterans Agent duties also include the filing of an affidavit regarding the deceased veteran's service dates, place of burial, and dispensation of such information to the proper authorities.

**ARTICLE IV**  
**ELECTED AND APPOINTED BOARDS**

**Section 1. GENERAL**

- 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. No 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 or her department does business.
- B. 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 date of appointment.
- 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. All Boards, Commissions and Committees subject to the charter of the Town of North Attleborough with the exceptions below shall hold their meetings on or after 6:00 PM on any day Monday through Friday on which public business can be conducted. Any Board, Commission or Committee may submit a request for an exception in writing to the Town Manager who shall then forward to the Town Council. The Town Council will hold a public hearing on the request. An exception for no more than one (1) year may be granted by majority vote of the Town Council.
- Council on Aging
  - Municipal Commission on Disabilities.
- E. Special Meetings, Emergency Meetings and Work Sessions, all as defined below, and subcommittee meetings may be scheduled at such other times as deemed necessary.

The following definitions shall apply:

- i. Special meetings: A meeting posted for a singular specific purpose, which may include meetings with outside consultant.



- ii. 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.
  - iii. 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 30A, Sections 18-25 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 the majority of the members, not including any vacancies, which may then exist.

**Section 2. ADVISORY BOARD TO DEPARTMENT OF VETERANS SERVICES**

- A. The Advisory Board to the Department of Veterans Services shall be composed of not less than five (5) not more than fifteen (15) members appointed annually by the Town Manager. Appointments are subject to confirmation by the Town Council, which may, within 21 days of notice of such appointment, vote to reject the same or sooner confirm; failure to take any action within said period shall constitute confirmation for purposes of Article IV of the Charter. The Town Manager shall consult with residents, department heads, and/or others concerning the recruitment, evaluation, and selection of individuals for appointment and shall strive to make appointments that are inclusive of the diversity of the population of the Town.
- B. The Advisory Board to Veterans Services shall render such assistance to the Director of Veterans' Services as the director may request.
- C. Said Board shall be established pursuant to and governed by General Laws, Chapter 115, Section 12.
- D. Said Board shall serve without pay.

**Section 3. BOARD OF HEALTH**

- A. The Board of Health may make reasonable health regulations, provided that any regulations promulgated hereunder shall be posted on the Town's website for at

least two weeks prior to the effective date thereof. Copies of all such publications will be available at the Board of Health office.

- B. The Board of Health may appoint the following:
1. Physician to the Board
  2. Health Officer
  3. Health Nurse
  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.
- C. The Board of Health may make reasonable health regulations, provided that any regulations promulgated hereunder shall be posted on the Town's website for at least two weeks prior to the effective date thereof. Copies of all such publications will be available at the Board of Health office.

**Section 4. BOARD OF PUBLIC WORKS**

- A. In accordance with section 3-3 of the Charter, there shall be established in the Town of North Attleborough a Board of Public Works.
- B. The Board of Public Works shall have all the powers and duties now and from time to time vested by the Charter, general or special law or Town bylaw. 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.

**Section 5. CONSERVATION COMMISSION**

- A. The Conservation Commission shall be composed of seven (7) members appointed by the Town Manager two to be appointed each year, and three (3) to be appointed every third year, for terms of three (3) years. Appointments are subject Article IV of the Charter.

- B. The Conservation 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.
- D. The Conservation Commission shall have all duties and responsibilities contained in Chapter 40, Section 8c of the Massachusetts General Laws.

**Section 6. 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. Composition: The Council shall consist of seven (7) members, appointed by the Town Manager and serving overlapping terms of three (3) years. Appointments are subject to Article IV of the Charter. Whenever a vacancy shall occur in the membership of the Council by whatever reason, the vacancy shall be filled by an appointment of the Town Manager for the remainder of the term.
- C. Duties: The Council shall prepare and submit an annual report of its activities to the Town Manager and shall send a copy thereof to the State Commission on Aging.
- D. The names, addresses, telephone numbers, or other identifying information about elderly person in the possession of the council shall not be public records.
- E. Council members shall serve without pay.

**Section 7. HISTORICAL COMMISSION**

- A. The Historical Commission shall possess all duties and responsibilities outlined in Section 8D of Chapter 40 of the General Laws, as well as such other duties as may be provided by the Charter and these by-laws.

- B. The Historical Commission shall consist of seven (7) members appointed by the Town Manager to serve overlapping terms of three (3) years and two (2) alternate members also nominated by the Town Manager to serve one (1) year terms. Appointments are subject to Article IV of the Charter.
- C. The Commission shall prepare and submit an annual report of its activities to be included in the annual town report.
- D. No contracts or business may be entered into which require expenditures of Town Funds absent an appropriation for same.

**Section 8. MUNICIPAL BUILDING COMMITTEE**

- A. The Municipal Building Committee shall consist of seven (7) members, one to be the Town Manager, to serve overlapping terms of three (3) years, with two terms expiring on June 1<sup>st</sup>. of each year. Appointments are subject Article IV of the Charter.
- B. Whenever a vacancy shall occur, for whatever reason, the vacancy shall be filled by appointment of the Town Manager for the remainder of the term.
- C. The Committee may appoint one of its members to serve as clerk.
- D. The Committee shall prepare and file quarterly reports with the Town Manager and an annual report to be included in the annual town report.
- E. 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.
- F. The Committee shall prepare and file quarterly reports with the Town Council and an annual report to be included in the Annual town report.

**Section 9. MUNICIPAL COMMISSION ON DISABILITY**

- A. The Municipal Commission on Disability shall be governed in accordance with
- B. the provisions of Chapter 40, Sections 8J and 22G of the Massachusetts General Laws.

- C. The Commission shall consist of no less than five (5) nor more than nine (9) members, appointed by the Town Manager and serving overlapping terms of three (3) years. Most of the Commission members shall consist of persons with disabilities; (1) one member shall be a member of the immediate family of a person with a disability; and (1) one member shall be either an elected or appointed official of the Town of North Attleborough Appointments are subject to Article IV of the Charter.
- D. 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.
- E. Whenever a vacancy shall occur in the membership of the Commission for whatever reason, the vacancy shall be filled by appointment of the Town Manager 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.

#### **Section 10. SCHOOL COMMITTEE**

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

**Section 11. SOUTHEASTERN REGIONAL PLANNING AND ECONOMIC DEVELOPMENT DISTRICT COMMISSION.**

- A. The Commission will consist of two (2) members to be appointed by the Town Manager. Appointments are subject to Article IV of the Charter.
- B. Duties:
  - i. To conduct studies of the resources, problems, and needs of the district.
  - ii. To conduct research and surveys, compilation of pertinent data, and to assist cities and towns in their planning.
  - iii. To sponsor conferences, seminars, and training programs.
  - iv. To receive and disburse funds.
  - v. To cooperate with state and federal agencies.
  - vi. To provide technical advice, assistance, and guidance to cities and towns.
  - vii. To compile and maintain information and statistics.
- C. The Commission shall be established pursuant to and governed by General Laws, Chapter 40B, Section 9.

**Section 12. TOWN FOREST COMMITTEE**

- A. The Town Forest Committee will consist of three (3) members appointed by the Town Manager for overlapping terms of three (3) years. Appointments are subject to Article IV of the Charter.
- B. The duties of the Town Forest Committee are to make recommendations to the Fire Chief with respect to Town Forest maintenance, supervise planting cutting, maintain growth and culture of forest trees, recreational activity, and the preservation of water supplies where applicable.
- C. The Committee shall be established pursuant to and governed by General Laws, Chapter 45, Section 19-22, except as superseded by the Town Charter.

