

BY LAWS  
TOWN OF EAST BRIDGEWATER

Updated to August 27, 2018

A TRUE COPY OF RECORD

ATTEST:

Susan Gillpatrick  
Town Clerk

## GENERAL BY LAWS

TOWN BY-LAWS REVISED ARTICLE 11 ADJOURNED ANNUAL TOWN MEETING APRIL 8, 1981 - APPROVED BY THE ATTORNEY GENERAL SEPTEMBER 21, 1981.

FOLLOWING EACH AMENDMENT THE ARTICLE NUMBER, DATE OF TOWN MEETING VOTE, ATTORNEY GENERAL'S APPROVAL NOTED.

### PART ONE - GENERAL

I. ORGANIZATION: The several by-laws enacted from time to time shall be organized into PARTS consisting of the following: PART ONE - GENERAL: PART TWO - OFFICIALS, BOARDS, DEPARTMENTS, COMMITTEES AND EMPLOYEES: PART THREE - OFFENSES AND PENALTIES: PART FOUR - MISCELLANEOUS. All by-laws enacted hereinafter shall be assigned to the appropriate PART by the warrant submitted to and approved by Town Meeting. The by-laws so enacted shall also be assigned a paragraph or subparagraph number. The article number, date voted and date approved shall be inserted in parentheses after each by-law hereinafter enacted. All by-laws shall be printed on paper measuring 8 ½" X 11".

II. CUSTODY: The Clerk of the Town shall keep in his or her office the original or official copy of all by-laws in a looseleaf notebook organized in accordance with the preceding paragraph. All by-laws hereinafter enacted and approved shall be inserted in said looseleaf notebook by the Clerk in the appropriate PART. The Clerk shall provide one copy of all current by-laws to the Board of Selectmen, and he or she shall keep said copy current. The Clerk may also furnish other copies to whoever requests same.

### III. TOWN MEETINGS:

1. Annual Town Meeting: The Annual Town Meeting for the transaction of town business shall be held on the second Monday in May, such meeting commencing at 7:30 p.m.  
(Art. 10, STM 6-12-00, App. A.G. 6-26-00)

2. Election of Town Officials: The election of town officials and other matters to be determined by ballot shall take place on the first Saturday following the first Monday in April; notice of such election shall be posted in accordance with law.

The above amendments to commence in April, 1989. (Art. 27, ATM 4-9-88, App. A.G. 5-19-88)

3. SPECIAL TOWN MEETINGS: Town meetings other than the Annual Town Meeting shall be called from time to time in accordance with law.

Notice of every Special Town Meeting shall be given by posting an attested copy of the warrant calling said meeting in at least five public places in the Town including at least one copy in each precinct within the Town and one copy in the Town Hall not later than 14 days prior to the commencement of said meeting. (Art. 18, ATM 4-7-97, App. A.G. 8-6-97) [To eliminate last sentence which began - Notice of said meeting.....]

4. APPROPRIATION VOTES: Except at the Annual Town Meeting and adjournments thereof, no vote shall be taken or passed at any town meeting appropriating or involving the expenditure of more than One Hundred Thousand (\$100,000.00) dollars unless there shall be present at said meeting no fewer than one hundred and fifty (150) registered voters of the Town. No appropriation or expenditure involving a sum in excess of \$100,000.00 shall be divided or split in order to contravene the intent of this by-law. (Art. 21, ATM 4-1-91, App. A.G. 8-22-91)(Art.29, Adj. Session of ATM 6-13-05, App. A.G. 9-19-05)(Art.35, ATM 5-8-2017, App, A.G.

5. No vote, requiring a two-thirds vote to adopt, once passed at a Town Meeting, shall be rescinded at that meeting or any subsequent called Town Meeting, except by a two-thirds vote. (Art. 26, ATM 4-12-86, App. A.G. 5-8-86)

6. The Moderator is authorized to declare a 2/3 majority vote on any article requiring a 2/3 vote by statute or bylaw without the necessity of a count when in his or her judgement the outcome of the vote is beyond a reasonable doubt as demonstrated by voice vote or otherwise as provided in Section 15 of Chapter 39 of the Massachusetts General Laws as amended by Chapter 448 of the Acts of 1996. (Art. 11, STM 4-7-97, App. A.G. 6-4-97)

**PART TWO - OFFICIALS, BOARDS, DEPARTMENTS, COMMITTEES AND EMPLOYEES**

I. FINANCE COMMITTEE: The Finance Committee shall consist of seven members. The Board of Selectmen shall, on the first day of July each year, appoint three members of said Committee whose term of office shall be for three years. No elected or appointed officer of the Town and no person employed by the Town shall be eligible for an appointment on the Finance Committee. (Art. 16, ATM 4-9-88, App. A.G. 6-10-88) (Art. 39, ATM 5-2-2014, App. A.G. 8-5-2014)

The Committee shall meet within ninety (90) days after the appointment of new members. The committee shall reorganize each year during the first meeting in September. The Committee shall by majority vote elect its chairman, clerk and other officers, if any, whose terms shall be for one year. Any member elected as chairman, clerk or other officer may be re-elected from year to year to such office or another office. Within ten days after each reorganization by the Committee, the clerk thereof shall notify the Board of Selectmen and the Town Clerk of such reorganization in writing specifying the current officers of the Committee.

At all meetings of said Committee four members shall constitute a quorum thereof and in the absence of a quorum no business shall be conducted.

In the event any member of the Committee is absent from three consecutive regular meetings, the Committee by majority vote may recommend to the Board of Selectmen that his or her position be declared vacant and that the Board of Selectmen forthwith appoint a successor for the unexpired term.

The Committee shall consider matters relating to the appropriation or expenditures of money by the Town or matters affecting Town revenue and make such reports and recommendations to the Town concerning same as in the opinion of the Committee circumstances and conditions dictate.

All money articles accompanied by a statement explaining each expenditure must be given to the Committee, Town Clerk, Town Moderator and Town Accountant no later than the date upon which they are submitted to the Board of Selectmen.

The report of the Committee to the Annual Town Meeting shall be in print, and it shall be distributed with the Annual Town Report by the Board of Selectmen. All reports to all other town meetings shall be in such form as the Committee may deem advisable and as is acceptable to the Board of Selectmen.

II. BOARD OF SELECTMEN ACTING AS WATER COMMISSIONERS: The Board may by majority vote provide for the extension of existing water mains from time to time without a vote at a town meeting, provided that the reasonable estimated cost of any one extension shall not exceed \$500.00.

All applications for the extension of any other water mains shall be made in writing to the Board not later than sixty (60) days before the town meeting at which a vote thereon shall be taken. The Board shall insert suitable articles in the warrant for such town meeting at which action may be taken upon such application and shall report to such meeting the probable cost thereof.  
(Art 28, ATM 5-12-2008, App. A.G. 6-11-2008)

III. DEPARTMENT OF CIVIL DEFENSE: It shall be the function of the Department to have charge of civil defense as defined in Section 1, Chapter 639, Acts of 1950, and to perform civil defense functions as authorized or directed by said Chapter or by any and all executive orders or general regulations promulgated thereunder, and exercise any authority delegated to it by the governor under said Chapter.

The Department shall be under the direction of a Director of Civil Defense who shall be appointed as prescribed by law. The Director shall have direct responsibility for the organization, administration and operation of the department, subject to the direction and control of the appointing authority, and shall receive such salary as may be fixed from time to time by the appointing authority. The Director may, within the limits of the amount appropriated therefor, appoint such experts, clerks and other assistants as the work of the department may require and may remove them and may make such expenditures as may be necessary to effectively execute the purposes of Chapter 639 Acts of 1950. The Director shall also have authority to appoint district coordinators and may accept and may receive on behalf of the Town, services, equipment, supplies, materials or funds by way of gift, grant or loan, for the purposes of civil defense, offered by the federal government or any agency or officer thereof or any person, firm or corporation, subject to the terms of the offer and the rules and regulations, if any, or the agency making the offer. The Director shall cause appropriate records to be kept of all matters relating to such gifts, grants or loans.

The Civil Defense Advisory Council shall serve without pay and shall consist of the Director of Civil Defense, such other department heads and such other persons as the authority appointing said Director may deem necessary. The director shall serve as Chairman of the Council. Said Council shall serve subject to the direction and control of the appointing authority and the Director on matters pertaining to civil defense.

The police department is authorized to go to the aid of another city or town at the request of said city or town in the suppression of riots or other forms of violence. All references to Chapter 639, Acts of 1950, shall be applicable to any act or acts in amendment or continuation of or substitution for said Chapter.

IV. COUNCIL ON AGING: The Council on Aging, previously established, shall consist of nine members appointed by the Board of Selectmen, three members to be appointed for three year terms, three members to be appointed for two year terms and the remaining three members to be appointed for one year terms. Thereafter, in each year, three new persons shall be appointed to fill the vacancies of the terms then expiring. The Council shall annually elect its chairperson and other officers as it deems appropriate who shall serve without compensation. The chairman shall cause to be submitted to the Town Clerk and the Board of Selectmen annually a report indicating the organizational structure of the Council.

The duties of the Council shall include the following: identify the total needs of the aging community and enlist support and participation of all citizens concerning these needs; design, promote or implement services to fill these needs, or coordinate present existing services in the community, promote and support any other programs which are designed to assist elderly persons in the community.

Said council shall cooperate with the Department of Community Affairs, Aging Bureau, and shall be cognizant of all state and federal legislation concerning funding information, exchange and program planning which exists for better community programming for the elderly.

The Council shall give an annual report to the Board of Selectmen with a copy of said report directed to the Department of Community Affairs, Aging Bureau.

V. OFFICE OF THE TREASURER: The Treasurer, with the approval of the Board of Selectmen, is authorized to sell at public auction all or any town property acquired by virtue of sale for non-payment of taxes, which sales have been confirmed by the Land Court or the Tax Commissioners, after first posting notices of such public auction in one or more convenient public places including the Town Hall and advertising same in at least two newspapers published in the area, and to give deeds therefor.

The Treasurer, upon receipt of the amount due the Town, shall have authority to make, sign, seal, acknowledge and deliver, in the name and on behalf of the Town, all deeds for the assignment, discharge, conveyance or release of tax titles.

No less than annually, the Treasurer shall obtain a list or lists from all of the departments of the Town which have surplus, including obsolete and unused equipment, and thereafter, shall hold or cause to be held a public auction for the sale of said equipment. The Board of Selectmen shall review said list or lists and thereafter approve, with or without change, said list or lists designating the equipment to be sold at said auction. Notice of said auction shall be posted in each of the public buildings of the

Town and published in a newspaper of general and local circulation not less than 14 days prior to the date of said auction. The Treasurer is authorized to sign and deliver any and all documents necessary for the sale of said equipment.

