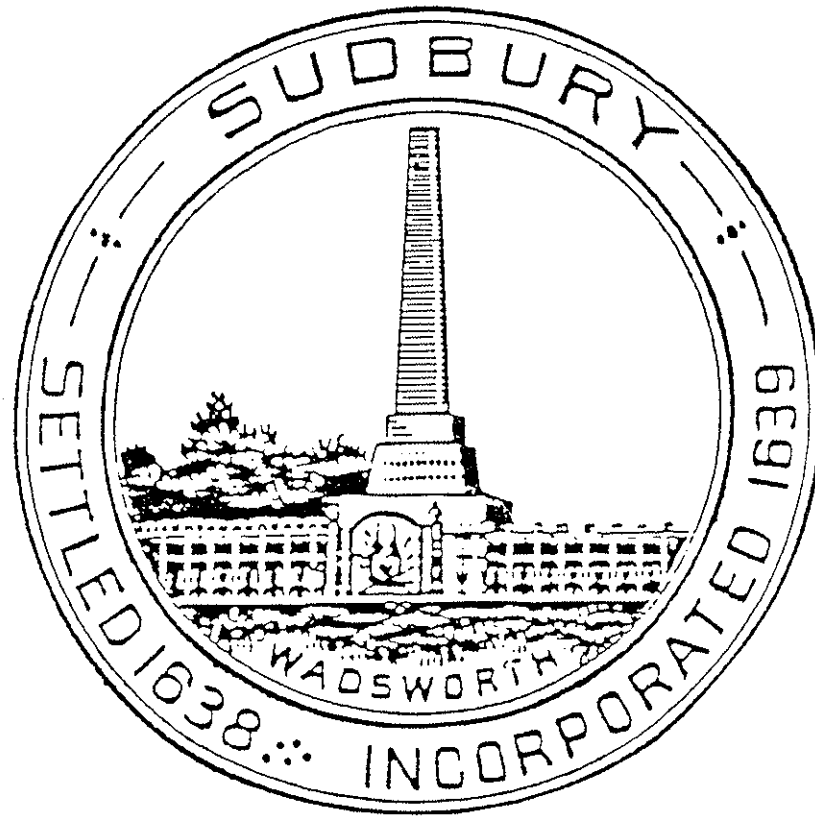


BYLAWS

ARTICLES I-XXI

CIVIL DEFENSE



Town of Sudbury
Massachusetts

TOWN OF SUDBURY
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ARTICLE I
TOWN MEETINGS

SECTION 1. The Annual Town Elections shall be held on the last Monday in March at such place and time as the Selectmen may determine. Those elected at the Annual Town Election, with the exception of the Town Clerk and the Moderator, shall take office at the close of the Annual Town Meeting. The Town Clerk shall take office seven days after election. The Moderator shall take office on the day after election, or as soon thereafter qualified.

SECTION 2. The Annual Business Meeting shall begin on the first Monday in April at such place as the Selectmen shall determine. The Selectmen, after a Public Hearing, may delay the start of the Annual Town Meeting for up to 7 days provided that they act no later than the January 31 preceding. All sessions of the meeting shall begin at 7:30 P.M. and , unless otherwise voted by two-thirds of those present and voting, shall be adjourned to 7:30 P.M. of the next Monday, Tuesday, or Wednesday, whichever comes first (legal holidays excluded), upon completion of the article under discussion at 10:30 P.M.; except that any such meeting shall be adjourned before that time if a quorum shall be declared to have been lost, or at 8:30 P.M. if a quorum has not been assembled by then.

SECTION 3. The Selectmen shall cause a Warrant Report to be printed and distributed to the citizens of the Town at least seven days prior to commencement of the Annual Town Meeting and fourteen days prior to commencement of a Special Town Meeting. The Warrant Report will contain a copy of the articles as set forth in the official warrant, a summary of the intent and scope of each article prepared by the submitter, the report and recommendations of the Finance Committee, reports by other Town officials, boards or committees having an interest in a specific article, and supporting data such as maps and charts. The individual or group submitting information shall meet requirements for timing, format and brevity established by the Selectmen.

SECTION 4. Notice of every Town Meeting shall be given by posting a printed attested copy of the warrant therefor at the Town Hall at least seven days before the Annual Town Meeting and at least fourteen days before any Special Town Meeting.

ARTICLE II
GOVERNMENT OF TOWN MEETING

SECTION 1. The Warrant for each Annual Town Meeting shall be closed December 31 in each year. No article, including articles consisting of resolutions, shall be taken up at Town Meeting unless it appears in the printed warrant. The preceding sentence shall not apply to resolutions memorializing townspeople and town employees. Except as hereinafter specified, the Warrant for any Special Town Meeting shall be closed at least twenty-five days prior to the scheduled date of the meeting; provided further that there shall be at least ten days between the call of any Special Town Meeting and the closing of the Warrant therefor. This section shall not apply to any Special Town Meeting held for the purpose of considering the approval or disapproval of an amount of debt authorized by a Regional District School Committee, in accordance with General Laws, Chapter 71, section 16(d), or held for an emergency purpose.

SECTION 2. Except for the election of Town Officers, no meeting shall be legal unless a quorum is present, and a quorum shall consist of one hundred registered voters; once a quorum has been assembled, the continued existence of a quorum shall be presumed until a count of the voters present, which shall be taken upon the call of seven or more registered voters, establishes that a quorum is not present.

SECTION 3. The Moderator shall, at the time and place appointed, call the meeting to order, and forthwith proceed to read the call for the meeting, and the return of the person or persons who served it.

SECTION 4. The powers and duties of the presiding officer, not especially provided for by law, or by these bylaws, shall be determined by the rules and practices contained in the most recent edition of Town Meeting Time, so far as they are adapted to the conditions and powers of the town.

SECTION 5. The Moderator while presiding over a Town Meeting shall not participate in the discussion of any matter under consideration of the said town meeting, but he may upon request answer all questions relating to procedure in town meetings as may be submitted to him and to correct any errors of procedure which may occur.