**ARTICLE V**  
**TOWN FINANCIAL PROCEDURES**

**Section 1. ANNUAL OPERATING BUDGET PROCESS**

- A. The Town Manager shall prepare a budget message and a five-year capital improvement program to the Town Council by the first Town Council meeting in April of any given Fiscal Year.
- B. The Town Manager 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 Manager.
- C. All department heads shall submit their budgets to their respective boards, commissions, or committees for approval prior to submission to the Town Manager.
- D. The Town Manager shall review and consolidate all budget proposals into a comprehensive proposed final budget.
- E. The Town Manager shall prepare a statement containing a general summary of the proposed budget contents showing in detail all sources of revenue received by the Town in the preceding fiscal years and estimates of the same for the current fiscal years and shall show in detail all other estimated income and all proposed expenditures, including debt service. The Town Manager 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, in addition to any other requirements as set forth in the general laws or the Town Charter.
- F. The Town Manager shall present the proposed comprehensive budget revenue statements with a budget message and Capital Improvement Program to the Town Council and after the notice and public hearing process as prescribed by the Town Charter, the Town Council shall vote to adopt the budget with any amendments thereto, no later than fifteen (15) days prior to the start of the Fiscal Year.

**Section 2. CAPITAL IMPROVEMENTS**

- A. The Town Manager shall direct all departments to submit their capital budget requests in a form and on a schedule. Any spending request that meets one or more of the criteria established by Section 6-7 of the Charter shall be considered a capital improvement for capital budgeting purposes.

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

- B. The Town Manager shall prepare annually 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 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 Town Council shall review the proposed Capital Improvements Program as submitted by the Town Manager and shall make such changes as it deems necessary, adopting the Program together with the budget in the manner prescribed by the Charter.

**Section 3. DEPARTMENTAL REVOLVING FUNDS**

This by-law establishes and authorizes revolving funds for use by town, departments, boards, committees, agencies, and officers in connection with the operation of programs or activities that generate fees, charges, or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E<sup>1/2</sup>.

Expenditure Limitations. A department or agency head, board, committee, or officer may incur liabilities against and spend monies from a revolving fund



established and authorized by this by-law without appropriation subject to the following limitations:

- i) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- ii) No liability shall be incurred in excess of the available balance of the fund; and
- iii) The total amount spent during a fiscal year shall not exceed the amount authorized by The Town Council for that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Town Manager.

Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E<sup>1/2</sup> and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies, or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency, or officer on appropriations made for its use.

### **Section 3A. AUTHORIZED REVOLVING FUNDS**

The Table establishes:

- i) Each revolving fund authorized for use by a town department, board, committee, agency, or officer.
- ii) The department or agency head, board, committee, or officer authorized to spend from each fund.
- iii) The fees, charges and other monies charged and received by the department, board, committee, agency, or officer in connection

with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant.

iv) The expenses of the program or activity for which each fund may be used; and

v) The fiscal years each fund shall operate under this by-law.

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Fiscal Years
E-Rate Fund	School Committee	E-Rate funds	To be used to help schools improve and expand telecommunications and technology, including training for staff and students.	Fiscal year 2018 and subsequent years
Fire Alarm Fund	Fire Department	Fire alarm fees	To be used to purchase, support, and maintain all communication supplies and services related to the fire alarm service/operation.	Fiscal year 2018 and subsequent years
WWII Memorial Pool Fees Fund	Park Commission	Swimming pool program fees	To be used to support the operating expenses and programs of the WWII Memorial Pool.	Fiscal year 2018 and subsequent years
Gas Inspections Fund	Inspections	75% of gas inspection fees	To be used to pay the inspectors performing these Gas Inspections.	Fiscal year 2018 and subsequent years

Plumbing Inspections Fund	Inspections	75% of plumbing inspection fees	To be used to pay the inspectors performing these Plumbing Inspections.	Fiscal year 2018 and subsequent years
Electrical Inspections Fund	Inspections	75% of electrical inspection fees	To be used to pay the inspectors performing these Electrical Inspections.	Fiscal year 2018 and subsequent years
Clinic Receipts Fund	Health Director and Public Health Nurse	Clinic related receipts from the provisions of public health services to citizens	To be used for payment of costs related to the performance of the clinic.	Fiscal year 2018 and subsequent years
Tax Title Collection Fund	Treasurer	Tax title collection fees, charges, and costs	To be used to pay tax title collection legal expenses	Fiscal year 2019 and subsequent years
Retail Tobacco Inspection and Compliance Fund	Health Director and Public Nurse	50% of annual tobacco permit fees, up to \$4,500	To be used to contract for retail tobacco inspections and compliance checks and expenses associated.	Fiscal year 2020 and subsequent years

**Section 4.      CONTRACTS and PROCUREMENT**

- A.           The procedures established under various Massachusetts General Laws shall apply to all Town Contracts for the procurement of supplies, services, or real property and for the disposing of supplies or real property, except where additional requirements are stipulated in these By-Laws.
  
- B.           In all cases where the amount of the procurement is ten-thousand dollars (\$10,000) or greater, the same shall be in writing and signed by at least most of the Board or Committee, or their delegated authority or designee, making such procurement. Copies of the related purchase order or contract shall be filed with the Town Accountant, the involved department or committee and the contractor.
  
- C.           The Town Accountant, or his/her designee, shall verify the availability of funds for all procurement contracts under which the Town shall be a party.
  
- D.           The Town Manager, as the chief procurement officer, may delegate powers and duties in accordance with M. G.L. c. 30B, Section 19.
  
- E.           All contractual agreements, surety bonds and deeds and easements to which the Town is a party shall be submitted to the Town Attorney for approval as to form and manner of execution.

**ARTICLE VI**  
**GENERAL PROVISIONS**

**Section 1. 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.
- D. Any Board or officer in charge of a Department of the Town may, with the prior approval of the Town Manager and Town Council 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 based on competitive bids.
- E. Whenever a Town board or officer having charge of real estate, except for 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 Town Manager. The Town Manager shall then have custody of such property and shall dispose of same by two-thirds vote of a regular or special meeting of the Town Council in accordance with M.G.L. Ch. 40, Sections 3 and 15A.

**Section 2. 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 3. ANNUAL TOWN REPORT**

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.

- A. A complete list of the Town officers and terms of service and salaries, showing the organization of the different Boards.
- B. A report of all claims that are outstanding and all suits in which the Town is a party.
- C. 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.
- D. 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.
- E. A classified statement of all expenditures and receipts of the Town in detail, to give a fair and full exhibit of the objects and methods of all expenditures.

**ARTICLE VII**  
**INSPECTIONS – PERMITS AND APPEALS**

**Section 1. BUILDING PERMITS**

- A. No buildings or other structures shall be constructed, added to, altered, moved, or torn 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 act 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.

**Section 2. 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. Suspension or revocation of a building permit may be appealed in accordance with the 1974 Zoning By-Laws as amended.
  
- 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.



**ARTICLE VIII.  
ANIMAL CONTROL**

**Animal Control Regulations**

This Article is adopted by the Town for the control and restriction of dogs and pets within the Town.

**Section 1.** Definitions: Are referenced in M.G.L. Ch. 140, §136A included in part but not limited to all that section foregoing.

**Section 2. DOG LICENSING**

- A. 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 conducted through 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 Town Clerk, 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).

The license fee shall be:

Male dog	\$20.00
Female dog	\$20.00
Spayed female or neutered male	\$10.00

- C. 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. No license fee or part thereof is refundable.