VI. TOWN COLLECTOR: The collector of taxes, shall collect under the title of Town Collector, all accounts due the Town excepting interest on investments or sinking or trust funds. If it shall be deemed advisable to the Town Collector that litigation shall be instituted and prosecuted in the name of the Town in connection with the collection of any accounts due the Town, he or she shall so advise the Board of Selectmen who shall have authority as agents of the Town to institute and prosecute said litigation. (Art. 16, ATM 4-12-86). (Appointment Treasurer/Collector see Town Meeting vote and Act of Legislature signed by Governor 9-23-86).

VII. MODERATOR:

- A. Term of Office - A Moderator shall be elected for a term of three years.
- B. Compensation - The Moderator shall receive for his salary such compensation as may annually be provided for that purpose by appropriation.
- C. Powers and Duties - The Moderator shall have the powers and duties provided for that office by the General Laws, By-laws or by Town Meeting Vote.

(Art. 6, ATM 5-14-2001, App. A.G. 8-20-2001)

VIII. ACCEPTANCE OF GRANTS AND PAYMENT OF TRAVEL EXPENSES:

A board, commission, department, agency or official of the Town, may accept grants or gifts of funds, goods or services from the federal government, the commonwealth, a charitable foundation, a private corporation, partnership, limited liability company, or individual for public purposes and/or related to their official duties and responsibilities with the prior approval and consent of the Board of Selectmen.

Any amounts so received by an officer or entity of the Town shall be deposited with the Town Treasurer and held as a separate account and may be expended without further appropriation, except that no grants or gifts of funds, goods or services may be expended or used for travel expenses and accommodations unless approved in advance by the Board of Selectmen.

(Art. 30, Adj. session of ATM 6-13-2005, App. A.G. 9-19-2005)

IX. CAPITAL PLANNING COMMITTEE

SECTION 1 - The Town Moderator shall establish a committee to be known as the "Capital Improvement Planning Committee", comprised of four (4) citizens at large appointed to alternating three year terms by the Town Moderator, the Town Administrator, one (1) member of the Finance Committee, and one (1) member of the School Committee. The Committee shall chose its own officers and the Treasurer/ Collector shall serve in an advisory capacity to the Committee.

SECTION 2 - The Committee shall study all proposed capital projects and improvements which:

1. Are purchased or undertaken at intervals of not less than five (5) years;
2. Have a useful life of at least five (5) years;
3. Cost over \$20,000 and are bondable;

The Committee shall also study all proposed capital equipment purchases, leases or major rentals.

SECTION 3 - All Officers, Boards, Commissions, Agencies, and Committees, including the Selectmen and School Committee, shall, by December 1<sup>st</sup> of each year, give to the Committee, on forms prepared by the Committee, information concerning all anticipated capital needs as described above requiring Town Meeting action during the ensuing five (5) years. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial condition of the Town.

SECTION 4 - The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program and including recommended capital improvements for the following four (4) fiscal years. The Committee shall submit its Capital Budget to the Town Accountant and Annual Town Meeting for adoption by the Town. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the Committee's report, or the Committee shall first have submitted a report to the Board of Selectmen explaining the omission. Annually the Capital Improvement Planning Committee will submit articles for all projects for the fiscal year.

SECTION 5 - Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included there of sums from department budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town through appropriation of funds in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five (5) years in the future.

SECTION 6 - The Committee's report and the Capital Improvement Budget shall be published and made available in a manner consistent with the distribution of the Finance Committee's report. The Committee shall deposit its original report with the Town Clerk.

(The foregoing was originally adopted at the June 12, 1995 Annual Town Meeting.)

(Art.7 STM 6-1-2015, App. A.G.10-5-2015)

(Art.33 ATM 5-8-2017, App. A.G. 8-7-2017)

### **PART THREE - OFFENSES AND PENALTIES**

I. ALCOHOLIC BEVERAGES: No person shall consume alcoholic beverages as defined in G.L. C.138, s. 1 while on, in or upon any public way or upon any way to which the public has a right to access or any place to which members of the public have access including any park or playground, or upon private land or place without the consent of the owner or the person in control thereof. All alcoholic beverages being used in violation of this by-law shall be seized and held by the police department until final disposition of the case.

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

This by-law may be enforced through any lawful means in law or in equity including, but not limited to , enforcement by criminal indictment or complaint pursuant to G.L.c.40, S.21, or by non-criminal disposition pursuant to G.L. C. 40, S. 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of the by-law shall be three hundred dollars (\$300.00) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L.c.94C, S32L. (Art. 12, ATM 6-8-2009, App. A.G. 6-23-2009)

II. OBSTRUCTION OF WAY: Any person placing any obstruction on the sidewalk, highway or byway of the Town without a permit from the Board of Selectmen and who refuses to remove such obstruction immediately after receiving notice from a police officer, constable or Selectman, shall be subject to the penalties as provided hereinafter.

III. COASTING: Whenever a complaint shall be made to the Board of Selectmen that the practice of coasting on any public way or sidewalk in the Town presents a danger to the public, the Board may, upon a finding of good cause, post a notice in a conspicuous place at the locus of said coasting thereby forbidding all persons to coast upon said way and a police officer, constable or Selectman shall notify each person who is alleged to be coasting or who is alleged to be in violation of said notice. No penalties shall be assessed against a violator of this by-law unless said violator has been advised of his or her violation by a police officer, constable or Selectman and advised to cease and desist from said coasting.

IV. MISUSE OF PUBLIC WAYS: No person shall play ball, football or throw balls, stones, snowballs or any other missiles within or upon any public way of the Town. No violator of this by-law shall be subject to the penalties set forth hereinafter unless he or she has been advised by a police officer, constable or Selectman to cease and desist and thereafter fails to do so forthwith after said warning.

V. DISPOSAL OF RUBBISH: Any person who places, or causes to be placed in any public or private way of the Town the contents of any sink, cesspool or privy, or place any dead animal substance, rubbish or garbage in any public or private way of the Town, except for the purpose of immediate removal, shall be subject to the penalties set forth hereinafter.

VI. JUNK DEALERS: No person shall be a dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or second-hand articles in the Town, and no person shall be a junk collector, to collect by purchase or otherwise, junk, old metals or second-hand articles in the Town without a valid and current license obtained from the Board of Selectmen. Said license may be granted and may be revoked in the sole discretion of the Board of Selectmen.

All collectors of junk, old metals or second-hand articles shall display in a conspicuous manner upon his or her person and upon his or her vehicle the number of his or her license in figures at least one inch long at any time he or she is engaged in the collecting, transporting or dealing in junk, old metals or second-hand articles.

All shops and the contents thereof, in any other place or vehicle or receptacle used for the collection or keeping of junk, old metals or second-hand articles by a licensee may be examined at any reasonable time by a Selectman or by any person authorized by the Board of Selectmen including a police officer and the Building Inspector.

VII. STORAGE OF DEBRIS: No person shall store or place or permit to be stored or placed on premises that he or she owns, leases or occupies, any debris, scrap metals, second-hand articles or other waste material unless within an area unexposed to the view of the public and abutters or is licensed for such use by the Board of Selectmen.

VIII. JUNK VEHICLES: No person, entity, corporate or otherwise, as owner or as one in control of premises, shall keep in the open in any area of the Town, two or more unregistered motor vehicles, any junk automobile or junk vehicle as hereinafter defined, without having first obtained a license from the Board of Selectmen.

A junk automobile or junk vehicle shall include all modes of transportation including those defined in Mass. General Laws, Chapt. 90 Section I which is wornout, castoff, or discarded and which is ready for dismantling or destruction or which has been collected or stored for salvage or stripping in order to make use of parts thereof. Any parts from such a vehicle or mode of transportation shall be considered junk automobile or junk vehicle.

An application for a license to keep no more than two (2) junk automobiles or junk vehicles shall be made to the Board of Selectmen, who may issue said license under the terms and standards set forth herein. Said license shall be valid for a period of one year from the date of issuance.

The Board of Selectmen may grant a one-year license upon such conditions, as the Board deems proper to keep such junk automobiles or junk vehicles in the open after a Public Hearing has been held

with proper notice to abutters. The board shall make written findings as to whether the keeping of said junk automobiles or junk vehicles in the open will depreciate property values in the area, will create a hazard to public safety, will become a public nuisance, or be detrimental to the neighborhood. If upon all of the evidence the Board finds that none of the foregoing shall occur, it may issue such license. A reasonable fee may be charged for the license. Renewals of licenses shall be granted only after the procedure set forth in this paragraph has been followed. This By-law shall not be applicable to any license issued pursuant to Mass. General Laws, Chapt. 140. (Art. 12, P. 6) (Voted as amended) (Art. 25, ATM 4-2-84, App. A.G. 5-7-84)

IX. SWIMMING POOLS: A "swimming pool" is a body of water contained in artificial or semi-artificial receptacle whether in or above the ground or created by artificial means from a natural water course, but not including portable pools incapable of containing a depth of water exceeding 24 inches at any point.

"Residential Swimming Pool" is a swimming pool used or intended to be used solely by the owner or a tenant thereof and his family and by friends invited to use it without payment of a fee.

Every outdoor residential swimming pool shall be completely surrounded at all times, whether or not the same be filled with water, by a fence or wall not less than five (5) feet in height. Each such fence or wall shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension except for doors and gates. A building may be used as part of such enclosure.

All gates or doors opening through such enclosure shall be of not less than the same height as the fence or wall and shall be equipped with a self-closing and self-latching device located not less than four feet above the ground on the fence or wall for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Each such gate or door shall be latched at all times when the swimming pool enclosure is not in use. (Art.11, ATM 4-6-81, App. A.G. 9-21-81)

X. DISCHARGE OF LIQUID ONTO PUBLIC WAY: No person shall pipe or otherwise deposit in or upon any public way or way to which the public has right of access any water, snow or other substance which may freeze and thereby create a hazardous condition. (Art. 11, Adj. ATM 4-8-81, App. A.G. 9-21-81).

XI. REMOVAL OF OBSTRUCTIONS IN PLOWING SNOW: Any member of the Highway Department, police officer, constable or Selectman for the purpose of removing or plowing snow, or removing ice from any public way or way to which the public has a right to access in the Town shall have the authority to remove, or cause to be removed, to some convenient place including a public garage, any vehicle or other obstruction interfering with such work, and the owner of such vehicle or other obstruction shall be liable for the cost of such removal and the storage charges, if any resulting therefrom. The person or persons having said authority shall make a reasonable attempt to identify and notify the owner of the obstruction and allow him or her a reasonable opportunity to remove said obstruction forthwith.

XI. A. ROAD OPENINGS: Excavation of Roadways

Sec. 1. Authority

- a. The Director of Public Works is authorized, as stated in ch. 41, Sec. 62 of the General Laws, to set all rules governing the condition under which roadways or any other public way may be excavated. The Director of Public Works will be in charge of all permit grants.

Sec. 2. Objectives

- a. To set and maintain standards pertaining to any and all trenching upon the public ways in the Town of East Bridgewater. These standards are for excavations, backfill and proper pitching, to keep after effects minimal.