SECTION 6. Every person speaking shall address the chair standing and uncovered. No person not a voter shall address the meeting without first obtaining consent of the meeting.

SECTION 7. Every non-resident appointed representative of the Town shall be a non-voting member of Town Meeting.

SECTION 8. No article in the warrant for any Town Meeting shall be taken up for consideration out of the order in which it appears there in, except by a four-fifths vote of the voters present and voting thereat.

SECTION 9. All motions shall be reduced to writing before being submitted to the meeting, if required by the presiding officer or clerk.

SECTION 10. When an article comes before any session of the Town Meeting, the proponent(s) shall be recognized first for the purpose of making a motion under the article and then for making a presentation in support thereof, if the motion is seconded. If the proponent is an elected or appointed board or committee within which there is a minority position in opposition to the article, a spokesman for that position will be recognized next. Thereafter, the Finance Committee shall be recognized if it wishes to speak on the article, followed by the Planning Board and/or any other Board or Committee which is required by law to report on the article.

SECTION 11. No person shall speak more than twice upon any question, except to correct an error or make an explanation until all others who have not spoken upon the question and desire to do so shall have an opportunity. No single speech and no presentation of any elected or appointed board or committee and not presentation by any group of individuals acting in concert and speaking in an order recognized in advance of the meeting by the Moderator shall exceed fifteen minutes in length unless consent is given by a majority of those present and voting.

SECTION 12. When a question is under debate, motions may be received to adjourn, to lay the matter on the table, to move the previous question, to postpone indefinitely, to postpone to a time certain, to commit, and to amend; which several motions shall have precedence in the order in which they are herein enumerated, and the first three shall be decided without debate, provided that the Moderator need not allow a vote on a motion for the previous question unless, in his opinion, there has been a reasonable opportunity for debate on the question. A motion of the previous question, if made by a speaker who has been recognized by the Moderator pursuant to prearranged order of speaking, shall not carry except by unanimous consent.

SECTION 13. A motion to reconsider a matter previously acted upon at the same session shall require an affirmative vote of two-thirds of those voters present and voting. A motion to reconsider a matter after adjournment of the session at which it was acted upon shall require a unanimous vote of those present and voting unless written notice of an intention to move reconsideration of the matter, signed by fifteen voters who attended that session is given to the Town Clerk on or before noon of the next weekday (legal holidays excluded) following the session at which the matter for which reconsideration is sought was acted upon. The Town Clerk shall publish notice of such intention by advertisement or by posting in his office or elsewhere in the Town Hall. The Moderator shall at the start of the next session announce the matter on which reconsideration is sought and shall further announce that the motion for reconsideration shall be the first order of business at the next succeeding session of the Town Meeting unless all business is completed prior to 10:30 P.M. of the same session, in which case the motion for reconsideration shall be the last item of business that evening. When the matter to be reconsidered comes before the meeting, the Moderator shall recognize for the motion the person who gave notice to the Town Clerk, unless he shall defer to another. All discussion on the motion must be confined exclusively to the merits or demerits of reconsideration. Passage of a motion to reconsider shall require an affirmative vote of two-thirds of those present and voting. If notice of reconsideration is given on more than one matter, they shall be taken up in the order in which they were submitted to the Town Clerk.

SECTION 14. Every vote, resolution, amendment, order or other action of the Town Meeting which instructs or requests any Town inhabitant, official, committee or board to study, propose, prepare, draft, present, file, petition for or otherwise initiate new legislation by the General Court of the Commonwealth of Massachusetts or the Congress of the United States, shall specify in terms whether or not such inhabitant, official, committee or board is required to present a draft of such legislation to the Town Meeting for approval before submitting it to said General Court or Congress.

SECTION 15. If a legal error in an action of the Town Meeting, attested to by the Town Counsel, is discovered, the Moderator shall, when presented with such error, recognize the Town Counsel for the purpose of identifying the error and explaining its effect. Following the explanation of the Town Counsel, the Moderator shall request a motion by the Board of Selectmen to correct the error. Such motion shall not be subject to the rules of reconsideration and shall require a simple majority unless otherwise mandated by State law or any portion of these bylaws. Action under such motion shall be limited to correction of the error.

SECTION 16. If the Town Accountant, or in his absence, the Assistant Town Accountant, discovers that information presented to the Town Meeting contains an accounting error, he shall request to be recognized for the purpose of identifying the error and explaining its effect. The Moderator shall recognize the Town Accountant for such purpose. Following the explanation, the Moderator shall request a motion by the Board of Selectmen to correct the error. Such motion shall not be subject to the rules of reconsideration and shall require a simple majority unless otherwise mandated. Any voter or Town official who discovers such an accounting error shall notify the Town Accountant, who, if he concurs, shall proceed as described above.

ARTICLE III
TOWN AFFAIRS

SECTION 1. The Town's financial affairs shall be governed by the applying sections of Chapters 41 and 44 of the General Laws, revision of 1921 and amendments and additions thereto.

SECTION 2. All Town Boards and officials, whether appointed or elected and all committees having had any financial transactions during the preceding financial year, shall make a written report in detail, which report shall be delivered to the Accountant on or before December 1st. The Accountant shall audit these reports and deliver them to the Selectmen not later than January 10th.

The Selectmen shall cause all such reports, as well as reports of any other Board or Committees, to be printed in pamphlet form. Receipt of the pamphlets shall be scheduled for a date which will permit the Town Clerk to have them in the hands of the citizens of the Town at least ten days before the Annual Meeting.

SECTION 3. All boards and department heads shall cause records of their doings and accounts to be kept in suitable books and the persons having charge of the same shall transmit them to their successors in office. Whenever any vote affecting any Town officer or officers is passed, the clerk shall transmit a copy of the same to such officer (officers), and the said copy shall be kept by said officers and be transmitted to their successors if anything therein contained shall appertain to their duties.