There shall be no license fee charged for

- (i) A service dog specifically trained provided a certificate is provided by a medical or governmental authority.
  - (ii) Dog owners over the age of seventy (70).
  - (iii) Disabled veterans and/or their surviving spouse (as defined by VA benefits).
- D. The Town Clerk shall not grant a license for any dog unless the owner or keeper thereof provides a veterinarian's certificate of vaccination in accordance with M.G.L. Ch. 140, 145B or a certificate of exemption pursuant to M.G.L. Ch. 140, 145B; 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 Town Council. This section shall not apply to a person to whom a valid kennel license has been issued.
- E. Kennel licenses: See Ch. 140, §137A, and Inspections M.G.L. Ch. 140, §137C. This section shall include commercial boarding or training kennels issued by the Town Clerk and the annual fee of twenty-five dollars (\$25.00) for five (5) dogs or less or fifty dollars (\$50.00) for more than (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 Town Council.
- F. The Animal Control Officer may at any time inspect any facility commercial boarding & training kennels, charitable kennels, kennels and if, in his/her judgment, it is not being maintained in a sanitary and humane manner, shall file a request to revoke or suspend said license with the Town Manager who shall act in accordance with M.G.L. Ch. 140, §137C.
- G. This section shall not apply to any pet shop licensed under Section 39A of Chapter 129 of the General Laws.
- H. Any license or kennel license of any kind herein defined held by any person found guilty of or having admitted sufficient facts 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 five (5) years after the date of the surrender of the license or kennel license.

- I. The fee for all licenses hereunder shall be set by Town Council.

**Section 3. ANIMAL CONTROL OFFICER**

- A. Animal Control Officer shall be appointed by the Town Manager subject to Article IV of the Charter.
- B. The Town Manager shall annually within ten (10) days after June 1 in each licensing year issue a warrant to the Animal Control Officer directing him/her 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 seven (7) days, provided that the Animal Control Officer may make available for adoption any dog not found to be diseased for such sum as is approved by the Town Manager Any dog so adopted shall be licensed before delivery to the purchaser. The Animal Control Officer shall keep and maintain records required by the Town Council for each confined dog. M.G.L. Ch. 140, §151A.
- C. Each owner or keeper of a dog, cat, or ferret that is six months of age or older shall cause such dog, cat, or ferret to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to manufacturer's directions and shall cause such dog, cat, or ferret to be revaccinated at intervals as recommended by the manufacturer. In accordance with M.G.L. Ch. 140, §145B-F, whoever violates this section shall be punished by a fine of not more than \$100.

**Section 4. MISCREANT DOG or PET**

In accordance with M.G.L. Ch. 140, §157 in part:

The Hearing Authority shall investigate or cause the investigation of any complaint to determine whether a dog is a nuisance or a dangerous dog in accordance with Section 157 of M.G.L. Ch. 140.

**Section 5. RESTRAINTS**

- A. 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 and a further restricted pursuant to M.G.L. Ch. 140, §174E.

- B. Any working dogs, such as police dogs, farm dogs, guide dogs, or hunting 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.
- C. Any owner or keeper of a dog who shall fail to comply with any order of the Animal Control Officer or fail to comply with this by-law shall be punished by a fine of fifty dollars (\$50.00) for a first offense in the calendar year, sixty dollars (\$60.00) for second offense in the calendar year, eighty dollars (\$80.00) for a third offense in the calendar year and one hundred dollars (\$100.00) for a fourth or subsequent offense in the calendar year. This Article follows the General Laws, Chapter 140, 174E
- D. The Animal Control Officer shall apprehend and confine all dogs observed by him/her 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 Animal Control 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 c of this by-law. The Animal Control Officer shall not make any complaint to the District Court after having collected such payment unless directed by the Town Manager.

**Section 6. REMOVAL OF WASTE**

- A. 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 IX.**  
**STREETS AND WAYS**

**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 public 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 public sidewalk in the Town.

## **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. 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 Licensing Board.

#### **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.

#### **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 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 the 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 Town Manager, 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 the Town for costs incurred during the temporary removal of signs, lights, traffic signals, trees, or other services required to move a building or for any other purpose. A person desiring the removal of such obstructions as are under the control of the 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 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 Town.

#### **Section 11.**

The Board of Public Works may grade and patch but shall not install drainage on private ways, provided that the Director of Public Works determines, and the Town Manager concurs, such repairs are required by public necessity and, provided more than one-half of the abutters along said private way, based on lots of frontage, request such repairs and such private ways have been opened 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 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. The Board of Health is authorized to prepare and approve written policies related to the implementation of this section, provided the Board of Health conducts at least two (2) public hearings prior to the implementation of said policies.

**ARTICLE X.  
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 Town Manager Special Police Officers may be appointed by the Town Manager Appointments are subject to Article IV of the Charter. The Chief shall be responsible to the Town Manager and shall submit an annual report and such other lawful reports as may be required or requested to the Town Manager. The Chief will operate his Department under the provisions of G.L. 41, Section 97A.
  
- 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 Town Manager 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 Town Manager.

**Section 3. TRAFFIC REGULATIONS**

- A. The Town Manager may make such rules, orders, and regulations upon recommendation of the Traffic Study Committee, which may deem necessary and expedient for the regulation of the vehicles used and operated on the streets and ways in said Town of North Attleboro. The Town Manager will send a report to the Town Council regarding any changes within seven (7) days of a decision related to traffic regulations.

- 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.

**Section 5. FIRE DEPARTMENT**

- A. The Fire Chief, all permanent full-time members and permanent intermittent firefighters of the Fire Department shall be appointed by the Town Manager in accordance with Article IV of the Charter. The Chief shall be responsible to the Town Manager and shall submit an annual report and such other lawful reports as may be required or requested to the Town Manager.
- B. The Fire Chief 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.
- C. The Fire Chief shall have charge 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.
- D. All permanent full-time firefighters shall be employed by the Town of North Attleborough in accordance with the provisions of the Massachusetts Civil Service Laws and Rules and shall receive such compensation as the Town Manager may determine subject to applicable law(s) and Collective Bargaining agreement(s).

**Section 6. CARRIERS FOR HIRE**

- A. In accordance with General Laws Chapter 40, Section 22, no person or entity shall engage in the business of transporting persons for hire in a vehicle within the Town without being licensed by the Licensing Board, exclusive of vehicles regulated under 540 C.M.R. 2.00. All operators of said vehicles must be suitable individuals of good character and comply with all rules & regulations promulgated by the Licensing Board. The Licensing Board may license motor vehicles properly insured for the conveyance of persons for hire from within the Town and they may revoke such licenses at their discretion and a record of all licenses so granted or revoked shall be kept by the Licensing Board.
- B. No persons shall set up, use, or drive in the town, any unlicensed hackney carriage or other motor vehicle for the conveyance of passengers for hire from in the Town under a penalty established from time to time by the Licensing Board but which shall never be less than One Hundred Dollars (\$100.00). Every vehicle unlicensed shall constitute a separate offense.
- C. The Licensing Board may adopt and may from time to time amend rules and orders for the regulation of vehicles used within the Town and may provide for and set penalties for the violation of such rules and orders and may set and receive an annual fee for each license granted. Such rules and orders may include but are not limited to the establishment of the licensing period, license fee or fees, establishment of fares for both metered and unmetered vehicles, inspections and CORI, SORI checks.

**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 corn, wheat or other grain, bread, salt or any other food or nutritive substance(s) in any manner or form in any area to constitute for such waterfowl an attraction or enticement to enter on such area.

## **Section 8. ABANDONED/VACANT BUILDINGS**

### **A. Definitions:**

1. **Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground except a boundary wall or fence.
2. **Owner:** Any person, entity, service company, property manager or real estate broker, who alone or with others:
  - i.) Has legal or equitable title to any structure, dwelling unit, or parcel - vacant or otherwise; or
  - ii.) Has care, charge, or control of any structure, dwelling unit, parcel of land and, vacant or otherwise; in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
  - iii.) Is a mortgagee in possession of any such property; or
  - iv.) Is an agent, trustee or other person appointed by the courts and vested with possession or control; or
  - v.) Is an officer or trustee of the associated unit owners of a condominium.  
  