Sec. 3. Rules

- a. Any person or persons wishing to excavate an area on Town roads or any other public way, must obtain a "Road Opening Permit." These Permits shall be obtained from the Director of Public Works.
- b. Utility notification sheets must be filed with the Director of Public Works prior to start of work.
- c. Copies of Permits must be on the job site during working hours.
- d. Instructions on Permit are to be adhered to in full.
- e. The Director of Public Works may require a bond of some nature, such as a certified check, cashiers check, etc., made payable to the Town of East Bridgewater. Amount of said bond to be set by the Director of Public Works. Said bond to be returned to contractor after a 30 day waiting period has passed, to minimize any after effects. At this time, the Director of Public Works will conduct a final inspection of job site to determine whether bond should be released or held until contractor makes necessary corrections to the satisfaction of the Director of Public Works. If any necessary corrections are not made within

60 days after written notification of same, the contractor will forfeit said bond in full and work will be expedited by the Town.

Sec. 4. Emergencies

- a. Emergency repairs that must be performed during hours other than those normally worked by the Highway Department may be done by contacting the Police Department and notifying them of the location and nature of repairs to be performed. (Art. 20, Adj. ATM 4-7-82, App. A.G. 7-12-82) (Art. 28, ATM 5-12-2008, App. A.G. 6-11-2008)

XI. B. ENTRANCE TO PUBLIC WAYS OR STREETS:

Sec. 1. Authority

- a. The Department of Public Works is authorized to direct all work to be performed to gain access to any and all Town roads, and will issue all permits for same on forms provided.

Sec. 2. Objectives - The fundamental objective is twofold:

- a. To provide maximum protection to both Town and property owner against future problems with the flow of water moving into or from the roadway.
- b. To provide a uniform practice in the design and construction of entrances and exits.

Sec. 3. Rules

- a. All roads, walkways and driveways, whether new construction or repair, shall be constructed on a downgrade from the edge of abutter's property line, to the edge of the roadway where possible. All deviations from this rule, must be approved in writing by the Director of Public Works prior to work being performed.
- b. Any proposed disturbance of existing sidewalks will require work to be performed according to conditions set forth by the Director of Public Works.
- c. All driveway approaches will be inspected before and after construction. Permit must be signed by Director of Public Works that approval of said construction has been given. On new construction, area provided on Building Permit may be signed signifying approval.
- d. A bond may be required if Director of Public Works so requests same. Amount of said bond will be set accordingly by the Director of Public Works. Certified check, cashiers check, etc., may be accepted. Said check to be made out payable to the Town of East Bridgewater. Check to be released and returned to applicant upon written approval from the Director of Public Works, indicating work was performed to his satisfaction.

- e. In case of objectionable conditions, and/or nonconformance of requests set by the Director of Public Works, the applicant will be notified by registered mail of his or her failure to conform to said requests. He or she will be given 30 days to correct faults. If at the end of 30 days, said faults have not been corrected, bond may be forfeited to the Town. (Art. 21, Adj. ATM, 4-7-82, App. A.G. 7-12-82) (Art. 28 ATM 5-12-2008, App. A.G. 6-11-2008)

XII. PARADE PERMITS: Any person, organization or other entity desiring to conduct a parade within the Town at least 14 days prior to the date thereof, shall make application for a permit with the police department on a form provided and include information which identifies the organization the date and time of said parade and the proposed course thereof. No fee shall be charged for said permit.

Section 1: The possession at parades or public gatherings of "Silly String", "Snaps", "Stink Bombs" or any other material or device, which has an essential element or main purpose, causing litter, offensive odor or defacing of public or private property in East Bridgewater is prohibited, on or within public ways or property of the Town including, without limitation, any sidewalks thereof.

Section 2: Any person who violates a provision of Section 1 of this By-Law may be subject to a fine of \$50.00 on the 1<sup>st</sup> violation and \$300.00 for each additional violation thereafter. (Art 16, ATM 5-13-02, App. A.G. 8-06-02)

XIII. YARD SALES: Any person or persons wishing to conduct a sale of goods from their own or rented property shall apply to the Board of Selectmen for a permit to do so. Such permit shall not be unreasonably withheld; however, no more than two permits shall be issued to any one person or for any one location within the Town during any calendar year. A reasonable fee may be charged for and must be paid prior to issuing said permit.

XIV. "AN ACT RELATIVE TO THE GRANTING OF RENEWING OF CERTAIN LICENSES AND PERMITS IN CITIES AND TOWNS" (Ch. 40, Sec. 57): Therefore, be it accepted with this by-law that the Town of East Bridgewater hereby will deny any application for, or revoke or suspend a building permit, or any local license or permit including renewals and transfers issued by any Board, Officer Department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charges or with respect to any activity, event or other matter which is the subject of such license or permit and

which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges. (Art. 20, ATM 4-7-97, App. A.G. 8-4-97) Such by-law shall provide that:

a. The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues license or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or appealing petition before the appellate tax board.

b. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector; or with respect to any activity, event or other matter which is the subject to such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, that written notice is given to the party and Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. (Art. 20, ATM 4-7-97, App. A.G. 8-4-97) Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

c. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

d. The Board of Selectmen may waive such denial, suspension or revocation if it finds 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 Section I of Chapter 268, in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning, section thirteen of chapter forty-eight; bicycle permits, section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverages licenses, section twenty-one of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping licenses, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty, and yard sales.

A city or town may exclude any local license or permit from this section by By-Law or ordinance.  
(Art. 37, ATM 4-12-86, App. A. G. 5-8-86)

#### XV. PARKING FOR THE HANDICAPPED

1. It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for physically handicapped persons, if said stall or space is posted or marked in a prescribed way, unless said vehicle displays distinguishing license plates issued for handicapped persons, including disabled veterans.

2. Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has the right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of chapter ninety of the Massachusetts General Laws.

3. Total Number of Parking Spaces in Area	Number of Handicapped Spaces Required
More than 15 - less than 25	One
More than 25 - less than 40	5% - not less than 2
More than 40 - less than 100	4% - not less than 3
More than 100 - less than 200	3% - not less than 4
More than 200 - less than 500	2% - not less than 6
More than 500 - less than 1000	*1% - not less than 10
More than 1000 - less than 2000	1% - not less than 15
More than 2000 - less than 5000	¾% - not less than 20
More than 5000	½% of 1% - not less than 30

4. Parking spaces designated as reserved 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. Unauthorized Vehicles May Be Removed at Owner's Expense;" shall be adjacent to curb ramps or 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 a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them.

5. The penalty for violation of this by-law shall be one hundred dollars (\$100.00) an offense. Also, the vehicle so parked in violation hereof may be removed according to the provisions of section one hundred and twenty D of chapter two hundred and sixty-six of the Massachusetts General Laws. (Art. 29, ATM 4-9-88. App. A.G. 6-10-88 with the understanding that under section 3 thereof the wording pertaining to the total number of parking spaces for areas containing more than \* five hundred but not more than one thousand spaces is intended to read -"one and one-half percent of such spaces but not less than ten" (as is set forth in G.L., C. 40, s21 (23) (a).)

XVI. ENFORCEMENT AND PENALTIES

A. Criminal Complaint

Whoever violates any provision of these by-laws may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense, brought in such manner, shall be three hundred dollars (\$300.00).

B. Non Criminal Disposition

Whoever violates any provision of these by-laws, the violation of which is subject to a specific penalty, may be penalized by a noncriminal disposition as provided in Massachusetts General Laws, Chapter 40, Sec. 21D. The noncriminal disposition method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department, including East Bridgewater Zoning By-Laws, which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following by-laws and sections of by-laws are to be included in within the scope of this subsection; that the specific penalties as listed here shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections. Each day on which a violation exists shall be deemed to be a separate offense.

PENALTIES FOR VIOLATIONS

Section I.	ALCOHOLIC BEVERAGES	\$50.00
V.	DISPOSAL OF RUBBISH	\$50.00
VI.	JUNK DEALERS	\$50.00
VIII.	JUNK VEHICLES	\$50.00
X.	DISCHARGE OF LIQUID ONTO PUBLIC WAY	\$50.00
	EAST BRIDGEWATER ZONING BY-LAWS	\$50.00

(Art. 9, STM 6-8-98, App. A.G. 8-27-98)

XVII. DOG BY-LAW: Dog licenses are issued for a one-year period. Said licensing period is from July to June 30 each year. All dogs six months of age and older shall be licensed and have a current rabies inoculation. Rabies shots must be current as required under MA General Laws, Chapter 140, Section 137 and 145B as amended. (Art. 11, ATM 4-5-93 and Adj. Session 6-1-93, App. A.G. 7-28-93) (Art. 19, ATM 5-12-2003, App. A.G. 5-21-2003)

CHARGES FOR LICENSES

Male/Female	Neutered/Spayed	Late Fee
\$15.00	\$10.00	\$25.00

KENNEL LICENSES

Kennel License	(Kennel - one pack or collection of four or more dogs over the age of sp months kept on a single premise not to exceed six dogs.)
\$45.00	
Hobby License	(Hobby Kennel - a kennel maintained for a collection of six to ten dogs or for breeding dogs for show or sport, or which sells dogs from less than four litters per year, not to exceed ten dogs on the premises over the age of six months)
\$90.00	
Commercial Kennel	(Commercial Kennel - a kennel maintained as a business for the boarding or grooming of dogs, or which sells dogs born and raised on the premises from more than four litters per year).
\$225.00	

Any owner or keeper of four or more dogs six months of age or over, shall obtain a kennel license upon written application and approval of the special permit granting authority to the Town Clerk of East Bridgewater.

A two-part dog license form is completed with the following information:

Type of Dog - Male, female, neutered, spayed  
 Date of Spaying/Neutering  
 Fee Paid  
 Tag Number  
 Date of Issue/Date of Expiration of License  
 Breed of Dog  
 Color of Dog  
 Age of Dog  
 Weight of Dog  
 Name of Dog  
 Dog Owner/Keeper  
 Address of Owner/Keeper  
 Telephone Number of Owner/Keeper  
 Date of Expiration of Rabies Inoculation

License is in two parts, original top copy to the Owner/Keeper; second copy kept in the office of the Town Clerk to be retained until the next audit.

SECTION 1 - No owner or keeper of a dog shall permit the dog to go beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash or attended by a person exercising control of such dog.

SECTION 2 - The Dog Officer may apprehend and impound any dog, which he determines to be in violation of Section 1.

SECTION 3 - The Dog Officer, upon apprehending any dog, shall make a complete registry, entering the breed, color and sex of such dog, its license number, and the name and address of the owner if known.