SECTION 4. Any voter shall at any reasonable time have access to the books of the Town, and have the right to examine them and take copies thereof, by applying to the officer having charge of the same.

SECTION 5. The income of all "Charity Funds", except as otherwise provided in deed of gift, shall be awarded and distributed by the Selectmen, and the names of the recipients of said income shall be filed with the Town Clerk.

SECTION 6. All special committees created by act of the Town Meeting shall, unless the Town by vote shall otherwise determine, be deemed to be dissolved as of the date of the adjournment of the annual town meeting next following their creation or extension. All special committees in existence at the time of passage of this section shall be deemed to be in existence until the adjournment of the Annual Town Meeting of 1962.

SECTION 7. All town officers shall pay into the Town Treasury all fees received by them by virtue of their office.

SECTION 8. If any appointed committee member is absent from five consecutive regularly scheduled meetings of his committee, except in the case of illness, his position shall be deemed vacant and shall be filled by vote of said committee, attested copy of which shall be sent by the Secretary of said committee to the Town Clerk and to the appointing authority. The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding Annual Town Meeting and the pertinent appointing authority shall thereupon appoint his successor to complete the unexpired term of the member in whose office such vacancy originally occurred. This bylaw shall apply only to those committees whose formation is not specifically covered by the General Laws of the Commonwealth or by other existing bylaws of the Town.

SECTION 9. No person shall hold more than one elective office at any one time, except that the simultaneous holding of two offices from among Treasurer, Tax Collector and Town Clerk will be permitted. The prohibition set forth herein shall not apply to member of a charter commission. In addition, charter commission members are eligible to serve on the Finance Committee and Personnel Board.

ARTICLE IV
FINANCE COMMITTEE

SECTION 1. There shall be a Finance Committee consisting of nine legal voters of the Town, who shall be appointed by the Moderator as hereinafter provided. No elective or appointive Town officer or Town employee shall be eligible to serve on said committee.

SECTION 2. The Moderator shall, at the Annual Town Meeting Appoint sufficient members to the Finance Committee for such terms of office as will result in a total membership of nine, with the terms of three (3) of the total membership expiring each year. The terms of office of said members shall commence immediately upon qualification and shall expire at the close of final adjournment of the Annual Town Meeting at which their successors are appointed. Said committee shall choose its own officers and shall serve without pay. Said committee shall cause to be kept a true record of its proceedings.

SECTION 3. The said committee shall fill any vacancy which may occur in its membership, by vote, attested copy of which shall be sent by the Secretary to the Town Clerk. If any member is absent from five consecutive meetings of said committee, except in case of illness, his position shall be deemed to be vacant and shall be filled as herein provided. The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding Annual Town Meeting, and the Moderator thereof shall appoint his successor to complete the unexpired term of the member in whose office such vacancy originally occurred.

SECTION 4. It shall be the duty of this committee to consider all articles of any Town Meeting Warrant which have any direct or indirect financial impact on the Town and to report its recommendations in writing to the Board of Selectmen. The Committee may also make recommendations on those articles which do not have financial impact on the Town as it chooses, and such recommendations shall likewise be reported to the Board of Selectmen. The Selectmen shall cause the report for the annual meeting to be printed in the Town Report and the Finance Committee's reason for approval or disapproval printed directly beneath the article considered in the Town Warrant.

SECTION 5. Each Town department shall annually submit to the Finance Committee, not later than December 31st, an estimate of its requirements for the ensuing year, and the Selectmen shall report all other requests for appropriations on or before January 5th.

The Finance Committee shall, not later than February 28th, submit to the Selectmen their written report with their recommendations, including the amounts requested by those originating the above estimates. The Selectmen shall cause the Finance Committee's budget submittal including requested amounts, recommendations and the Finance Committee's report of reasons for differences to be printed in the warrant for the Annual Town Meeting.

SECTION 6. For Special Town Meeting the Selectmen shall immediately furnish the Finance Committee with a copy of the Warrant. The Finance Committee shall hold such hearings as may in their judgment be required, and report in writing to the Selectmen at the meeting.

ARTICLE V
PUBLIC SAFETY

SECTION 1. OUTDOOR ADVERTISING: No person, firm, association or corporation shall erect, display or maintain a billboard, sign or other outdoor advertising device, except those exempted by Sections 30 and 32 of Chapter 93, of the General Laws:

- (a) Within fifty (50) feet of any public way.
- (b) Within three hundred (300) feet of any public park, playground, or other public grounds, if within view of any portion of the same.
- (c) Nearer than fifty (50) feet to any other such billboard, sign or other advertising device, unless said billboard, signs, or other advertising devices are placed back to back.
- (d) On any location at the corner of any public ways and within a radius of one hundred and fifty (150) feet from the point where the center lines of such ways intersect.
- (e) Nearer than one hundred (100) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight (8) feet, or height of four (4) feet.
- (f) Nearer than three hundred (300) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of twelve and one-half (12 1/2) feet, or a height of six (6) feet.
- (g) No billboard, sign or other advertising device shall be erected, displayed or maintained in any block in which one-half of the buildings on both sides of the street are used exclusively for residential purposes; except that this provision shall not apply if the written consent of the owners of a majority of the frontage on both sides of the street in such block is first obtained and is filed with the Division of Highways of the Department of Public Works, together with the application for a permit for such billboard, sign or other advertising device.
- (h) No billboard, sign or other advertising device shall be erected, displayed or maintained until a permit therefor has been issued by the Division of Highways of the Department of Public Works, pursuant to the following provisions:

Upon receipt from said Division of a notice that application for a permit to erect, display or maintain a billboard, sign or other advertising device within the limits of Sudbury has been received by it, the Selectmen shall hold a public hearing on said application in Sudbury, notice of which shall be given by posting the same in three or more public places in said town, at least one week before the date of such hearing.