Each such person is bound to comply with the provisions of these minimum standards as if they were the owner; or
  - vi.) Is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated a foreclosure process.
3. **Days:** Consecutive calendar days.
4. **Foreclosed:** A property, placed as security for a real estate loan, as to which all rights of the mortgagor or his grantee in the property have been terminated as a result of a default of the loan.
5. **Mortgagee:** The creditor, including but not limited to service companies and lenders under a mortgage agreement, or any successor in interest of the mortgagee's rights, interest, or obligations under the mortgage agreement.

6. Property: Any real property or portion thereof, located in the Town of North Attleborough which contains a building, structure, or other improvements.
7. Vacant Property: A vacant building which is not being actively used or occupied and which has not been actively used or occupied within the preceding 120 days. This definition shall not apply to property that is undergoing renovations or repairs due to fire or another casualty. For purposes of this article, "vacant" also includes abandoned, foreclosed and property (ies) for sale or lease. Excluded from this definition is residential property that is vacant due to the owner(s) temporary absence.
8. Commissioner: Inspector of Buildings appointed by the Town of North Attleborough or his designee.

B. Registration:

All owners of vacant and/or foreclosed properties shall register (at no charge) such properties with the Building Commissioner on a form provided by the Building Department. An owner shall file said registration with the Commissioner within 30 days following the occurrence of a vacancy or foreclosure, whichever first occurs. If the owner is an out-of-state corporation, person or other entity, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this article.

## ARTICLE XA 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 waste materials except in such places as are designated for that purpose by the Board of Health, the Town Manger and 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 Town Manager 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 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 Town Manager 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 (except for 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.

### **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 things without permission first being obtained by the Licensing Board.

### **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 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" be 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 related to the detection of an unauthorized intrusion into a premise or an attempted robbery at a premise are specifically excluded from the provisions of this by-law. The provisions of Section 3 of this by-law shall apply to all users.
  - 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 bylaw, 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 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.

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 three hundred dollars (\$300.00) as related to the fine for unauthorized parking in a designated spot for person with disabilities.

## **ARTICLE XB. FIRE REGULATIONS**

Refer to the General Laws, Chapter 89, Sections 7 and 7 A and to the General Laws, Chapter 148, Section 8 and 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 1),

4. North Washington Street (from the Intersection of Route One, south to South Washington Street), and
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.
- 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.
- B. If 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 XC.  
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 previous Board of Selectmen or 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 Licensing Board. 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 Licensing Board.

**Section 2.**

The fact of installation, maintenance and/or usage of such gasoline storage tanks under a license duly granted by the previous Board of Selectmen or Licensing Board 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 previous Board of Selectmen or Licensing Board 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 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 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 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:

- B. The fact of leakage and the main line or conduit affected;
- C. The defined area within which the source of leakage is located if ascertainable;
- D. 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;
- E. A reasonable time limit within which to affect such tests, not to exceed seventy-two hours;
- F. Notification of the intention of the Town to make such reasonable and necessary test as are requested upon the failure of the owner to act; and

- G. 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 previous Board of Selectmen or Licensing Board, 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 Licensing Board 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 XI. 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 Licensing Board may promulgate regulations, not inconsistent with Chapter 101 of the General Laws, to regulate the sale or barter by hawkers and peddlers of said articles.

**Section 4.**

Every person licensed as a hawker or peddler shall produce his license for inspection whenever demanded by a Town Manager, Sealer of Weights and Measures, Treasurer-Collector, Town Clerk, Constable, Police Officer or Justice of the Peace; and if they fail 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. The Licensing Board also shall have the authority to enforce any provisions of this By-Law, in accordance with the Charter.

## **Section 6.**

The Licensing Board 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 Licensing Board, 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 Town Manager, Licensing Board, Constable, or Police Officer; and if he fails to do so he shall be subject to the same penalty as herein above provided.

## **ARTICLE XII. 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 there for a license issued by the previous Board of Selectmen or the Licensing Board.

### **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 always 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 Licensing Board. 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 Council. 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 Licensing Board.
- B. 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.
- C. All signs used to advertise a sale shall be removed within twenty-four (24) hours after completion of the sale.
- D. All sales shall be conducted during the hours specified by the licensing authority.
- E. This Section shall be enforced by the North Attleborough Police Department and or the Licensing Board. It shall be the duty of said department to investigate any violation of this section coming to their attention.

#### **Section 5.**

The Licensing Board shall issue licenses to pawnbrokers in accordance with the provisions of and subject to the limitations in General Laws Chapter 140, Sections 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 of this by-law for good cause shown provided the license applicant is not a pawnbroker.

### **ARTICLE XIII. 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 Licensing Board 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 affect 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 XIV. REFUSE COLLECTIONS**

##### **Section 1.**

Under such rules, regulations and restrictions permitted by the laws of the Commonwealth of Massachusetts, the Board of Health 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 a license issued by the Board of Health under such rules and regulations as said board may deem expedient and proper.

##### **Section 3.**

This section is effective 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 XV. 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 Council 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 Public Works 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 Council vote. The abutting property owners shall be assessed a sum not to exceed on half of the cost thereof.

## **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 XVI.**

#### **GRANTING OR RENEWING CERTAIN LICENSES AND PERMITS**

#### **Section 1.**

- A. No later than September 1st of each year, the Treasurer 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. 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 Treasurer 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 Treasurer 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 Treasurer 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 Town Manager may waive the decision of the licensing authority to deny, suspend, or revoke a license or permit if the Town Manager determines 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 General Laws, chapter 268, Section 1, in the business or activity conducted in or on said property.
- 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.

## **Section 2.**

The Licensing Board shall have the authority is issue the following Licenses.

Antique Dealers License

Arcade Games – weekly and Sunday

Auctioneer’s License



Billiards License – weekly and Sunday

Bowling License – weekday

Class I and N Licenses

Common Victualler's License

Coin-operated Machines License (all kinds), weekday-Sunday Dances, flea Market License

Fortune Teller's License and Card and Palm reading License, Hackney, Carriage Driver's License.

Junk Dealer's License

Liquor: Change of name club/All alcohol club-Beer & Win one-day permits.

Restaurant/All Alcohol Restaurant/Beer/Wines.

Retail package store/All alcohol Retail package. Store/Beer & Win Transfer of Managers.

Live Entertainment & Music License, Lodging House License.

Pool Table License (weekday/Sunday) Restaurant Dancing License

Rubbish Collector License

Sports Arena License

Taxicab License

Theater Licenses (weekday/Sunday) use of Highways: Parades

Licensing of Marijuana Establishments

### **Section 3.**

- A. The Board of Health will be the licensing authority for the following items:

Licenses:

Bakery

Body Art Establishment

Body Art Practitioner

Camp / Campground

Catering  
Disposal Works Installer  
Food Service  
Frozen Desserts  
Hairdressing Establishment  
Health Establishment (spa, health club)  
Ice Cream  
Manicurist  
Milk Vehicle  
Mobile Food - vehicles & carts  
Mobile Home Parks  
Motels & Cabins  
Nail Salon  
Perform Engineering  
Perform Soil Evaluation  
Public Beaches  
Residential Kitchen  
Retail Food (packaged food)  
Septic Haulers  
Stable  
Swimming pool  
Tanning Salon  
Temporary Food  
Temporary Trailer  
Title V System Inspector  
Tobacco location and sales  
Trash Haulers

Permits:

Burial Permits

Septic Permit

Residential

Commercial

Repair

Well Permit

Food Establishment Plan Review

New plan review

Renovation plan review

Percolation Tests

New residential

Multiple units (4+)