SECTION 4 - If the owner of an impounded dog is known, such owner shall be given notice of the impounding within three days thereof. Such owner may reclaim the dog upon payment of a fee determined by the Dog Officer with the approval of the Board of Selectmen. If the impounded dog belongs to a town resident, that owner must produce proof of a current license and current rabies inoculation certificate before release is granted. All costs of impoundment with any unpaid license fees, late fees, fines and reasonable costs incurred by the Town for impounding and maintaining the dog will be the sole responsibility of the owner. (Art. 13, ATM 6-7-2010, App. A.G. 8-4-2010)

SECTION 5 - A late fee shall be assessed if a dog is not licensed on or before September 1 each year. Schedule of late fees are as follows:

1 <sup>st</sup> offense	\$ 25.00
2 <sup>nd</sup> offense	\$ 50.00
3 <sup>rd</sup> offense and any subsequence offenses	\$100.00

Late fee will be noted on license copy. Letters will be sent to delinquent dog owner/keeper during August each year, notifying them that the dog has not been licensed and a late fee will be charged if not licensed on or before September 1. (Art. 11, Adj. ATM 4-5-93, App. A.G. 7-28-93) (Art 19, ATM 5-12-2003, App. A.G. 5-21-2003) (Art. 13, ATM 6-7-2010 App. A.G. 8-14-2010)

SECTION 6 - No person shall keep within the Town any dog which by biting, barking, howling or in any other manner disturbs the peace and quiet of any neighborhood or endangers the safety of any person, domesticated animal including dogs and cats, and farm animals. No owner or keeper of a dog shall permit the dog to perform its natural body functions on property other than that of the dog owner or keeper without approval of said property owner.

SECTION 7 - The Dog Officer is hereby authorized to seek a complaint against the owner or keeper of a dog who is found to have violated Section 1 or 6 of this By-law and impose fines and reclaiming fees with the approval of the Board of Selectmen.

SECTION 8 - In addition to the foregoing fines and reclaiming fees, the Dog Officer is also authorized and empowered to muzzle, restrain or order the owner or keeper of a dog to muzzle or restrain a dog pending a hearing before the Board of Selectmen as hereinafter provided, when the Dog Officer finds that-

- a. a dog has bitten or threatened any person, domesticated animal including dogs and cats, and farm animals,
- b. a dog has chased any vehicle upon any way open to public travel in the Town, or,
- c. The owner or keeper has violated any provisions of this By-law more than three times in any calendar year.

SECTION 9 - The owner or keeper of any dog that has been ordered muzzled or restrained under the provisions of Section 8 may request the Dog Officer in writing to vacate such order. If such order is not vacated, the owner of such dog may bring a petition in the District Court praying that the order of restraint be reviewed by the court as provided in Massachusetts General Laws, Chapter 140, Section 157, as amended.

SECTION 10 - In addition to any other statutory authority contained in Massachusetts General Laws, Chapter 140, the Dog Officer may enter a complaint with the Board of Selectmen to the control or disposition of any dog found to be uncontrollable or whose owner or keeper is unresponsive to any other penalties contained in this By-law.

SECTION 11 - Fees, Fines and Reasonable Costs

a. The Dog Officer, with the approval of the Board of Selectmen is authorized to change or increase reclaiming fees from time to time and take such action as may be required in order to enforce this provision. License and late fees shall be changed by town meeting action. (Art. 11, Adj. ATM 4-5-93, App. A.G. 7-28-93)

b. 1. Violations of Dog Restraining Order

1 <sup>st</sup> Offense	\$25.00
2 <sup>nd</sup> Offense	\$35.00
3 <sup>rd</sup> Offense	\$50.00
4 <sup>th</sup> Offense	\$100.00

If there has been no subsequent violation within one calendar year, the violation schedule shall begin again with the 1<sup>st</sup> Offense upon another violation.

2. Dog Bite

1 <sup>st</sup> Offense	\$25.00
2 <sup>nd</sup> Offense	\$35.00
3 <sup>rd</sup> Offense	\$50.00

If there has been no subsequent violation within one calendar year, the violation schedule shall begin again with the 1<sup>st</sup> Offense upon another violation.

- 3. Dog found in schoolyard \$15.00
- 4. Failure to comply with order of restraint \$35.00
- 5. Failure to comply with notice to kill or  
Confine \$50.00
- 6. Failure to vaccinate dogs against rabies \$50.00

This \$50.00 fine will be assessed to any dog owner who received a violation from the dog officer for an unlicensed dog and the rabies vaccination date shown in the Town Clerk's records has expired.

(Art. 9, STM 2-24-97, App. A.G. 5-9-97) (Art. 20, ATM 5-12-2003, App. A.G. 5-21-2003) (Art. 13, ATM 6-7-2010, App. A.G. 8-4-2010)

c. Whoever violates any provision of this By-law or any order of the Dog Officer issued pursuant to this By-law shall be subject to a fine determined by the Dog Officer with the approval of the Board of Selectmen except for licensing and late fees which will be voted at a town meeting. Each day on which any such violation continues shall be considered a separate violation of this section. All fees fines and receipts shall be paid into the general fund. (Art. 3, STM 11-18-91, to take effect 7-1-92, App. A.G. 2-11-92) (Art. 11, Adj. ATM 4-5-93, App. A.G. 7-28-93)

SECTION 12 - Rules for Dogs on Town Owned Property:

- a. Owners are legally responsible and liable for their dogs and any injuries caused by them.
- b. Unattended dogs may be impounded; never leave your dog unsupervised.
- c. Supervise no more than 2 dogs per adult per visit unless engaged in a sporting activity.
- d. No one under 16 years of age shall bring a dog onto any town owned property unless accompanied by an adult.
- e. Any habitual abuse of the peace, privacy and property of the neighbors will result in the offender having privileges on town property revoked.
- f. Damaging of property will result in criminal complaints.
- g. No glass containers or alcohol is allowed on town owned property.
- h. Owners are responsible for cleaning up after their dog(s).
- i. Dogs shall be restrained from digging holes; any holes dug shall be immediately filled.
- j. Dogs must have a current dog license and be inoculated, parasite free and healthy.
- k. Owners must be in verbal control of dogs at all times.
- l. Owners must carry a leash at all times.
- m. Rough or unruly dogs should be leashed and removed from the property.
- n. Dogs exhibiting a history of aggressive behavior will have privileges for use of town owned property revoked.
- o. Female dogs in heat are not allowed on town owned property.

(Art. 18, ATM 5-14-07, App. A.G. 5-22-07)

XVIII. BUILDING NUMBERING: The Board of Selectmen shall require that every building used for a dwelling house or a place of business in the Town of East Bridgewater bear, in a conspicuous place, a clear and legible building number. This number must be a minimum of 4" in height and contrast with its background in order to be visible from the street. For building with considerable set backs or situated in a way in which the number is not clearly visible from the street, the building number shall be located in a manner in which it can be seen clearly from the street (on a mailbox, post, etc.)

No person shall, for longer than ten (10) days after notification from the Board of Selectmen, Fire Chief, Police Chief or Building Inspector neglect or refuse to affix to, or suffer to remain on, any property owned or leased by him, a street number other than the one designated for such property by the appropriate agency. Each day a violation remains will constitute a separate offense and will be enforced in a manner provided in M.G.L. Chapter 40, Section 21-D. (Art. 16, STM 10-19-92, App. A.G. 1-11-93)

XIX. NON-CRIMINAL DISPOSITION ENFORCEMENT BY-LAW

Any person violating any provision of this by-law, the Board of Health Rules and Regulations, any of the conditions under which a Board of Health Permit is used, or any decision rendered by the Board of Health, may be fined not more than Fifty Dollars (\$50.00) for each offense. Each day that said violation continues shall constitute a separate offense.

In addition to other remedies available under any law, this by-law, the Board of Health Rules and Regulations, any conditions under which a Board of Health Permit is issued, or any decision rendered by the Board of Health, may be enforced by and at its discretion under Massachusetts General Laws, Chapter 40, Section 21D, which provides for non-criminal disposition of such offenses.

When so enforced, the penalties for the Board of Health violations of any type described herein, shall be:

First Offense:	Warning
Second Offense:	Fifty Dollars (\$50.00)
Third Offense:	Fifty Dollars (\$50.00)
Subsequent Offenses:	Fifty Dollars (\$50.00)

This enforcement shall apply to any and all Rules and Regulations under the jurisdiction of the East Bridgewater Board of Health promulgated under the General Laws of the Commonwealth of Massachusetts, Code of Massachusetts Regulations, including but not limited to: 105 CMR 4000.00-419.00 "State Sanitary Code Article I &

Article II", 105 CMR 595.00 "Vending Machines and State Sanitary Code for Food Establishments, Article X", 310 CMR 11.00 17.00 "Environmental Code Title 1, The State Environmental Code Title V, Site Assignment for Solid Waste Facilities", and rules and Regulations adopted and/or amended by the East Bridgewater Board of Health.

The statute provides that enforcing persons shall be its designated Health Agent(s). (Art. 20, Adj. ATM 4-6-98, App. A.G. 8-28-98)

XX. UNAUTHORIZED USE OF FIRE HYDRANT

A. Any person, other than an employee of the town performing municipal services, taking or using water from a Town fire hydrant without the prior written consent of the Board of Selectmen acting as Water Commissioners shall pay to the town a fine in the amount of three hundred dollars (\$300.00) for each such offense. The fine may be enforced criminally or non-criminally in the manner set forth in Article XVI. (Art. 28, ATM 5-12-2008, App. A.G. 6-11-2008)

B. Any person taking or using municipal water from a Town fire hydrant shall be liable for any damage caused by such action including, but not limited to, damage to any fire hydrant, water main or connection. (Art. 25, ATM 6-6-2005, App. A.G. 9-19-2005)

**PART FOUR - MISCELLANEOUS**

I. REPEAL OF PRIOR BY-LAWS: All existing by-laws except zoning by-laws of the Town heretofore adopted are hereby repealed, excepting Personnel By-law adopted at the Annual Town Meeting, April, 1980 under Article 31, and any amendments thereof.

II. ANNUAL AUDIT: There shall be an annual audit of the Town's accounts under the supervision of the Director of Accounts of the Department of Corporations and Taxation in accordance with the provisions of G.L. c. 44, s. 35.

III. COLLECTION OF FEES: All fees received by the Town Departments shall be paid over to the town Treasurer and retained by the town Treasurer on behalf of the town, except those fees collected by those persons acting as Agents for the State or County. (Art. 37, STM 12-7-87, App. A.G. 12-28-97)

IV. TOWN ACCOUNTANT: The Board of Selectmen shall appoint a Town Accountant for a term of not less than one(1) year nor more than three (3) years.