A written statement as to the results thereof shall be forwarded to the Division containing, in the event of a disapproval of such application, the reasons therefor, within thirty days from the date of notice to the Town that an application for such a permit had been made.

This bylaw shall not apply to signs or other devices which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertise the property itself or any part thereof, as for sale or to let; and provided further that this bylaw shall not apply to billboards, signs or other advertising devices legally maintained, at the time of its approval by the Attorney General.

Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed a separate violation.

SECTION 2. SALE OF GOODS IN HIGHWAYS. No person shall erect or maintain a stand or otherwise display or sell any articles within the limits of any highway. Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.

SECTION 3. Unlicensed Dogs All owners or keepers of dogs kept in the Town of Sudbury during the preceding six (6) months and who, on the first day of April of each year, have not licensed said dog or dogs, as prescribed by Section 137, Chapter 140 of the General Laws, shall be subject to a penalty of \$25 payable to the Town, in addition to the license fee, for each dog so unlicensed.

Control of Dogs All dogs in the Town of Sudbury shall be restrained, kept on a leash or under the direct and complete control of a responsible person between the hours of 7:00 o'clock A.M. and 8:00 o'clock P.M. No dog in the Town of Sudbury shall be allowed to run at large during these hours. The owner or keeper of a dog who violates this bylaw shall be punished by a penalty according to the following schedule of fines: for the first offense in any calendar year - twenty-five dollars; and for the second or subsequent such offense - fifty dollars.

Payment of Fine The Dog Officer may, subject to Sections 3 and 7 of Article III of these bylaws, receive payment of the foregoing fine prior to seeking a complaint therefor under General Laws Chapter 140, Section 173A.

SECTION 4. No person shall tie or fasten any horse, cattle or team to any of the trees in the public ways of the Town, nor drive into the same any nails, spikes, hooks or clasps, nor affix any boards or signs thereto. Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.

SECTION 5. No person shall pasture or tether any animal in way street in the Town in such a manner as to obstruct the streets or sidewalks. Violation of this section shall be subject to a penalty of \$50.

SECTION 6. No person shall pasture any animal upon any street or way in the Town, with or without a keeper, except within the limits of such way adjoining his own premises and on the same side of the street therewith. Violation of this section shall be subject of a penalty of \$50.

SECTION 7. No person shall burn or cause to be burned, material of any kind within or on any public or private property, including but not limited to public or private ways, except in accordance with a permit issued by the Sudbury Fire Department. Violation of this section shall be subject to a penalty of \$25.

SECTION 8. No person shall fire or discharge any machine gun, cannon, pistol or revolver, rifle, air rifle or BB gun, shot gun or explosives of any kind on private property except with the written consent of the owner or legal occupant thereof or within the limits of any Town-owned public property except that, in accordance with recommended wildlife management practices, the Conservation Commission, subject to any conditions it may impose, may grant permission to hunt on specific public property over which said Conservation Commission has jurisdiction. Nothing in this bylaw shall be construed in such a way as to prohibit the lawful use of any of the above named guns in the defense of life or

property or on any range as defined in Section 9 or in any other manner in accordance with the General Laws of the Commonwealth. Violation of this section shall be subject to a penalty of \$50.

SECTION 9. No person under eighteen years of age shall fire a rifle within the limits of the Town without first obtaining a license to do so from the Chief of Police. This shall not apply to the use of rifles by members of the militia acting under orders from the officers thereof, or to any person shooting on any range within the limits of the Town approved by the Board of Selectmen, or to the use of firearms in the lawful defense of life or property, nor to any discharge of firearms in accordance with the law. Violation of this section shall be subject to a penalty of \$50.

SECTION 10. No person, unless authorized by law or by appropriate authority as evidenced by a sticker or permit, shall deposit garbage, waste, vegetable matter or any trash, refuse, rubbish or other permitted waste material in any disposal area or sanitary landfill maintained by the Town. Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.

SECTION 11. The Board of Selectmen may issue identification cards or slips to residents of Sudbury which shall be displayed on all vehicles used to transport material to a legally designated Town disposal area or sanitary landfill.

SECTION 12. Any non-resident person collecting waste material as described in Section 10 within the Town shall be exempt from the provisions thereof; provided, that the Board of Selectmen shall grant him a permit to deposit such material in any public disposal area or sanitary landfill maintained by the Town.

SECTION 13. Inspector of Gas Piping and Gas Appliances. Deleted by vote under Article 22, 1980 Annual Town Meeting.

SECTION 14.

- (a) No person shall, within the Town of Sudbury, upon any publicly owned property or upon any privately owned property dedicated to a public use or to which the public has usual access:
 - i) Loiter in such a manner as to obstruct the free passage of any other person either within or without a building, or
 - ii) Accost or address another person with indecent, profane or obscene language, or
 - iii) Remain thereon, except with the permission of the owner or other person in charge thereof, in the case of privately owned property, after being ordered to depart therefrom by any constable or police officer because of being present where a violation of this section occurs.
- (b) Violation of this section shall be subject to a penalty of \$50.
- (c) Any police officer may arrest without a warrant any person who commits willful violation of this section, and keep such person in custody until he can be taken before a court having jurisdiction of the offense.

SECTION 15. No person shall park any vehicle in the Town of Sudbury so that it interferes with the work of removing or plowing snow or removing ice from any way within the Town. The Highway Surveyor is authorized to remove, or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work. The owner of such vehicle shall be liable for the cost of such removal and the storage charges, if any, resulting therefrom. Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.

SECTION 16. No person shall operate for recreational purposes a snowmobile, motorcycle, mini-bike, all terrain vehicle (ATV), or any other motor driven vehicle, on or through the land of another or within seventy-five (75) feet of the land of another, without first obtaining written permission from the property owner or owners affected, except that any such vehicle registered for highway use may be driven on the driveway of another and on any public way. All such vehicles must be equipped with an operating exhaust muffler that meets or exceeds the current industry standards for sound suppression. The off-highway use of such vehicles shall be limited to the hours from 9:00 o'clock in the morning to 5:00 o'clock in the evening, unless a special permit is obtained from the Board of Selectmen. The operation of such vehicles on Town-owned property is only permitted on those areas designated for the purpose by the cognizant authority. Violation of this section shall be subject of a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.