Commercial

Retesting on new lot

Perc repair

Subdivision plan review

Vendor Rent

A. The Building Inspector will be the licensing authority of the following items:

Permits for Alterations, Additions, and Repair of Existing Buildings

Permits for Carnivals/Fairs

Permits for Chimneys

Permits for Construction Trailers Parades-Construction of Floats and Equipment  
Permits

to Demolish Buildings

Permits for Fences and Walls

Permits for Fire Escapes

Permits for Fireplaces (factory-built)  
Permits for Freight Elevators Inspection of Buildings  
Permits for Garages  
Permits for Insulation  
Permits for Moving of Buildings  
Permits for New Buildings  
Permits for Occupancy  
Permits for Pushcarts and Kiosks (Mall)  
Permits for Roofs and Sidewalls  
Permits for Sheds and Greenhouses, Decks  
Permits for Signs/Awnings  
Permits for Solar Panel  
Permits for Special Events Tents  
Permits for Swimming Pools, above ground and in ground  
Permits for Towers  
Permits for Wood Burning Stoves

B. The Conservation Commission will be the licensing authority for the following items:

Structures (e.g., docks) on, in or adjacent to Falls and Whittings Pond

C. The Board of Public Works will be the licensing authority for the following items:

Utility License-Sewer

Utility License – Water

Drain Layers License

Drain Layers Permit

Permits to Install New Mains

Pretreatment Permits

Repair Permit for Existing Lines

Sewer Permits - connect to main line

Obstructing Sidewalk-Parade(s)

Permits

Removal of Curbing

Road excavation permits.

D. The Fire Chief or their designee will be the licensing authority for the following items:

Above Ground Storage Tanks

Blasting/Explosives

Cargo Tank Inspection

Cellulose Nitrate Film

Combustible Fiber Storage

Cutting & Welding

Dumpster Temporary Storage

Fire Protection Equipment (shut off or dismantling)

Fire Works

Flame or Heat Producing Devices

Flammable Decorations

Hazardous Materials, Permit to Store & Use

Liquid L.P. Gas - Propane

Lumber Yards

Oil Burners Installation or Modification

Parades

Permit for Ammunition and Powder

Salamander Heat Producing Devices

Smoke Detector: Certificate of Compliance

Storage & Transportation of Flammable Liquids & Gases Supervised Cannon or

Motor Firing

Tank Truck Inspection

Tar Kettles

Tents - Large

Tire Storage

Trade Shows, Exhibits, Displays in Covered Mall Buildings Underground and

Above Ground Storage Tank Removal Underground Tanks (All Fluids)

E. The Inspector of Wiring will be the licensing authority for the following items:

Permits for Annual Factory Maintenance

Permits for Burglar Alarms

Permits for Changes or Additions to Existing Electrical Wiring Permits for Electric Signs

Permits for Fire Alarms

Permits for New Electrical Wiring

Permits for Oil Burner Wiring

Permits for Sidewall Grounding

Permits for Swimming Pools, above ground and in ground Permits for Temporary Service and Work Meters.

F. The Park Commission will have the authority over the following facilities.

Facility Use:

Columbia Field Community Field

Mason Field

Petti Field

Ruth Rhind Recreation Area Veterans' Park

World War I Park:

Lookout Point

Lower

Upper

G. The Police Chief or their designee will be the licensing authority for the following items:

Air Rifle Permits

Bicycle Registration

Building Moving Permits

Firearm Permits

Gunsmith Permits

Hawkers & Peddlers License

F.I.D. Cards

Licenses to Sell & Store Ammunition Machine Gun Permits

Motor Vehicle Towing Permits Overnight Parking

Parades

Parking Regulations

Pistol Permits

Raffles & Bazaars Records:

Accident reports/Police reports

Certified copies Road race permits

Road Regulations Road closings

Sunday and Holiday work permits

Taxi Licenses

Temporary Traffic regulations

Transient vendor permits

H. The Treasurer Collector will oversee the authority over the following items:

Municipal Lien Certificate

Certificate for Dissolving Betterments

Certificate for Dissolving a Municipal Charges Lien

Instrument of redemption

I. The Town Clerk will be the licensing authority over the following items:

Birth, Marriage, and Death Certificates

Business Certificates

Discontinued and Change of Address Certificates

Dog Licenses

Filing a copy of written instrument or declaration of trust by trustees of an association or trust or any amendment thereof as provided by Section 2, Chapter 182.

Fish and Game Licenses

Fuel Storage Permit Renewals

Kennel Licenses

Raffle Permits

Receiving and filing of a "closing out sale", etc.

Record certificate of registration granted to a person engaged in the practice of optometry.

Record granting of locations of poles, etc. under provisions of Chapter 166, section 22.

Record name and address, date, and number of the certificate issued to a person registered for the practice of podiatry in the Commonwealth.

Record name of the owner of a certificate of registrations of Physicians or Osteopaths in the Commonwealth.

Record power of attorney.



**ARTICLE XVII.**  
**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:

- (a) Any building or structure listed on the National Register or eligible for National Register listing.
- (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.

**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.

**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 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 XVIII.  
SUPPLEMENTARY REGULATIONS**

**Section 1. REMOVAL OF TOPSOIL**

- A. The removal of topsoil 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.
- B. 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.
- C. No approval shall be required where the surface area from which topsoil is removed is less than two hundred (200) square feet.
- D. Approval by the Planning Board shall be subject to the determination that the topsoil removal is not detrimental to the neighborhood.
- E. Approval shall be limited to two (2) years from date of acceptance.
- F. Removal operations as a nonconforming use shall not be extended beyond the property lines of the parcels upon which such operations are in progress at the time of the adoption of this amendment.
- G. 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.

H. 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.

I. Maximum excavation under a single granted permit shall be five (5) acres.

**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 1inch. = 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.

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.

14. Method of removal.
  15. Distance of excavation to street and lot-lines.
  16. Disposition of boulders and tree stumps.
  17. Cleaning, repair and/or resurfacing of streets used in the removal activities that 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 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.
- 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 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 sand, 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.
  - 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 XIX.**  
**UNAUTHORIZED ACCESS TO SCHOOL PROPERTY**

No unauthorized person shall remain upon the grounds of any public school or within a 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 XX.**  
**PLASTIC BAG BY-LAW**

- A. Plastic Bag Reduction: The purpose of this bylaw is to reduce the use of single-use, thin-film plastic, check-out bags by all retail establishments in the Town of North Attleboro and to promote the use of reusable bags.
1. Definitions:
- a. "Thin-film single-use plastic bags", shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low-density polyethylene (LDPE), linear low-density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is 4.0 mils or less in thickness and are intended for single-use transport of purchased products.
  - b. Biodegradable bag" means a bag that: 1) contains no polymers derived from fossil fuels; and 2) is intended for single use and will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.

- c. "Reusable bag" means a bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.
- d. "Retail Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

## 2. Use Regulations

- a. Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail establishment within the Town of North Attleboro.
- b. Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail establishments may provide reusable or recyclable thick plastic (more than 4 mills) paper, fabric or other types of bags as they so desire. Retail establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.
- c. Thin-film single use plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

## 3. Administration and Enforcement

- a. The Board of Health or its designated agent(s) shall have authority to administer and enforce this Bylaw.
- b. The Board of Health or its designated agent(s) shall be responsible for enforcing this Bylaw through the following:
  - 1. The issuance of a non-criminal citation notice.
  - 2. After the issuance of the first non-criminal citation notice, a fine of \$50 shall apply for this violation following the issuance of the non-criminal citation notice.

3. A \$100 fine should apply to the third violation and each additional violation of this Bylaw.
  4. Each day on which any such violation continues shall be considered a separate violation of this section and shall constitute a third offense.
- c. Non-Criminal Dispositions. Fines may be assessed through non-criminal process in accordance with Massachusetts General Laws Chapter 40, Section 21 D. The availability of non-criminal process under this article shall not preclude the use of criminal process or other means of enforcement allowable under law.