V. FEES: (As provided in Chapter 262, Section 34 of the General Laws)

	<u>FEES</u>
(1) For filing and indexing assignment for the benefit of creditors.	10.00
(11) For entering amendment of a record of birth of a child born out of wedlock subsequently legitimized	20.00
(12) For correcting errors in a record of birth.	20.00
(13) For furnishing certificate of a birth.	10.00
(13A) For furnishing an abstract copy of a record of birth	8.00
(14) For entering delayed record of birth	20.00
(20) For filing certificate of a person conducting business under any title other than his real name.	40.00
(21) For filing by a person conducting business under any title other than his real name of a statement of change of his residence, or of his discontinuance, retirement or withdrawal from, or change of location of, such business.	20.00
(22) For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business	5.00
(24) For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the Commonwealth.	20.00
(29) For correcting errors in a record of death.	20.00
(30) For furnishing a certificate of death.	10.00
(42) For entering notice of intention of marriage and issuing certificate thereof.	30.00
(43) For entering certificate of marriage filed by persons married out of the Commonwealth.	10.00
(44) For issuing certificate of marriage.	10.00
(45) For correcting errors in a record of marriage.	20.00
(54) For recording power of attorney.	20.00
(57) For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof.	20.00
(58) For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth.	20.00
(62) For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Section 22 of Chapter 166.	
	Flat Rate 40.00
	Additional Streets 10.00

(66) For examining records or papers relating to birth, marriage or deaths upon the application of any person the actual expense thereof, but not less than	10.00
(67) For copying any manuscript or record pertaining to a birth, marriage, or death.	Per Page 5.00
(69) For receiving and filing a complete inventory of all items to be included in a "closing out sale", etc.	1 <sup>st</sup> Page 10.00 Additional Page 2.00
(75) For filing a copy of written instrument or declaration of trust by trustees of an association or trust; or any amendment thereof as provided by Sec. 2, Chapter 182.	20.00
(78) For recording deed of lot or plot in a public place or cemetery.	10.00
(79) Recording any other documents.	1 <sup>st</sup> page 10.00 Additional Pages 2.00 Voter's Certificate 8.00
(Art. 20, Adj. ATM 4-8-81, App. A.G. 9-21-81) (Art. 28, ATM 4-12-86, App. A.G.5-8-86) (Art. 21, STM 6-27-88, App. A.G. 8-30-88) (Art. 17, ATM, 5-13-2002, App. A.G. 8-06-2002)	

VI. East Bridgewater Conservation Commission Administrative Fee Schedule

RDA	\$ 50.00
NOI - Residential	\$ 50.00
NOI - Commercial	\$ 100.00
ANRAD	\$ 1.00/linear ft. \$ 100.00 Minimum \$1000.00 Maximum
Certificate of Compliance - Residential	\$ 25.00
Certificate of Compliance - Commercial	\$ 50.00
Amended Order of Conditions - Residential	\$ 25.00
Amended Order of Conditions - Commercial/Subdivision	\$ 100.00
Extension of Order of Conditions	\$ 25.00
Duplicate Order of Conditions	\$ 25.00
Letter to Attorney/Bank	\$25.00
Filing After the Fact	
Towns share of filing fee Doubled	
Site Inspection - Residential Requested by Owner/Representative	\$25.00 flat fee 1 <sup>st</sup> Hr. \$15.00 ea additional Hr.
Site Inspection - Commercial Requested	\$25.00 flat fee 1 <sup>st</sup> Hr.

by Owner/Representative \$25.00 ea additional Hr.  
(Art. 19, ATM 6-7-2010, App. A.G. 8-4-2010)

VII.\* The finished grade line of all dwellings and customary accessory buildings shall not be less than six (6) inches above the highest point in the established grade of adjacent way or ways, nor less than three(3) inches above the established sidewalk lines. On Town Ways the DIRECTOR OF PUBLIC WORKS shall furnish such lines and grades, without charge, upon application.

In such cases as it may appear impractical to the Building Inspector to require compliance, he may, with the approval of the PLANNING BOARD, grant a variance and establish necessary alternate requirements to safeguard proposed structures from damage by water from adjacent ways.

(Art. 28, ATM 5-12-2008, App. A.G. 6-11-2008)

#### VIII.\* RIGHT OF APPEAL

A. If the owner of any building or structure, or an applicant for a permit to erect or alter a building or structure whose application has been refused or a person dissatisfied with the decision of the Building Inspector, or matter left to his approval or discretion may, within 30 days from date of such refusal, order, or decision, file an application for a hearing with the Town Clerk and the matter shall be referred to the Board of Appeals, who shall hold a Public Hearing of which due notice shall be given, whereupon all parties shall be heard.

B. The decision of the Board of Appeals shall be in writing and shall require the assent of a majority of the members of the Board and shall be filed in the office of the Town Clerk.

C. All appeals to the Board of Appeals shall be accompanied by a deposit to cover cost of such hearing.

D. The Board of Appeals under this By-law shall be the existing Board of Appeals, heretofore established and appointed by the Board of Selectmen.

(Art. 7, STM 7-29-81, App. A.G. 10-29-81) (Article 7 under "A" above read TEN DAYS, Attorney General approved "THIRTY DAYS"-General Laws, Ch. 40 A, Sec. 15 - re: Local by-law cannot supercede a General Law, thus 30 days is approved by the A.G.) (\*Art. 19, ATM 4-4-83, App. A.G. 7-21-83 Posted 7-2-83 changed Sections VI and VII from Sections V and VI).

**FEE SCHEDULE SEALER OF WEIGHTS AND MEASURES**

TOWN MEETING ACTION NEEDED TO INCREASE OVER CURRENT FEE:

Massachusetts General Laws, Chapter 98, Section 56

<u>Description</u>	<u>Fees</u>
Balance Scales	
Over 10,000 lbs.	100.00
5,000 to 10,000 lbs.	70.00
1,000 to 5,000 lbs.	70.00
100 to 1,000 lbs.	35.00
0 to 100 lbs.	20.00
Weights	
Avoirdupois	2.50
Metric	2.50
Apothecary	2.50
Troy	2.50
Capacity Measures/Vehicle Tanks	
Each indicator	2.50
Each 100 gals. or fraction thereof	2.50
Liquid	
1 gallon or less	.50
More than 1 gallon	1.50
Liquid Measuring Meters	
Inlet ½" or less Oil, Grease	5.00
Inlet more than ½" to 1" Gasoline	20.00
Inlet more than 1"	
Vehicle Tank Pump	35.00
Vehicle Tank Gravity	35.00
Bulk Storage	50.00
Out of Town Truck/Meter	50.00
Company Supplies Prover	25.00
Pumps/Each stop on pump	2.50
Other Devices	
Taxi Meters	20.00
Odometer-Hubodometer	20.00
Leather Mes. (Semi-Annual)	10.00
Fabric Measuring	10.00
Wire-Rope Cordage	15.00
Reverse Vending	20.00
Lin. Measures	
Yard Sticks	2.50

Tapes	2.50
Milk Jars or Bottles (per gross)	10.00
Can or Bottle Redeemers	20.00
Individual Weights	1.00
Weight Sets	10.00
Automatic Retail Checkout Systems	
1 to 3 Registers/Terminals	25.00 each
4 to 11 Registers/Terminals	150.00
More than 11 Registers/Terminals	250.00
Additional Fees	
Re-inspection Fee	20.00
Minimum Inspection Fee	15.00
Adjustment or repair Fee	25.00
(Art.21, ATM 5-12-2003, App. A.G. 5-21-2003)	
(Art.16, ATM 5-9-2016, App. A.G. 5-17-2016)	

NEW DWELLING UNITS: Prior to issuance of a building permit for any building containing one (1) or more new dwelling units, the applicant must present to the Building Inspector a "Certificate of approved water connection" as issued by the Board of Selectmen acting as Water Commissioners. Said certificate shall state that the proposed new structure has an approved connection available to the town of East Bridgewater Water System. (Art. 33, STM 4-11-87, App. A.G. 6-16-87) (Art 28, ATM 5-12-2008 App. A.G. 6-11-2008)

Said certificate shall not be required if there is no East Bridgewater water system connection available within 4500 feet from the proposed unit, said distance measured along public ways to the nearest available East Bridgewater water system connection, and if there is a water pipeline from another municipal water system within 200 feet of the nearest property line of the proposed unit. (Art. 22, Adj. ATM 4-4-94, App. A.G. 6-23-94)

VIV. THE ANNUAL FEE for a license issued to keep and operate an automatic amusement devise, pursuant to General Laws, chapter 140, section 177A, or any renewal thereof, shall be one hundred (\$100.00) dollars. The fee for any license issued

after January thirty-first in any year shall be pro-rated on the basis of the number of months in which the license is to be in force compared with twelve months. The fee for every change of premises shall be two (\$2.00) dollars. (Art. 19, ATM 4-9-88, App. A.G. 6-10-88)

IX. THE ANNUAL FEE for a license issued to be an innholder or common victualler, pursuant to General Laws, chapter 140, section 2, shall be fifty (\$50.00) dollars. (Art.18, ATM 4-9-88, App. A.G. 6-10-88)

X. THE ANNUAL FEE for a license to tell fortunes for money, or any renewal thereof, issued pursuant to General Laws, Chapter 140, Section 185 I, shall be fifty (\$50.00) dollars. The fee for any license issued after January thirty-first in any year shall be pro-rated on the basis of the number of months in which the license is to be in force compared with twelve months. (Art. 11, STM 1-28-91, App. A.G. 3-22-91)

## **PART FIVE - REGULATIONS**

### **I. WATER USE- PUBLIC WATER SYSTEM**

#### Section 1 Authority

This Bylaw is adopted by the Town under its police powers to protect public health and welfare and its powers under M.G.L. c.40, subsection 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c.41 section 69B. This bylaw also implements the Town's authority under M.G.L. c.40, section 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

#### Section 2 Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

#### Section 3 Definitions



Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 7 Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen acting as Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 6. (Art. 28, ATM 5-12-2008, App. A.G. 6-11-2008)

Section 8

Was eliminated through an amendment presented by Robert E. McCarthy.

Section 9 Penalties

Any person violating this bylaw shall receive a warning from the Board of Selectmen acting as Water Commissioners for the first offense, a \$25.00 fine for the second violation, and a \$50.00 fine for each subsequent violation which shall inure to the Town for such uses as the Board of Selectmen acting as Water Commissioners may direct. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of Chapter 40 of the general laws. Each day of violation shall constitute a separate offense. The Water Superintendent, in addition to Police Officers, shall be the persons enforcing this By-Law. (Art. 20, STM 10-30-2000, App. A.G. 1-12-2001) (Art. 28, ATM 5-12-2008, App. A.G. 6-11-2008)

Section 10 Severability

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof. (Art. 13, STM 6-12-2000, App. A.G. 6-26-2000)

II. HISTORIC PROPERTIES - DEMOLITION

SECTION 1 - INTENT AND SCOPE

This by-law is enacted to promote the public welfare and safeguard the town's historical, cultural and architectural heritage by protecting historical resources that make the town a more interesting, attractive and desirable place in which to live. The by-law aims to protect and preserve historic properties within the town by encouraging their owners to seek alternatives to their demolition and by providing the Town an opportunity to work with owners of historic properties in identifying alternatives to their demolition.

SECTION 2 - DEFINITIONS

As used in this bylaw, the following words and terms, unless the context requires otherwise, shall have the following meanings:

2.1 "Building" - any combination of materials forming a shelter for persons, animals or property.

2.2 "Commission" - The East Bridgewater Historical Commission

2.3 "Demolition" - any act of destroying, elimination, pulling down, razing of 50% of the exterior shell or removing a building or any portion thereof, or starting the work of any such act with the intention of completing the same.

(Art. 10, ATM 5-12-2003, App. A.G. 5-21-2003)

2.4 "Person"- any natural person, firm, partnership, association, company, realty trust or corporation.