SECTION 17. All excavation for determining water table elevation, permeability of earth material, water percolation or similar matters left unattended, shall be filled in, covered or protected by fencing material to prevent persons from becoming injured or endangered thereby. Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.

SECTION 18. Any person excavating land or any person in charge of such excavation and the owner of land which has been excavated, shall within two days after such person has been notified in writing by the Selectmen or the Inspector of Buildings that in the opinion of the Selectmen or the Inspector of Buildings such excavation constitutes a hazard to public safety, erect barriers or take other suitable measures to eliminate such hazard. Violation of this section shall be subject to a penalty of \$50 per day for every day such person is in violation of such notice, commencing with the fourth day after receipt of such notice.

SECTION 19. No person shall move or remove snow or ice from private lands upon any public street, walkway, or common land of the Town in such manner as to obstruct or impede the free passage of vehicular or pedestrian traffic upon the street, walkway, or common land of the Town unless he has first obtained a permit therefor issued by the Highway Surveyor. Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed a separate violation.

SECTION 20. No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1, of the Massachusetts General Laws. While on, in or upon any public way or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park or playground, or private land or place without consent of the owner or person in control thereof. Violations of this section shall be subject to a penalty of \$50. All alcoholic beverages being used in violation of this bylaw shall be seized and safely held until final disposition of the violation, at which time they shall be returned to the person entitled to lawful possession.

SECTION 21. UNSOLICITED ADVERTISING. It shall be unlawful for any person to distribute advertising material at a home within the Town by placing such material at the home or on the property of the person owning or occupying the home if the owner or occupant of the home requests in writing that deliveries of such material be stopped until further notice. Violation of this section shall be subject to a penalty of \$50.

SECTION 22. FIRE LANES. The Chief of the Fire Department may designate, as defined below, fire lanes in any area or way or portion thereof. Upon notice of such designation the owner or person in lawful control thereof shall at his expense post and/or mark such area or way as directed by the Chief of the Fire Department. Fire lanes shall be a distance of twelve feet from the curbing of a sidewalk adjacent to buildings in a shopping center, bowling establishment, theater, restaurant or similar location, or where no sidewalk with curbing exists, eighteen feet from the building; provided that the fire lanes shall not be so designated in such locations in existence at the time of adoption of this bylaw except upon request of the owner thereof.

SECTION 23. FIRE REGULATIONS. It shall be unlawful to obstruct or block a fire lane, a private way, fire hydrant, Fire Department sprinkler connection or standpipe connection with a vehicle or other means so as to prevent access by Fire Department apparatus or other Fire Department equipment. Violation of this section shall be subject of a penalty of \$50.

SECTION 24. Any object or vehicle obstructing or blocking a fire lane, private way, fire hydrant, Fire Department sprinkler connection or standpipe connection may be removed or towed by the Town at the expense of the owner and without liability to the Town of Sudbury.

SECTION 25. STORAGE OF INFLAMMABLE FLUIDS. Applications for a license under M.G.L. Chap. 148, s. 13, for the storage of petroleum products or any articles named in section 9 of said Chapter shall be accompanied by an application fee determined from time to time by the Board of Selectmen to cover the cost of the publication and mailing of notice for the public hearing on the application. In addition, the following fees shall apply to such license:

License	\$100.00
Annual Registration	25.00

The Fire Chief shall issue permits for such storage in accordance with the regulations and requirements of the Board of Fire Prevention Regulations.

SECTION 26. GASOLINE TANK REMOVAL FEE. Applications for underground gasoline tank removal or relocation permits under Massachusetts General Laws Chapter 148 sec. 38A shall be accompanied by a per tank application fee as follows:

Tank size:	1 - 500 gallons	\$ 10.00
	501 - 1000 gallons	\$ 50.00
	over 1000 gallons	\$100.00

SECTION 27. HANDICAPPED PARKING.

- (a) 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, apartment or housing complexes, or of any other place where the public has a right of access as invitees or licensees shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of Chapter Ninety, according to the following formula:

If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent of such spaces but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one-half percent of such spaces but not less than ten; more than one thousand but no more than two thousand, one percent of such spaces but not less than fifteen; more than two thousand, but less than five thousand,

three-fourths of one percent of such spaces but not less than twenty; and more than five thousand, one-half percent of one percent of such spaces but not less than thirty.

- (b) Parking spaces designated as reserved under the provisions of Paragraph (a) 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 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.
- (c) It shall be unlawful to leave any unauthorized vehicle unattended within parking spaces designated and identified by sign as reserved for vehicles owned and operated by disabled veterans or handicapped persons; or to leave any unauthorized vehicle unattended in such a manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way.
- (d) This bylaw shall be enforced by the Police Department of the Town of Sudbury in accordance with M.G.L. Chap. 90, s. 20A 1/2 and subsequent amendments thereof. The penalty for violation of paragraph (c) of this bylaw shall be twenty-five dollars for each offense.
- (e) The Board of Selectmen may authorize the issuance of handicapped stickers for temporary or permanent use, which shall have the same effect as the distinguishing license plate, and adopt rules and regulations concerning the issuance and use of such stickers.
- (f) The Board of Selectmen may, upon petition, waive or modify the application of paragraph (a) of this bylaw in a particular case where a strict application would create a hardship or be impractical due to circumstances related to the physical layout of the property. copy of such waiver or modification shall be filed with the building inspector.

Section 28. PUMPING WATER FROM PRIVATE BUILDINGS. The Fire Chief may use the resources of his department to pump water from private buildings at the request of the owner or tenant thereof in an emergency and subject to the availability of such resources; provided that the owner or tenant shall be charged the following fee for such service rendered to the same building, if, in the opinion of the Fire Chief, the condition could have been avoided by remedial action, including the installation of a sump pump, on the part of the owner or tenant.