4. Effective Date

This bylaw shall take effect July 1, 2020. The Board of Health may exempt a Retail Establishment from the requirements of this section for a period of up to six (6) months upon a finding by the Board that (1) the requirements of this section would cause undue hardship; or (2) a Retail Establishment requires additional time in order to draw down an existing inventory of thin-film, single-use check-out plastic bags.

5. Regulations

The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this bylaw.

6. Severability

If any provision of this by-law is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

**ARTICLE XXI.**  
**STRETCH ENERGY BY-LAW**

**Section 1. DEFINITIONS**

**International Energy Conservation Code (IECC)** – The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many states and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency and is updated on a three-year cycle. The baseline energy conservation requirements of the Massachusetts State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts Building Code, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

**Section 2. PURPOSE**

The purpose of 780 CMR Appendix 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building codes for new buildings.

**Section 3. APPLICABILITY**

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR Appendix 115.AA, as indicated.

**Section 4. STRETCH CODE**

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments, or modifications, is hereby incorporated by reference into the Town of North Attleborough General Bylaws, Article IX, Section 3(g).

**Section 5. ENFORCEMENT**

The Stretch Code is enforceable by the Building Commissioner and effective as of January 1, 2020.

## ARTICLE XXII

### STORMWATER MANAGEMENT AND LAND DISTURBANCE BY-LAW

#### ARTICLE I: GENERAL PROVISIONS

##### Section 1. PURPOSE

- A. The purpose of this bylaw is to protect the health, safety, general welfare, and environment by regulating illicit connections and discharges to the storm drain system, or to a watercourse or into waters of the Commonwealth, directly or indirectly, as well as to control the adverse effects of construction site stormwater runoff and post-construction runoff. Stormwater runoff is potentially a major cause of:
1. Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, groundwater and drinking water supplies;
  2. Contamination of drinking water supplies;
  3. Contamination of downstream coastal areas;
  4. Alteration or destruction of aquatic and wildlife habitat;
  5. Overloading or clogging of municipal stormwater management systems; and
  6. Flooding.
- B. The objectives of this bylaw are to:
1. Protect water resources;
  2. Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
  3. Prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and reduce or eliminate pollutants entering the Town's MS4 from existing uses;
  4. Prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;

5. Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
6. Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
7. Ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

## **Section 2. DEFINITIONS**

**ADMINISTRATIVE LAND DISTURBANCE REVIEW:** Review by Town staff as authorized by the Stormwater Authority.

**AGRICULTURE:** The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

**ALTERATION OF DRAINAGE CHARACTERISTICS:** Any activity on an area of land that changes the water quality, force, direction, timing, or location of runoff flowing from the area. Such changes include change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

**APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a Land Disturbance Permit for proposed land-disturbance activity.

**AUTHORIZED AGENT:** The authorized agent under the Stormwater Authority shall be the Department Head or designated Town Employee.

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

**CLEARING:** Any activity that removes the vegetative surface cover.

**DEVELOPMENT:** The modification of land to accommodate a new use or expansion of use, usually involving construction.

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

**EROSION:** The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

**EROSION AND SEDIMENTATION CONTROL PLAN:** A document containing a narrative, drawings and details developed by a qualified professional engineer (P.E.) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff and erosion and sedimentation during pre-construction and construction related land disturbance activities.

**GRADING:** Changing the level or shape of the ground surface. **GROUNDWATER:** Water beneath the surface of the ground.

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

**ILLCIT DISCHARGE:** Direct or indirect discharge to the municipal storm drain system or into a watercourse or waters of the Commonwealth that is not composed entirely of stormwater, except as exempted in Article II, §D(2). The term does not include a discharge in compliance with an NPDES stormwater discharge permit or resulting from fire-fighting activities exempted pursuant to Article II §D(1) of this bylaw.

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

**IMPOUNDMENT:** A stormwater pond created by either constructing an embankment or excavating a pit which retains a temporary or permanent pool of water.

**INFILTRATION:** The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

**LAND-DISTURBING ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading, or results in an alteration of drainage characteristics.

**LAND USE OF HIGHER POTENTIAL POLLUTANT LOAD (LUHPPL):** Land uses or activities with higher potential pollutant loadings, as defined in the Massachusetts Stormwater Management Standards such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances or marinas.

**MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS:** The Stormwater Standards as further defined by the Massachusetts Stormwater Handbook, both issued by the Department of Environmental Protection, and as amended, that coordinate the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L.Ch.131, §40 and Massachusetts Clean Waters Act G.L.Ch.21, §23-56. The Standards address stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and quality of runoff from a site.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of North Attleborough.



**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)**

**STORMWATER DISCHARGE PERMIT:** A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

**NONSTORMWATER DISCHARGE:** Discharge to the municipal storm drain system not composed entirely of stormwater.

**OPERATION AND MAINTENANCE PLAN:** A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

**OUTFALL:** The point at which stormwater flows out from a point source into waters of the Commonwealth.

**OWNER:** A person with a legal or equitable interest in property.

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

**POINT SOURCE:** Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

**PRE-CONSTRUCTION:** All activity in preparation for construction.

**POLLUTANT:** Any element or property of sewage, agricultural, industrial, or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any storm sewer, water works or waters of the Commonwealth. Pollutants shall include but are not limited to:

- a. Paints, varnishes, and solvents;
- b. Oil and other automotive fluids;
- c. Nonhazardous liquid and solid wastes and yard wastes;

- d. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables;
- e. Pesticides, herbicides, and fertilizers;
- f. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- g. Dissolved and particulate metals;
- h. Animal wastes;
- i. Rock, sand, salt, soils;
- j. Construction wastes and residues; and
- k. Noxious or offensive matter of any kind.

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

**REDEVELOPMENT:** Development, rehabilitation, expansion, demolition, or phased projects that disturb the ground surface on previously developed sites. The creation of new areas of impervious surface or new areas of land disturbance on a site constitutes development, not redevelopment, even where such activities are part of a common plan which also includes redevelopment. Redevelopment includes maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and remedial projects specifically designed to provide improved stormwater management such as projects to separate storm drains and sanitary sewers and stormwater retrofit projects.

**RUNOFF:** Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**SEDIMENT:** Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

**SEDIMENTATION:** The process or act of deposition of sediment.

**SITE:** Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

**SLOPE:** The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

**SOIL:** Any earth, sand, rock, gravel, or similar material.

**STABILIZATION:** The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

**STORMWATER:** Runoff from precipitation or snow melt and surface water runoff and drainage.

**STORMWATER AUTHORITY:** Town of North Attleborough Board of Public Works (Article II-Discharges to the Municipal Separate Storm Sewer System) and the Town of North Attleborough Conservation Commission (Article III-Stormwater Management and Land Disturbance) or their authorized agent(s).

**STORMWATER MANAGEMENT PLAN (SWMP):** A plan required as part of the application for a Land Disturbance Permit.

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

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

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

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

**WETLANDS:** As specifically defined in the Massachusetts Wetlands Protection Act but generally include tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-

based) and aquatic (water) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps & bogs.

**Section 3. AUTHORITY**

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the home rule statutes, and the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

**Section 4. RESPONSIBILITY FOR ADMINISTRATION**

The North Attleborough Board of Public Works, as Stormwater Authority for Discharges to the MS4, shall administer, implement, and enforce Article II of this bylaw. The Town of North Attleborough Conservation Commission, as the Stormwater Authority for Stormwater Management and Land Disturbance, shall administer, implement, and enforce Article III of this bylaw. Any powers granted to or duties imposed upon the Stormwater Authorities may be delegated in writing by the Stormwater Authorities to their authorized agent(s).