2.5 "Significant Building" - any building or portion thereof, which is not within a regional historic district or local historic district subject to regulation under the provisions of G.L. c. 40C but which

- (i) has been listed or is the subject of a pending application for listing on the National Register of Historic Places, or
- (ii) has been listed on the Massachusetts Register of Historic Places, or
- (iii) is over 75 years of age and which is determined by the Commission to be a significant building as provided by section 3.4 of this by-law, either because
  - (a) it is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or

social history of the Town or the Commonwealth; or

- (b) it is historically or architecturally important (in terms of period, style, method of building construction, or association with a famous architect or builder) either by itself or in the context of a group of buildings.

2.6 "Preferably-preserved significant building" - any significant building as to which the Commission determines, as provided in section 3.7 of this by-law, that it is in the public interest to be preserved or rehabilitated rather than to be demolished.

### SECTION 3 - PROCEDURES

3.1 No permit for the demolition or renovation that involves the razing of 50% of the exterior shell of a building, which is a significant building as defined in 2.5 herein shall be issued other than in conformity with the provisions of this bylaw as well as in conformity with provisions of other laws applicable to the demolition or renovations of building and the issuance of permits therefore generally. (Art. 11, ATM 5-12-2003, App. A.G. 5-21-2003)

3.2 Any person who intends to file an application for a permit to demolish a building which:

- (1) has been listed or is the subject of a pending application for listing in the National Register of Historic Places or is listed in the Massachusetts Register of Historic Places; or
- (2) which is over 75 years of age, shall file a Notice of Intent to Demolish a Significant Building with the Building Inspector, and in addition, shall complete the review process established in sections 3.1 through 3.9 herein. The Building Inspector shall forthwith transmit copies of each duly filed Notice of Intent to the Commission.

3.3 The Commission shall prepare and have available for distribution a Notice of Intent to Demolish a Significant Building, which shall contain at least the following information:

- (i) applicant's name, address and interest in such property;
- (ii) owner's name and address, if different from that of the applicant;
- (iii) the address or location of such property;
- (iv) Assessors' map and parcel number;

- (v) A brief description of such property; and
- (vi) An explanation of the proposed use to be made of the site of such property.

3.4 Where an applicant has filed a Notice of Intent to Demolish a building that is over 75 years of age which neither has been listed nor is subject of a pending application for listing on the National Register of Historic Places nor has been listed on the Massachusetts Register of Historic Places, the Commission shall, within seven business days of the filing of the Notice of Intent, file with the Building Inspector an initial determination in writing as to whether or not the building is a significant building in accordance with any criterion set forth in section 2.5 (a) and (b). A determination that a building is not a significant building shall be transmitted by the Commission to the applicant, to the Building Inspector and the applicant shall not be required to take any further steps prior to filing for a demolition permit.

3.5 The Commission shall, unless the building is not significant, hold a public hearing on each such Notice of Intent within thirty (30) days after the date it is filed with the Building Inspector and shall give notice thereof by publishing the date, time, place and purpose of the hearing in a local newspaper at least fourteen (14) days before such hearing and also, seven (7) days prior to said hearing, mail a copy of said notice to the applicant. The Commission may also require that the applicant maintain on the building, which is the subject of an application, a notice, in a form designated by the Commission, visible from the nearest public way, of any hearing upon the subject matter of such application; and the applicant shall comply with such requirement. Within twenty-one days from the close of the public hearing, the Commission shall file a written determination with the Building Inspector as to whether the demolition of the building will be detrimental to the historical, cultural or architectural heritage or resources of the Town.

3.6 If, after such hearing, the Commission determines that the demolition of the significant building would not be detrimental to the historical, cultural or architectural heritage or resources of the Town, the Commission shall so notify the

applicant, and the Building Inspector. Upon receipt of such notification, the Building Inspector subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue the demolition permit.

3.7 If the Commission determines that the demolition of the significant building would be detrimental to the historical, cultural or architectural heritage or resources of the Town, such building shall be considered a preferably-preserved significant building.

3.8 Upon a determination by the Commission that the significant building which is the subject of the application for a demolition permit is a preferably-preserved significant building, the Commission shall so advise the applicant, the Building Inspector and no demolition permit may be issued until at least 120 days after the date of such determination by the Commission.

3.9 Notwithstanding the preceding sentence, the Building Inspector may issue a demolition permit for a preferably-preserved significant building at any time after receipt of written advice from the Commission to the effect that either:

- (i) the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or,
- (ii) the Commission is satisfied that for at least 120 days, owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful.

#### SECTION 4 - EMERGENCY DEMOLITION

Nothing in this by-law shall restrict the Building Inspector from ordering the demolition of a significant building determined by him to present a clear and present danger to the safety of the public which only demolition can prevent.

#### SECTION 5 - NON-COMPLIANCE

5.1 Whomever violates any provision of this by-law shall be penalized. Each day on which any violation continues shall

constitute a separate offense. Violators shall be penalized by a fine of \$300.00 per day, payable to the Town of East Bridgewater.

5.2 The Commission and the Building Inspector are each authorized to institute any and all proceedings in law or equity as they deem necessary to obtain compliance with the requirements of this by-law or to prevent a violation thereof.

5.3 No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this by-law for a period of three years after date of the completion of such demolition. As used herein "premises" includes the parcel of land upon which the demolished significant building was located.

SECTION 6 - SEVERABILITY

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

SECTION 7 - CONFLICT

No provision of this by-law shall be construed or applied so as to conflict with Massachusetts General Laws, Chapter 143. In the event of an apparent conflict, the provisions of General Laws, Chapter 143 shall prevail. (Art. 18, STM 10-22-2001, App. A. G. 11-22-2001)

III. RIGHT TO FARM

Section 1 Legislative Purpose and Intent

- A. The purpose and intent of this By-Law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws, Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of the Town of East Bridgewater restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution. ("Home Rule Amendment").
- B. This General By-Law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and

protects farmlands within the Town of East Bridgewater by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-Law shall apply to all jurisdictional areas within the Town of East Bridgewater.

Section 2 Definitions

- A. The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.
  
- B. The word "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:
  - 1. farming in all its branches and the cultivation and tillage of the soil;
  - 2. dairying;
  - 3. production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
  - 4. growing and harvesting of Christmas trees;
  
  - 5. cultivation of sugar maple trees for the production of maple products;
  - 6. growing and harvesting of forest products and any other forestry or lumbering operations; raising of livestock, including horses;
  - 7. keeping of horses as a commercial enterprise;
  - 8. keeping and raising of poultry, swine, cattle, sheep, goats, rabbits, ratites (such as emus, ostriches and rheas), camelids (such as llamas, alpacas, and camels) and other domesticated animals for food and other agricultural purposes, including fiber and fur-bearing animals (not to include exotic animals).
  - 9. keeping of honey bees;
  - 10. fish hatcheries.
  
- C. "Farming" shall encompass activities including, but not limited to, the following:
  - 1. operation and transportation of slow-moving farm equipment over roads within the Town;
  - 2. control of pests including, but not limited to insects, weeds, predators, and disease organisms of plants and animals;
  - 3. application of manure, fertilizers, and pesticides;

4. conducting agriculture-related educational and farm-based recreational activities, provide that the activities are related to marketing the agricultural output or services of the farm;
5. processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
6. maintenance, repair, or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
7. on-farm relocation of the earth and clearing of ground for farming operation;
8. construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building codes and regulations; including construction and maintenance of fences.

### Section 3 Right to Farm Declaration

- A. The Right to Farm is hereby recognized to exist within the Town of East Bridgewater. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the accompanying incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-Law are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm By-Law shall be deemed as acquiring any interest in land, or imposing any land use regulation, which is properly the subject of state statute, regulation, or local Zoning By-Law. This By-Law does not supersede local, state or federal laws or regulations or private covenants.

#### Section 4 Disclosure Notification

- A. The Town will provide a copy of the following notice by posting a copy of the notice at the East Bridgewater Town Hall and at the East Bridgewater Public Library, and will include the notice and copy of the By-Law on the Town's official website.

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

#### Section 5 Resolution of Disputes

- A. Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved my have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring town authority within an agreed upon time frame with all involved parties.
- B. The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed time frame with all involved parties.

Section 6 Severability Clause

- A. If any part of the By-Law is for any reason held to be unconstitutional or invalid, such decision(s) shall not affect the remainder of this Bylaw. The Town of East Bridgewater declares the provisions of this By-Law to be severable.

Section 7 Precedence

"In the event of conflict between this By-Law and all other regulations, this By-Law shall take precedence. In the event of conflict between this By-Law and federal or state law, federal or state law shall take precedence respectively."  
(Art. 12, ATM 6-7-2010, App. A.G. 8-4-2-2010)

**PART SIX - FINANCIAL**

I. CAPITAL STABILIZATION FUND BYLAW

There is hereby established a capital stabilization fund bylaw for the purpose of establishing a capital stabilization fund pursuant to MGL, Chapter 40, Section 5B, and establishing the approval process and funding requirements for all capital projects which qualify for an appropriation from the capital stabilization fund. In order for a project to qualify for an appropriation from the capital stabilization fund and to come before Town Meeting to secure funding, all of the following criteria must be met:

1. All capital stabilization fund requests must first be reviewed and approved by the Capital Improvement Committee (CIC), and said committee shall confirm that the request satisfies one or more of the following requirements;
  - a. Request is for new construction, expansion, renovation, or replacement for an existing facility or facilities. The project must have a total cost of at least \$10,000 over the life of the project. Project costs can include the cost of land, engineering,

architectural planning, and contract services needed to complete the project, or

b. Request is for purchase of major equipment (assets) costing \$50,000 or more with a useful life of at least 10 years, or

c. Request is for a major maintenance or rehabilitation project for existing facilities with a cost of \$10,000 or more and an economic life of at least 10 years.

2. All capital stabilization fund requests must be submitted to the Finance Committee for review and comment.

3. All capital stabilization fund requests must be submitted as a Warrant Article for the Board of Selectmen's review and approval. The Board, at its discretion, may vote to place the requested article on the Warrant or to reject the requested article.

4. Capital stabilization fund requests which comply with this bylaw may be presented at any Town Meeting and may be acted upon by Town Meeting provided that the then in effect quorum is present and provided further that funds for any capital stabilization fund project may only be appropriated if two thirds of the present and voting members of Town Meeting vote in the affirmative.

5. With the exception of design services and engineering services, requests for capital stabilization fund projects must include all anticipated costs of the project.

(Art. 1, STM 2-6-2007, App. A.G. 5-2-2007)

## II. TOWN BUILDINGS MAINTENANCE STABILIZATION FUND

A Town Buildings Maintenance Stabilization Fund bylaw for the purpose of creating a stabilization fund pursuant to MGL, Chapter 40, Section 5B, and establishing the approval process and funding requirements for maintenance for all Town Buildings and Town Building Maintenance Projects which qualify for an appropriation from the TOWN BUILDINGS MAINTENANCE STABILIZATION FUND. In order for a project to qualify for an appropriation from the TOWN BUILDINGS MAINTENANCE STABILIZATION FUND and to come before Town Meeting to secure funding, all of the following criteria must be met:

1. All Town Buildings Maintenance Stabilization Fund requests must first be re-viewed and approved by the Facilities Committee, and

said committee shall confirm that the request satisfies one or more of the following requirements:

2. All Town Buildings Maintenance Stabilization Fund requests must be submitted to the Finance Committee for review and comment.