First call	No Charge	
Second call	Twenty Dollars	(\$20.00)
Third & subsequent calls	Fifty Dollars	(\$50.00)

Section 29. DOOR-TO-DOOR SALESMEN.

- (a) The practice of going in and upon private residence of the Town by commercial agents, selling agents, solicitors and canvassers, transient vendors, itinerant merchants for the purpose of soliciting orders for services or for the sale of goods, wares, and merchandise by means of samples, lists, catalogues,

or otherwise, without having been requested or invited to do so by the owner or occupant of said private residences, is prohibited and hereby declared a nuisance.

- (b) The provisions of this bylaw shall not apply to officers or employees of the town, county, state or federal governments; hawkers and peddlers registered by the state and the town under appropriate laws and regulations; candidates for public or political parties; religious organizations, but not for the purpose of selling or soliciting; and non-profit, charitable organizations upon registration by the President or Treasurer with the Chief of Police. All such registrations must be renewed yearly.
- (c) Violation of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.

Section 30. DRIVEWAY LOCATION. No new driveway or other new access to a way shall be constructed at the point of intersection with such way, unless a written permit is first obtained from the Town Engineer. No building permit shall be issued for the construction of a new building or structure unless such access permit has been first approved. The Town Engineer shall use the standards contained within the 'Highway Design Manual' by the Commonwealth of Massachusetts Department of Public Works and 'A Policy on Geometric Design of Rural Highways' by the American Association of State Highway Officials, when issuing said access permit. The Board of Selectmen shall adopt, and from time to time amend rules and regulations not inconsistent with the provisions of this bylaw or the General Laws, and shall file a copy of said rules and regulations with the Town Clerk, said rules shall prescribe as a minimum the size, form, contents, style and number of copies of plans and the procedure for submissions and approval of the access permit.

Violations of this section shall be subject to a penalty of \$50. Each day during which a violation exists shall be deemed to be a separate violation.

ARTICLE V(A)
REMOVAL OF EARTH

SECTION 1. The Earth Removal Board is hereby established and shall consist of five registered voters of the Town, to be annually appointed by the Selectmen for a term of one year. Appointment to the Earth Removal Board may be made contingent on the member holding another office or membership on another board or committee, in which case removal or resignation from such other office, board or committee shall be deemed removal or resignation from the Earth Removal Board. Vacancies shall be filled by appointment for the remaining portion of the term. The Earth Removal Board can proceed or act only when a quorum of four or more members are present. A majority vote in favor of the issuance of a removal permit shall be required for the issuance of a removal permit.

SECTION 2. No person, firm or corporation shall remove any soil, loam, sand, gravel, stone, or other earth material from any land in the Town not in public use without first obtaining a permit, hereinafter called a Removal Permit, therefor from the Earth Removal Board, as provided in the following sections.

SECTION 3. Without restricting the generality of the previous sentence, a Removal Permit shall be required under this bylaw for the removal of soil, loam, sand, gravel, stone or other earth material in the course of excavation incidental to the construction of a business, industrial, research or commercial building or facility of any kind for which a building permit is required. This requirement for a removal permit extends also to any material removed for the installation of walks, driveways, parking lots, and similar appurtenances to said commercial building or facility.

SECTION 4. A Removal Permit shall not be required under this bylaw for the removal of soil, loam, sand, gravel, stone or other earth material in the course of excavation incidental to the construction of a single family residential building for which a building permit is required and to the installation of walks, driveways, and similar appurtenances to said building, provided that the quantity of material removed does not exceed that displaced by the portion of building, walk, driveway, or similar appurtenance below finished grade, or in the course of customary use of land for a farm, garden or nursery. This exemption does not cover removal of earth from the premises involving topographical changes or soil-stripping or loam-stripping activities, nor shall tentative or final approval of a subdivision plan be construed as authorization for the removal of earth material from streets shown on the subdivision plan.

SECTION 5. An application for an Earth Removal Permit shall be in writing and, among other things as required by the Earth Removal Board, shall contain an accurate description of the portion of land from which earth is to be removed, shall state fully the purposes for the removal thereof, and shall include plans of the land involved in such form as the Board may require. The Board may charge reasonable fees for making an application for earth removal. Upon receipt of an application for a Removal Permit for removal of earth from any land, the Board shall appoint a time and place for a public hearing, notice of which shall be mailed to the applicant and abutters and published in a newspaper having a circulation in the town at least twenty-one (21) days before such hearing.

SECTION 6. A removal Permit for removal of soil, loam, sand, gravel, stone or other earth material shall be granted only if the Earth Removal Board shall rule that such removal is not detrimental to the neighborhood. The exercise of any removal permit granted under provisions of this bylaw shall be subject to conditions, limitations and safeguards, to be set forth therein by the Board to protect the health, welfare, convenience, and safety of the public, and to promote the best interests of the neighborhood and of the Town. These conditions may include, but are not limited to:

- (a) method of removal
- (b) type and location of temporary structures
- (c) hours of operation
- (d) routes for transporting the material through the Town
- (e) area and depth of excavation
- (f) distance of excavation from street and lot lines
- (g) steepness of slopes excavated
- (h) re-establishment of ground levels and grades
- (i) provisions for permanent and temporary drainage
- (j) disposition of boulders and tree stumps
- (k) replacement of loam over the area of removal
- (l) planting of the area to suitable cover
- (m) inspection of the premises at any time by the Board or its representative

SECTION 7. The Earth Removal Board may require as a condition of the granting of a removal permit to remove soil, loam, sand, gravel, stone, or other earth material, that the permittee shall furnish cash, certified check, or a surety company bond to the Town as obligee in a penal sum to be fixed by said Board as it shall deem sufficient to cover the cost of the performance of all labor and materials as shall be required to carry out all the conditions, limitations, and safeguards as may be imposed by said Board in connection with the removal of the particular substances for which the Removal Permit is issued. No Removal Permit shall be issued under provisions of this bylaw for a period of more than one year, though removal permits may be renewed without hearing at the discretion of the Board.