**Section 5. WAIVERS**

- A. Following a public hearing before the designated Stormwater Authority in accordance with the Stormwater Regulations on a waiver request, the Stormwater Authority may waive strict compliance with any requirement of this bylaw, or the rules and regulations promulgated hereunder, where:
1. such action is allowed by federal, state, and local statutes and/or regulations; and
  2. is in the public interest; and
  3. is not inconsistent with the purpose and intent of this bylaw.
- B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objective of this bylaw.
- C. If in the Stormwater Authority's opinion, additional time or information is required for review of a waiver request, the Stormwater Authority may continue the hearing to a certain date announced at the hearing. In the event the

applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

**Section 6. COMPLIANCE WITH EPA's GENERAL PERMIT FOR MS4s IN MASSACHUSETTS**

This Bylaw shall be implemented in accordance with the requirements of EPA's most recent General Permit for MS4s in Massachusetts relating to illicit connections and discharges, construction site runoff, and post-construction stormwater management. The Stormwater Authorities shall include these requirements in any regulations that it issues. The Stormwater Authorities may establish additional requirements by regulation to the further the purposes and objectives of this Bylaw so long as they are not less stringent than those in the MS4 General Permit for Massachusetts.

**Section 7. REGULATIONS**

The Stormwater Authorities may adopt, and periodically amend, regulations, rules and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures, and administration of this Stormwater Bylaw by majority vote after conducting a public hearing to receive comments. Such hearing shall be advertised in a newspaper of general local circulation, once in each of two successive weeks, the first publication being at least fourteen (14) days prior to the hearing date. Failure of the Stormwater Authorities to issue such rules, or regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.

Such regulations, rules or guidance may include without limitation, application requirements for the different levels of administrative review approvals as specified in Article III Section 1.

Administrative review applications that meet all the standard requirements may be issued by one or more authorized agents designated in writing by the Stormwater Authority, without the requirement for a public hearing as detailed in Article III of this bylaw. Administrative review approval shall comply with all other provisions of this bylaw.

**Section 8. SEVERABILITY**

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

**ARTICLE II: DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) AND TO WATERCOURSES OR WATERS OF THE COMMONWEALTH**

**Section 1. APPLICABILITY**

Article II of this bylaw shall apply to all discharges of water entering the municipally owned storm drainage system or going, directly or indirectly, into a watercourse, or into the waters of the Commonwealth, that is generated on any developed or undeveloped lands except as explicitly exempted in this bylaw or where the Stormwater Authority (Board of Public Works) has issued a waiver in accordance with Article I Section 5.

**Section 2. PROHIBITED ACTIVITIES, EXEMPTIONS.**

- A. Illicit discharges. No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), onto an impervious surface directly connected to the MS4, or, directly or indirectly, into a watercourse or into the waters of the Commonwealth.
- B. Illicit connections. No person shall construct, use, allow, maintain, or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstructions of the municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written consent from the Board of Public Works.
- D. Exemptions.
  - 1. Discharge or flow resulting from fire-fighting activities.
  - 2. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system or, directly or indirectly, into a watercourse or into the waters of the Commonwealth:

1. Waterline flushing;
2. Flow from potable water sources, with the exception of landscape irrigation and lawn watering;
3. Springs;
4. Natural flow from riparian habitats and wetlands;
5. Diverted stream flow;
6. Rising groundwater;
7. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g., sump pump) discharging in accordance with the requirements of the permit and applicable laws and regulations to be issued by the Board of Public Works. Sump pumps that are installed and discharge clean, uncontaminated ground water into the MS4 at the

time of adoption of this bylaw shall be considered permitted. Any new sump pump installed after the effective date of this bylaw shall require a permit from the Board of Public Works prior to discharge to the MS4 and thereafter shall discharge in accordance with the requirements of the permit and applicable laws and regulations to be adopted by the Stormwater Authority.

8. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air-conditioning condensation;
9. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
10. Discharge from street sweeping;
11. Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test;
12. Non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

13. Discharge for which advanced written approval has been received from the Board of Public Works as necessary to protect public health, safety, welfare or the environment.

**Section 3. ADDITIONAL PROHIBITED POLLUTANTS**

Pet Waste: Dog feces is a major component of stormwater pollution; it shall be the duty of each person who owns, possesses, or controls a dog to remove and properly dispose of any feces left by the dog on any public or private property neither owned nor occupied by said person. It is prohibited to dispose of dog feces in any public or private storm drain, catch basin, wetland, or water body or on any paved or impervious surface. For specific requirements see General Bylaw Article X Section 6 Animal Control Regulations. For penalties for violations, see Article XXI.

**Section 4. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS**

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

**Section 5. NOTIFICATION OF SPILLS**

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Municipal Fire and Police Departments. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next



business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## **Section 6. ENFORCEMENT**

The Board of Public Works or its authorized agent shall enforce Article II of this bylaw, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations. The Town may enforce this bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

- A. Orders of the Stormwater Authority.
  - 1. The Board of Public Works or its authorized agent may issue a written order to enforce the provisions of this bylaw or any regulations thereunder, which may include:
    - 1. Elimination of illicit connections or discharges to the MS4;
    - 2. Performance of monitoring, analyses, and reporting;
    - 3. That unlawful discharges, practices, or operations shall cease and desist;
    - 4. That measures shall be taken to minimize the discharge of pollutants until such time as the illicit connection shall be eliminated; and
    - 5. Remediation of contamination in connection therewith.
  - 2. Said orders shall specify a deadline by which the required action shall be completed and the Board of Public Works or its authorized agent may further advise that, should the violator or property owner fail to perform the required action or remediation within the specified deadline, the Town may, at its option, undertake such work, at the owner and/or violator's sole costs and expense, that it deems necessary to protect public health, safety and welfare. The property owner may file an appeal to the Board of Public Works of any order to enforce within 30 days of receipt of the notification unless superseded by a Department of Environmental Protection Enforcement Order.

3. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator or the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written appeal objecting to the amount or basis of costs with the Board of Public Works within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file an appeal or within 30 days following a decision of an appeal by the Board of Public Works affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. Ch.59, §57 after the 31st day at which the costs first become due.
- B. Civil relief. If a person violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, the Board of Public Works may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- C. Criminal Penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder may be penalized by indictment or on complaint brought in a court of competent jurisdiction. Except as may be otherwise provided by law and as the court may see fit to impose, the maximum penalty for each violation or offense shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- D. Non-Criminal Disposition. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder may be penalized by non-criminal disposition as set forth in M.G.L. Ch.40, §21D and in the revised Bylaws of the Town of North Attleborough Article XXI. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- E. Entry to perform duties under this bylaw. To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Board of

Public Works or, its authorized agent may enter upon privately owned property for the purpose of performing their enforcement duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Board of Public Works deems reasonably necessary.

- F. Appeals. The decisions and orders of the Board of Public Works in enforcement of Article II of this bylaw shall be final, subject to the appeal process as set out in Section 6.A.2 and 3. Further relief shall be to a court of competent jurisdiction pursuant to M.G.L. Ch.249, §4, M.G.L. Ch.30A,§14

**Section 7. TRANSITIONAL PROVISIONS**

Residential property owners with illicit discharges, illicit connections and/or obstructions to the MS4 shall have a period of 90 days from the effective date of this bylaw to remove such illicit discharges, connections and/or obstructions, unless immediate removal is required for the protection of public health, safety, welfare or the environment. The Board of Public Works may extend the time for compliance by regulation or by waiver in accordance with Section 6 of this bylaw.