3. All Town Buildings Maintenance Stabilization Fund requests must be submitted as a warrant article for the Board of Selectmen's review and approval. The Board, at its discretion, may vote to place the requested article on the Warrant or to reject the requested article.

4. Town Buildings Maintenance Stabilization Fund requests which comply with this bylaw may be presented at any Town Meeting and may be acted upon by Town Meeting provided that the then in effect quorum is present and provided further the funds for any Town Buildings Maintenance Stabilization Fund project may only be appropriated if two-thirds of the present and voting members of Town Meeting vote in the affirmative.

5. Town Buildings Maintenance Stabilization Fund requests must include all anticipated costs of the project.

(Art. 4, ATM 6-4-2012, App. A.G. 9-11-2012)

## **PART SEVEN - WETLAND BYLAW**

### **I. WETLAND**

#### **SECTION 1: PURPOSE**

The purpose of this By-Law is to allow timely and low cost applications for and the issuance of administrative permits for activities deemed not to have a significant effect on Bordering Vegetated Wetlands in the Town of East Bridgewater.

#### **SECTION 2: AUTHORITY**

This Bylaw is intended to utilize the Home Rule authority of this municipality and shall be predicated on the Conservation Commission first submitting under MA DEP Wetland Regulations 310 CMR 10.0 et seq, a Request for Determination of Applicability for the issuance of Administrative Permits for activities listed in Section 4 of this Bylaw and the Conservation Commission issuing a Determination of Applicability for those activities.

#### **SECTION 3: DEFINITIONS**

Bordering Vegetated Wetland is defined in 301 CMR 10.55(2)

SECTION 4: ISSUANCE OF ADMINISTRATIVE PERMITS

This section allows the issuance of an administrative permit by the Conservation Commission Staff for sheds, decks, above ground pools or similar low impact structures that occur in an existing lawn, that occurs more than 25' from a wetland and that would otherwise meet the MA DEP criteria for the issuance of a Negative Determination of Applicability. Administrative permits shall be issued by the Conservation Commission staff without requiring the applicant to hold a Public Hearing or to advertise the Public Hearing in a local newspaper.

SECTION 5: SEVERABILITY

Should any section or provision of this By-Law be found invalid, the validity of any other section or provision thereof shall not be affected, nor shall it invalidate any permit, approval or determination which previously has been issued.

(Art. 46, ATM 6-2-2014, A.G. App. 8-5-2014)

**PART EIGHT - EAST BRIDGEWATER CONSTRUCTION PHASE STORMWATER  
MANAGEMENT AND SOIL EROSION CONTROL BYLAW**

SECTION 1. PURPOSE AND OBJECTIVES

- A. The harmful impacts of soil erosion and sedimentation are:
1. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
  2. contamination of drinking water supplies;
  3. alteration or destruction of aquatic and wildlife habitat;
  4. flooding; and
  5. overloading or clogging of municipal catch basins and storm drainage systems.
- B. The harmful impacts of increased stormwater runoff are:
1. damage to public and private property infrastructure;
  2. loss of groundwater recharge;
  3. impairment of surface water quality;
  4. increased flooding of wetlands, streams, rivers, ponds and lakes; and
  5. changes to the public health, public safety and the

environment.

- C. The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development, redevelopment and land uses with potential for increased nonpoint source pollution. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, and promote groundwater recharge to protect surface and groundwater drinking supplies.
- D. The objectives of this bylaw are to:
1. comply with state and federal statutes and regulations relating to stormwater discharges;
  2. establish the Town of East Bridgewater's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement;
  3. establish decision-making processes surrounding land development and land use activities that protect the integrity of the watershed and preserve the health of water resources;
  4. require that new development, redevelopment and all land use activity maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;
  5. establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
  6. establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land use activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of storm water runoff;
  7. establish minimum design criteria for measures to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;
  8. establish design and application criteria for the construction and use of structural stormwater control

- facilities that can be used to meet the minimum post-development stormwater management standards;
9. require the use of nonstructural stormwater management with better site design practices or "low-impact development practices" such as reducing impervious cover and the preservation of green space and other natural areas to the maximum extent practicable;
  10. coordinate new site design plans with existing site plans to utilize natural areas for green space;
  11. establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public health and safety;
  12. establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw;
  13. establish administrative procedures for the submission, review, approval or disapproval of Stormwater management plans and for the inspection of approved active projects and long-term follow up;
  14. establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, and the inspection of approved projects;
  15. ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained; and
  16. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

## SECTION 2. DEFINITIONS

**ABUTTER:** The owner(s) of land sharing a common boundary or corner with the site of the proposed activity in any direction, including the owner(s) of land within 100 feet of the proposed activity and including land located directly across a street, way, creek, river, stream, brook or canal.

**ADMINISTRATIVE STORMWATER MANAGEMENT PERMIT (ASMP):** A permit issued by the Stormwater Authority after review of an application, plans, calculations, and other supporting documents, which is designed to

protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

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

**ALTER:** Any activity which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

**APPLICANT:** Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision of the Commonwealth or the Federal Government to the extent permitted by law, requesting a Stormwater Management and Soil Erosion Control Permit for proposed land-disturbance activity.

**AUTHORIZED ENFORCEMENT AGENCY:** The Stormwater Authority, its employees or agents designated to enforce this by-law.

**BETTER SITE DESIGN PRACTICES:** Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, and using natural features for stormwater management.

**BEST MANAGEMENT PRACTICE (BMP):** Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

**BIOSOLIDS:** Wasterwater Septic Treatment Plant sludge that has been treated to ensure that it can be safely applied to land as a fertilizer or soil amendment. Biosolids are further defined in EPA's "Regulations for the Use and Disposal of Sludge" (40 CFR 503), MA DEP's 310 CMR 32.00: Land Application Of Sludge And Septage and MDAR's 330 CMR 31.00: Plant Nutrient Application Requirements For Agricultural Land And Land Not Used For Agricultural Purposes.

**CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC):** A specialist in soil erosion and sediment control who has been certified by a recognized Erosion and Control organization approved

by the Stormwater Authority; or who is qualified by demonstrated acceptable evidence of erosion and sediment control education, experience, expertise and continuing professional development courses satisfactory to the Stormwater Authority.

**CONSTRUCTION AND WASTE MATERIALS:** Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

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

**EAST BRIDGEWATER CONSTRUCTION PHASE STORMWATER MANAGEMENT AND SOIL EROSION CONTROL BYLAW:** Also known and referred as the Stormwater Management Bylaw.

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

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

**ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS:**

Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

**EPA:** United States Environmental Protection Agency.

**GENERAL STORMWATER MANAGEMENT PERMIT (GSMP):** A permit issued by the Stormwater Authority after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

**LAND-DISTURBING ACTIVITY:** Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

**LOW IMPACT DEVELOPMENT PRACTICES:** is a comprehensive land planning and engineering design approach with a goal of maintaining and enhancing the pre-development hydrologic regime of urban and developing watersheds.

**MDAR:** *Massachusetts Department of Agricultural Resources.*

**MA DEP:** Massachusetts Department of Environmental Protection.

**MASSACHUSETTS ENDANGERED SPECIES ACT:** (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the

"taking" of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

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

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

**NEW DEVELOPMENT:** Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

**NONPOINT SOURCE POLLUTION:** Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

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

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

**POST-DEVELOPMENT:** The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

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

**PRE-DEVELOPMENT:** The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Stormwater Authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

**PRIORITY HABITAT OF RARE SPECIES:** Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

**REDEVELOPMENT:** Any construction, alteration, or improvement exceeding land disturbance of 5,000 square feet, where the existing land use is residential commercial, industrial, institutional, or multi-family residential.

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

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

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

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

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

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

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

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

**STORMWATER AUTHORITY:** The Town of East Bridgewater Conservation Commission and the Town of East Bridgewater Planning Board OR its authorized agent(s) who will administer, implement and enforce this bylaw. The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this Bylaw.

**STORMWATER MANAGEMENT BYLAW:** Also known and referred as the East Bridgewater Construction Phase Stormwater Management and Soil Erosion Control Bylaw.

**STORMWATER MANAGEMENT PERMIT:** A permit issued by the Stormwater Authority under this Bylaw.

**STRIP:** Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

**VERNAL POOLS:** Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

**VIOLATION:** A failure by any person, individual, partnership, association, firm, company, corporation, or trust to comply with an order issued by the Stormwater Authority or an agent of said Authority.

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

**WETLAND RESOURCE AREA:** Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40

### SECTION 3. AUTHORITY

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

### SECTION 4. APPLICABILITY

This bylaw shall apply to all activities/projects that result in land disturbance of more than 5,000 square feet—of land that drains to the municipal separate storm sewer system or wetland areas subject to protection under M.G.L. c. 131, § 40. If an activity/project meets the above applicable criteria and is within the specific jurisdiction of the Planning Board under M.G.L.c.41 § 81K-GG and/or M.G.L.c.40A, § 9, then the activity/project shall be administered, implemented and enforced by the Planning Board and/or its authorized agent(s) under this bylaw. The Conservation Commission and/or its authorized agent(s) shall administer, implement and enforce all other activities/projects under this bylaw., Normal maintenance and improvement of land in agricultural, forestry or aqua-cultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.4, are exempt. Land application of any type of biosolids on land in agriculture is not exempt under this by-law unless the person applying the biosolids provides the Stormwater Authority with proof that such use is in compliance with all EPA, MA DEP and MDAR regulations and permits.

### SECTION 5. ADMINISTRATION

#### A. Administrative Authority

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

#### B. Waiver

The Stormwater Authority may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:

1. such action is not prohibited by federal, state or local statutes and/or regulations,
2. is in the public interest, and
3. is not inconsistent with the purpose and intent of this by-law.

C. Rules and Regulations

The Stormwater Authority shall adopt, and periodically amend rules and regulations to effectuate the purposes of this by-law relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Management Bylaw by majority vote of the Stormwater Authority, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be posted on the Stormwater Authority's website and advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date. After public notice and public hearing, Stormwater Authority may promulgate rules and regulations. Failure by the Stormwater Authority to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

D. Stormwater Management Manual

The Stormwater Authority will utilize the criteria and information including specifications and standards of the latest edition of the Massachusetts Department of Environmental Protection Stormwater Management Regulation and/or an approved East Bridgewater equivalent, for execution of the provisions of this Bylaw. This manual includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Stormwater Management Manual and Regulations may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

E. Administrative Stormwater Management Permit

The Stormwater Authority shall have the authority to develop an Administrative Stormwater Management Permit (ASMP) for small, minimal impact projects. Any such Administrative Stormwater Management Permit requirements shall be further defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw.