SECTION 8. If the Earth Removal Board shall be informed or shall have reason to believe that any provision of this bylaw or of any Removal Permit or condition thereof has been, is being, or is about to be violated, the Board shall make, or cause to be made, an investigation of the facts, and if the Board finds any violation, the Board shall send a notice ordering cessation of the improper activities to the owners of the premises in question or his duly authorized agent, and to the occupant of the premises. If after such notice the violation continues, the Board may suspend any removal permit, it has issued or take such other action as is necessary to enforce the provisions of the bylaw and/or seek penalties as provided in Chapter 40, Section 21, Clause 17 of the General Laws. If any Removal Permit is suspended, an early date shall be set by the Board for a public hearing, notice of which shall be given to the permittee and shall be published at least 7 days before such hearing in a newspaper having a circulation in the Town. Any removal permit granted by the Board may be revoked for cause shown after such a public hearing. The suspension or revocation of a removal permit shall not relieve the permittee of his obligations thereunder except at the discretion of the Board.

SECTION 9. The Earth Removal Board shall record all proceedings brought under this article in a book to be kept for that purpose and shall file in the office of the Town Clerk a copy of all decisions, and the said Town Clerk shall keep a proper index thereof.

SECTION 10. This bylaw shall take effect upon its approval by the Attorney General and as provided by law; provided, however, that any continuous earth removal activities in actual legal working operation on December 1, 1959, may continue unaffected by this law until April 1, 1960. Permits for operation of the latter activities will be required after April 1, 1960.

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SECTION 11. If any provision of this bylaw shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions.

ARTICLE V(B)

RULES AND REGULATIONS FOR BURGLAR ALARMS

SECTION 1. DEFINITIONS. For the purpose of these Rules and Regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. When not consistent with the context , words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "Police Alarm System" or the term "Alarm System" means an assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110-volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Systems which monitor any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of these Rules and Regulations except as specifically noted below.
- B. The term "Police Alarm User" or "User" means any person on whose premises the alarm system is maintained within the Town except for alarm systems on motor vehicles or proprietary systems. Excluded from this definition and from the coverage of this bylaw are persons who use alarm systems to alert or signal others within the premises in which the alarm system is located of an attempted unauthorized intrusion, or holdup attempt. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of "Police Alarm System", as that term is used in the bylaw and shall be subject to this bylaw.
- C. The term "Automatic Dialing Device" refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- D. The term "Central Station" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise circuits or where guards are maintained continuously to investigate signals.
- E. The term "Town" means the Town of Sudbury.
- F. The term "Communications Console" means the instrumentation on an alarm console at the receiving terminal of a signal line which, through either visual or audible signals, indicates activation of an alarm system at a particular location, or which indicates line trouble.
- G. The term "Direct Connect" means an alarm system which has the capability of transmitting system signals to and receiving them at the Sudbury Police Department.

- H. The term "False Alarm" means:
- (1) The activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or of his employees or agents.
 - (2) Any signal or oral communications transmitted to the Police Department requesting, or requiring, or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusions or attempted unauthorized intrusion into a premises and no attempted robbery or burglary at a premises. Excluded from this definition are activations of alarms systems caused by utility company power outages, communications console problems, electrical storms or other acts of nature beyond the control of the Police Alarm user.
- I. The term "Interconnect" means to connect an alarm system to a voice-grade telephone line either directly or through a mechanical device that utilizes a standard telephone for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.
- J. The term "Chief of Police" means the Chief of Police of the Town of Sudbury or his designated representative.
- K. The term "Police" or "Police Department" shall mean the Town of Sudbury Police Department or any authorized agent thereof.
- L. The term "Disturbance of the Peace" shall mean any interruption of the peace, quiet, and good order of a neighborhood or community, particularly by unnecessary and distracting noises.
- M. The term "Public Nuisance" shall mean anything which annoys, injures or endangers the comfort, repose, health or safety of any considerable number of persons or of any community or neighborhood.

SECTION 2. ADMINISTRATIVE RULES.

- A. The Chief of Police may promulgate such rules as may be necessary for the implementation of this bylaw.
- B. Alarms signaling the presence of medical emergencies may, with prior written approval of the Chief of Police, be connected to the alarm console or received over the special telephone lines provided by the alarm console contractor.

SECTION 3. DIRECT CONNECTION TO THE POLICE DEPARTMENT.

- A. Police alarm systems may be connected at the Police Department in compliance with the following:
- (1) Prospective police alarm users who want to connect a police alarm system to the Sudbury Police Station shall apply in writing to the Chief of Police for such permission.
 - (2) At such time as these Rules and Regulations become effective Police Alarm users who wish to continue the connection of their Police Alarm Systems to the Sudbury Police Station, shall apply in writing to the Chief of Police for such permission within three months after such effective date.