**ARTICLE III: STORMWATER MANAGEMENT AND LAND DISTURBANCE**

**Section 1. APPLICABILITY**

Article III of this bylaw shall apply to all construction and land disturbance activities that result in disturbance of 20,000 square feet of land or more. No person shall perform any activity that results in disturbance of 20,000 square feet of land or more without written approval or a permit from the Stormwater Authority (Conservation Commission) or as otherwise provided in this bylaw. Any person that fails to follow the requirements of the Land Disturbance Permit and related Erosion and Sediment Control Plan and Operation and Maintenance Plan shall be in violation of the Town of North Attleborough Bylaws.

- A. There are two levels of reviews based on the amount of proposed land to be disturbed as part of a single project and they are as follows:
  - 1. Administrative Land Disturbance Review is required for projects disturbing between 20,000 square feet and less than 40,000 square feet of land. Administrative review shall be conducted by the authorized agent(s) of the Conservation Commission.

2. A Land Disturbance Permit is required for disturbance of 40,000 square feet of land or greater or for a proposed use that is listed as a land use of higher potential pollutant loads as defined in the Massachusetts Stormwater Management Standards.

B. Exemptions:

1. Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling conducted in such a way as not to cause a nuisance;
2. Construction of fencing that will not substantially alter existing terrain or drainage patterns;
3. Construction of utilities other than drainage (gas, water, sewer, electric, telephone, etc.) which will not alter terrain or drainage patterns or result in discharge of sediment to the MS4;
4. Normal maintenance and improvement of land in agricultural or aquacultural use;
5. Disturbance or redevelopment of land that is subject to jurisdiction under the Massachusetts Wetlands Protection Act that demonstrates compliance with the Massachusetts Stormwater Management Standards and the Stormwater Regulations promulgated by the Stormwater Authority as reflected in a valid Order of Conditions issued by the Conservation Commission;
6. Disturbance or redevelopment of land subject to Site Plan, Definitive Subdivision, or Special Permit approval from the Planning Board (and not the Conservation Commission) that demonstrates compliance with the Massachusetts Stormwater Management Standards and the Stormwater Bylaw and Regulations promulgated to implement this bylaw; and
7. Emergency repairs to existing roads or their drainage systems, or to any stormwater management facility that poses a threat to public health or safety, or as deemed necessary by the Conservation Commission.

**Section 2. APPROVAL and/or PERMIT**

An applicant seeking an approval and/or permit shall file an appropriate application with the Conservation Commission in a form and containing information as specified in this bylaw and in regulations promulgated by the Conservation Commission. Approval or permit must be obtained prior to the

commencement of land disturbing or redevelopment activities based on the thresholds described in Section 1.A.

**Section 3. ENTRY**

Filing an application for review or permit grants the Conservation Commission and its authorized agent's permission to enter the site to verify the information contained in the application and to conduct its administrative duties under this bylaw.

**Section 4. INSPECTION and SITE SUPERVISION**

The Conservation Commission or its designated agent shall make inspections of the work subject to this bylaw to determine compliance with the bylaw and regulations and orders of the Stormwater Authority.

**Section 5. SURETY**

The Conservation Commission may require the applicant to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Conservation Commission and be in an amount deemed sufficient by the Conservation Commission to ensure that the work will be completed in accordance with the permit. If the project is phased, the Conservation Commission may release part of the bond as each phase is completed in compliance with the permit.

**Section 6. FINAL REPORTS**

- A. Administrative Land Disturbance Review: Upon completion of work, the applicant shall submit a written notice to the Conservation Commission with photographic evidence that the work has been completed in accordance with the approved plan.
- B. Land Disturbance Permit: Upon completion of work, the applicant shall submit a Final Report to the Conservation Commission, including a topographical as-built plan stamped by a MA Professional Land Surveyor (PLS) and a MA Registered Professional Engineer (P.E.) as applicable, certifying that the site has been developed in substantial compliance with the approved plan including all permanent erosion control devices, stormwater management facilities and, any

approved changes and modifications. Any discrepancies from the approved plan should be noted in the cover letter. The final report shall also include documentation to verify the stormwater management system has been properly operated and maintained in accordance with the approved O&M Plan.

**Section 7. ENFORCEMENT**

The Conservation Commission or its authorized agent shall enforce Article III of this bylaw and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations. The Town may enforce this bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

A. Orders of the Stormwater Authority

1. The Conservation Commission or its authorized agent may issue a written order to enforce the provisions of this bylaw or any regulations thereunder, which may include:
  1. A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the Land Disturbance Permit;
  2. Maintenance, installation or performance of additional erosion and sediment control measures;
  3. Monitoring, analyses, and reporting;
  4. Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity;
  5. A requirement to eliminate discharges, directly or indirectly, into a watercourse or into waters of the Commonwealth.
2. Said orders shall specify a deadline by which the required action shall be completed and the Conservation Commission or its designee may further advise that, should the violator or property owner fail to perform the required action or remediation within the specified deadline, the Town may, at its option, undertake such work, at the owner and/or violator's sole cost and expense, that it deems necessary to protect public health, safety and welfare. The property owner may appeal to the Conservation Commission any order to enforce within

30 days of receipt of the notification unless superseded by a Department of Environmental Protection Enforcement Order.

3. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written appeal objecting to the amount or basis of costs with the Conservation Commission within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file an appeal or within 30 days following a decision of an appeal by the Conservation Commission affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. Ch.59 §57 after the 31st day at which the costs first become due.
- B. Civil relief. If a person violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, the Conservation Commission may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- C. Criminal Penalty. Any person who violates any provision of this bylaw, regulation, permit, approval or order issued there under, may be penalized by indictment or on complaint brought in a court of competent jurisdiction. Except as may be otherwise provided by law and as the court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars (\$300). Each day such violation occurs or continues shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- D. Non-Criminal Disposition. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder may be penalized by non-criminal disposition as an alternative to criminal prosecution or civil action, the Town of North Attleborough may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch.40, §21D and in the revised Bylaws of the Town of North Attleborough Article XXI. Each day or part thereof that such violation occurs or continues shall constitute a

separate offense. If more than one, each condition violated shall constitute a separate offense.

- E. Entry to perform duties under this bylaw. To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Conservation Commission, or its authorized agent may enter upon privately owned property for the purpose of performing their enforcement duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Conservation Commission deems reasonably necessary.
- F. Appeals. The decisions and orders of the Conservation Commission in enforcement of Article III of this bylaw shall be final, subject to the appeal process as set out in Section 7.A.2 and .3. Further relief shall be to a court of competent jurisdiction pursuant to M.G.L. Ch.249, §4, M.G.L. Ch.30A, §14.

## **ARTICLE XXIII**

### **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 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 – Animal Control 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 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 XIIA - Waste Materials

Penalty: \$300.00 per offense

Enforcing Officer: Board of Health or their designated agent.

Article XIIA. Section 7 - Public Drinking

Penalty: \$50.00 per offense

Enforcing Officer: Police Officer

Article XIIA. Section 8 - Fire Lane

Penalty: \$15.00 per offense

Enforcing Officer: Police Officer, Fire Fighter

Article XIIA Section 12 - Handicapped Parking

Penalty: \$150.00 per offense

Enforcing Officer: Police Officer

Article XIIA. 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 XIIB, Section 1 - Secured Key Access

Penalty: \$50.00 for each day

Enforcing Officer: Fire Chief

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

Penalty: not more than \$300.00 per day

Enforcing Officer: Fire Chief

Article XIII. Section 8 - Street Vendors

Penalty: \$20.00 per day

Enforcing Officer: Town Manager

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 XXIV.**

### **REPEAL AND AMENDMENT OF BY-LAWS**

#### **Section 1. REPEAL AND AMENDMENT OF BY-LAWS**

These By-Laws may be altered, repealed, or amended by the Town Council.

#### **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.

