F. General Stormwater Management Permit

The Stormwater Authority shall have the authority to develop a General Stormwater Management Permit (GSMP) for larger substantial impact types of specific projects, such as, without limitation, construction of a new parking lot, expansion of an existing parking lot, residential buildings, municipal buildings,

commercial buildings, industrial buildings, access roads, subdivision roads, solar arrays, and construction or repair of any nonresidential septic system. Any such General Stormwater Management Permit requirements shall be further defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw.

## SECTION 6. PERMITS and PROCEDURE

### A. Application

A completed application for a Stormwater Management Permit shall be filed with the Stormwater Authority. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of 5,000 S.F. or more and where the land application of biosolids is proposed. The Stormwater Management Permit Application package shall include:

1. a completed Application Form with original signatures of all owners;
2. a list of abutters, certified by the Assessors' Office;
3. required number of copies of documents including but not limited to the Stormwater Management Report, the Pre-Development and Post-Development Stormwater Calculations, the Pre-Development and Post-Development Construction Stormwater Operation and Maintenance Plan and a separate plan showing the Erosion and Sediment Control Plan as specified in Section 7. of this bylaw or other documents that may be specified in any Stormwater Regulations promulgated as a result of this Bylaw; and
4. payment of the application and review fees as specified in any Stormwater Regulations promulgated as a result of this Bylaw.

### B. Entry

Filing an application for a permit grants the Stormwater Authority or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

### C. Other Boards

The Stormwater Authority shall give one copy of the application package to the Planning Board, the Conservation Commission the Board of Health, the Police Department, the Fire Department and The Department of Public Works.

### D. Public Hearing

The Stormwater Authority shall hold a public hearing within twenty-one (21) days of the receipt of a Complete application

and shall take final action within twenty-one (21) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Stormwater Authority. Notice of the public hearing shall be given by the Stormwater Authority by posting a public hearing notice on the Stormwater Authority's Website, by posting the public hearing notice with the Town Clerk and by the applicant sending a public hearing notice by first-class mailings to abutters at least seven (7) days prior to the hearing. The Stormwater Authority shall make the application available for inspection by the public during business hours at the Stormwater Authority office.

E. Information requests

The applicant shall submit all additional information requested by Stormwater Authority to issue a decision on the application.

F. Action by Stormwater Authority

The Stormwater Authority may:

1. approve the Stormwater Management Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
2. approve the Stormwater Management Permit Application and issue a permit with conditions, modifications or restrictions that the Stormwater Authority determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this bylaw;
3. disapprove the Stormwater Management Permit Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

G. Failure of Stormwater Authority to take final action

Failure of the Stormwater Authority to take final action upon an application within the time specified above, unless such time has been extended by mutual agreement by the Stormwater Authority and the applicant, shall be deemed to be approval of said application. Upon expiration of the time period for taking final action as specified above, with granted extension(s), if any, the Stormwater Management Permit shall be issued by the Stormwater Authority.

H. Fee Structure

Each application must be accompanied by the appropriate application fee as established by the Stormwater Authority as

specified in any Stormwater Regulations promulgated as a result of this Bylaw. Applicants shall pay review fees as determined by the Stormwater Authority sufficient to cover any expenses connected with the public hearing and review of the Stormwater Management Permit Application before the review process commences. The Stormwater Authority is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Stormwater Authority on any or all aspects of the Application. Costs of the engineer or the consultant will be the responsibility of the applicant.

I. Project Changes

The permittee, or their agent, must notify the Stormwater Authority in writing of any change or alteration of a land disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Stormwater Authority determines that the change or alteration is significant, the Stormwater Authority may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or alteration from the Stormwater Management Permit occurs during any land disturbing activities, the Stormwater Authority may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

SECTION 7. EROSION AND SEDIMENT CONTROL PLAN

A. The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 7.B. below.

B. The design requirements of the Erosion and Sediment Control Plan are to:

1. minimize total area of disturbance;
2. sequence activities to minimize simultaneous areas of disturbance;
3. minimize peak rate of runoff in accordance with the Massachusetts Stormwater Regulations;
4. minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
5. divert uncontaminated water around disturbed areas;
6. maximize groundwater recharge;

7. install and maintain all Erosion and Sediment Control measures in accordance with the manufacturer's specifications and good engineering practices;
8. prevent off-site transport of sediment;
9. protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
10. comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
11. prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
  
12. institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
13. properly manage on-site construction and waste materials; and
14. prevent off-site vehicle tracking of sediments.

C. Erosion and Sedimentation Control Plan Content

The plan shall contain the following information:

1. names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
2. name of CPESC in charge of the Erosion and Sedimentation Control plan with 24 hour contact information
3. title, date, north arrow, names of abutters, scale, legend, and locus map;
4. location and description of natural features including:
  - (a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
  - (b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and

- forest communities; and
- (c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
5. lines of existing abutting streets showing drainage and driveway locations and curb cuts;
  6. existing soils, volume and nature of imported soil materials;
  7. topographical features including existing and proposed contours at intervals no greater than one (1) feet with spot elevations provided when needed;
  8. surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
  9. drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
  10. location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
  11. path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
  12. location and description of industrial discharges, including stormwater discharges;
  13. stormwater runoff calculations in accordance with the MA Department of Environmental Protection's Stormwater Management Regulation;
  14. location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
  15. a description of construction and waste materials expected to be stored on-site. The plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
  16. a description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
  17. plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts and a Certified Professional in Erosion and Sediment Control; and
  18. such other information as is required by the Stormwater

Authority; and any other requirements as specified in any Stormwater Regulations promulgated as a result of this Bylaw.

## SECTION 8. INSPECTION AND SITE SUPERVISION

### A. Pre-construction Meeting

Prior to starting clearing, excavation, construction, or land disturbing activity the applicant, the applicant's Technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the East Bridgewater Conservation Commission, to review the permitted plans and their implementation.

### B. Stormwater Authority Inspection

The Stormwater Authority or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Stormwater Management Permit as approved. The Permit and associated plans for grading, stripping, excavating, and Filling work, bearing the signature of approval of the Stormwater Authority, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Stormwater Authority at least two (2) working days before each of the following events:

1. Erosion and sediment control measures are in place and stabilized;
2. site clearing has been substantially completed;
3. rough grading has been substantially completed;
4. final grading has been substantially completed;
5. close of the construction season; and
6. final landscaping (permanent stabilization) and project final completion.

### C. Permittee Inspections

The permittee's Certified Professional In Erosion And Sediment Control (CPESC) or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the Stormwater Authority or designated agent in a format approved by the Stormwater Authority.

### D. Access Permission

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Authority its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary to determine compliance with the permit.

#### SECTION 9. SURETY

The Stormwater Authority may require the permittee to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Stormwater Authority has received the final report as required by Section 10 and issued a certificate of completion.

#### SECTION 10. FINAL REPORTS

Upon completion of the work, the permittee shall submit a report (including certified as built construction plans) from a Professional Engineer (P.E.), surveyor, and Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter and the as-built construction plans.

#### SECTION 11. ENFORCEMENT

A. The Stormwater Authority or its authorized agent shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

##### B. Orders

1. Stormwater Authority or an authorized agent may issue a written order to enforce the provisions of this by-law or the regulations hereunder, which may include:

- (a) a requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the Stormwater Management Permit;
- (b) maintenance, installation or performance of additional

- erosion and sediment control measures;
  - (c) monitoring, analyses, and reporting;
  - (d) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
2. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town Of East Bridgewater through the Stormwater Authority may, at its option, undertake such work, and the property owner shall reimburse the Stormwater Authority expenses.
  3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Stormwater Authority, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

#### C. Criminal Complaint and Penalty

Any person who violates any provision of this by-law, regulation, order or permit issued there under, may be penalized by indictment or criminal complaint brought in the Brockton District Court. The penalty shall be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

#### D. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Stormwater Authority may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D and enabling Bylaw of the Town of East Bridgewater, in which case the Stormwater

Authority or an agent of the Stormwater Authority shall be the enforcing person under this bylaw. The penalty for the 1<sup>st</sup> violation shall be a Written Warning specifying the violation and required corrective action. The penalty for the 2<sup>nd</sup> violation shall be a fine of \$150.00. The penalty for the 3<sup>rd</sup> and subsequent violations shall be a fine of \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. The fines issued by the Stormwater Authority under Section 11.D. of this Bylaw shall be final. Further relief of a fine under Section 11.D. of this Bylaw shall be reviewable in the Brockton District Court and if said action was filed within 21 days thereof, in accordance with M.G.L. Ch. 40, §21D.

#### E. Appeals

The decisions or orders of the Stormwater Authority shall be final. Further relief of a decision by the Stormwater Authority under this Bylaw shall be reviewable in the Superior Court of the applicable jurisdiction and if said action was filed within 60 days thereof, in accordance with M.G.L. Ch 249 § 4.

#### F. Remedies Not Exclusive

The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

#### SECTION 12. EFFECTIVE DATE

This Bylaw shall take effect after approval of the 2016 Annual Town Meeting Articles by the Attorney General, and after the adoption of the Stormwater Authority Rules and Regulations and/or by January 1, 2017, whichever occurs first.

(ART. 17 ATM 5-9-2016, App. A.G. 5-17-2016)

### **PART NINE - MARIJUANA NOT MEDICALLY PRESCRIBED**

Consistent with G.L.c.94G sec. 3(a)(2), all types of marijuana establishments as defined in G.L.c.94G, Section 1(j), to include all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers marijuana retailers or any other type of licensed marijuana-related businesses, shall be prohibited within the Town of East Bridgewater.

(ART. 32 ATM 5-8-2017, App. A.G. 8-14-2017)

**PART TEN – REVOLVING FUNDS**

Establish and authorize revolving funds for use by certain Town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44 S 53 ½

A. Revolving Fund	B. Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C. Fees, Charges or Other Receipts Credited to Fund	D. Program or Activity Expenses Payable from Fund	E. Restrictions or Conditions on Expenses Payable from Fund	F. Other Requirements/ Reports  Annual Spending Limits	G. Fiscal Years  (Commencing)
COA Programs & Mini-Bus	Council on Aging	COA program fees and mini-bus receipts	Exclusively to defray expenses for COA programs and mini- bus repairs	Allowable program costs only	\$10,000.00	Fiscal 2019
Center at Sachem Rock Rental	Board of Selectmen	Sachem Center Room Rental Fees	To provide funding for expenses associated with room rental at the Sachem Center	Allowable program costs only	\$20,000.00	Fiscal 2019
Recreation Commission Activities	Recreation Commission	Field usage, rental fees and fund-raising activities undertaken by the Recreation Commission	To fund recreational activities, field and equipment repairs, and field development	Allowable program costs only	\$40,000.00	Fiscal 2019
Passport Photo Fees	Veterans' Agent	Fees generated from the sale of passport photographs	Expenses for photo supplies associated with the sale of passport photos.	Allowable program costs only	\$3,000.00	Fiscal 2019

(ART. 7 ATM 5-14-2018, App. A.G. 8-27-18)