- (3) New owners or occupants of premises having a Police Alarm System connected to the Sudbury Police Station, and who wish to continue the connection, shall apply in writing to the Chief of Police for such permission within one month of taking ownership or occupancy.
 - (4) The Chief of Police may deny an application to connect a Police Alarm System to the Sudbury Police Station for the following reasons:
 - a. The system or user fail to comply with these rules and regulations.
 - b. Other reasonable cause, affecting adversely the functioning of the total system or any of its parts.
 - (5) The following information shall be provided to the Police Department regarding each Police Alarm System connected to the Sudbury Police Department.
 - a. Names, addresses and telephone number of the applicant Police Alarm user.
 - b. Type of Alarm System.
 - c. Names, addresses and telephone numbers (home and business) of at least two persons who can be reached at any time, day or night, and who are able to enter the premises where the alarm is located, either to turn off the alarm or to reset it.
 - d. Name, address and telephone number of installing alarm company.
 - (6) Alarm systems may be connected to the communications console in the Sudbury Police Station by interfacing through the one company maintaining the alarm console device at the Sudbury Police Station.
- B. The alarm user or his alarm company representative must arrange for the necessary tie-in arrangements directly with the contractor who is responsible for the privately owned console and special telephone line in the Police Station.
 - C. All fees and charges related to services rendered to users by alarm companies or the police console contractor shall be set forth in the form of a written agreement between the alarm user and the parties providing the service. All such fees and charges shall be without cost to the Town of Sudbury.
 - D. Any alarm user may contract with any alarm company of his choice for the sale, installation, maintenance, and/or servicing of the alarm system to be installed on his premises.
 - E. No alarm system designed to transmit emergency messages directly to the Police Station shall be worked on, tested, or demonstrated without obtaining permission of the Chief, or his delegated representative. An unauthorized test constitutes a false alarm.
 - F. Tests of any system may be conducted with the express permission of the Chief, or his delegated representative, having first been applied for and received.

- G. The provisions of this bylaw concerning false alarms shall apply to all alarm users or persons having direct connect systems, except municipal agencies.

SECTION 4. AUTOMATIC DIALING DEVICES.

- A. Any person using an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:
- (1) A central station
 - (2) An answering service
 - (3) Any privately owned or privately operated facility or terminal
- B. No automatic dialing device shall be connected to the Police Department telephone lines after the effective date of this bylaw.
- C. Within three (3) months of the effective date of this bylaw all automatic dialing devices now interconnected to any Police Department telephone lines, shall be disconnected therefrom. The user of each such device shall be responsible for having the device disconnected upon notification by the Chief of Police.

SECTION 5. CONTROL AND CURTAILMENT OF SIGNALS EMITTED BY ALARM SYSTEMS.

A. Control

- (1) Every alarm user shall submit to the Chief of Police the names and telephone numbers of at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the system is installed.
- (2) All alarm systems shall be equipped with a device which will give at least a ten second audible signal prior to alarm system activation in order to warn the alarm user of an open alarm circuit.
- (3) Within six (6) months from the effective date of these regulations, all alarm systems which use an audible horn or bell shall be equipped with a device which will shut off such horn or bell fifteen (15) minutes after activation of the alarm system.
- (4) All alarm systems installed after the effective date of these regulations which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within fifteen (15) minutes after activation of the alarm system.
- (5) Any alarm system emitting a continuous uninterrupted signal for more than one (1) hour which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (1) of this section, and which interrupts the peace, comfort or repose of a neighborhood or of inhabitants of the area where the alarm system is located shall constitute a disturbance of the peace. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Chief of Police shall

endeavor to contact the alarm user, or members of the alarm user's family or those persons designated by the alarm users under paragraph (1) of this section in an effort to abate the disturbance. The Chief of Police shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

B. Curtailment

- (1) In the event that the Chief of Police is unable to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph (1) of section A of this article, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system, and if the Chief of Police is otherwise unable to abate the nuisance, he may direct a police officer or a qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.
- (2) If entry upon property outside the home or building in which the alarm system is located is made in accordance with this section, the person so entering upon such property 1) shall not conduct, engage in, or undertake any search, seizure, inspection or investigation while he is upon the property; 2) shall not cause any unnecessary damage to the alarm system or to any part of the home or building and 3) shall leave the property immediately after the audible signal has ceased. After an entry upon property has been made in accordance with this section, the Chief of Police shall have the property secured, if necessary. The reasonable costs and expense of abating a disturbance in accordance with this section may be assessed to the alarm user. In addition to reasonable costs and expenses, the alarm user shall be subject to a penalty of \$50.
- (3) Within ten (10) days after abatement of a disturbance in accordance with this section, the alarm user may request a hearing before the Board of Selectmen and may present evidence showing that the signal emitted by his alarm system did not constitute a disturbance of the peace at the time of abatement; that unnecessary damage was caused to his property in the course of the abatement; that the costs of the abatement should not be assessed to him, or that the requirements of this section were not fulfilled. The Board of Selectmen shall hear all interested parties and may in its discretion, reimburse the alarm user for the repairs to his property necessitated by the abatement, or excuse the alarm user from paying the costs of the abatement.

C. Testing of Equipment

No alarm system designed to transmit emergency messages directly to the Police Department shall be worked on, tested or demonstrated without obtaining permission from the Police Chief. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the police department. An unauthorized test constitutes a false alarm.

SECTION 6. FALSE ALARMS, COST ASSESSMENT SCHEDULE.

- A. After the police department has recorded three (3) separate false alarms within a twelve (12) month period from an alarm system, the Chief of Police shall notify the alarm user, in writing and by certified mail, of such fact and require the said user to submit, within fifteen (15) days after receipt of such notice, a report describing efforts to discover and eliminate the cause or causes of the false

alarms. If the said user, because of absence from the Town, or on any other reasonable basis, requests an extension of the time for filing the report, the Chief of Police may extend the fifteen (15) days for a reasonable period. If the said user fails to submit such a report within fifteen (15) days or within any such extended period, the Chief of Police shall order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the Chief of Police's order.

- B. In the event that the Chief of Police determines that a report submitted is unsatisfactory, or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the Chief of Police shall order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Chief of Police's order.
- C. Any user of an alarm system which transmits false alarms shall be assessed a fine of twenty dollars (\$20.00) for a third false alarm occurring within a calendar year, thirty-five dollars (\$35.00) for a fourth false alarm occurring within a calendar year, and fifty (\$50.00) for a fifth and all subsequent false alarms occurring during a calendar year. All fines assessed hereunder shall be paid to the Town Treasurer for deposit in the General Fund. Upon failure of the user of an alarm system to pay two (2) consecutive fines assessed hereunder within sixty (60) days of assessment, the Police Chief shall order that the user discontinue use of the alarm system. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.
- D. Any user of an alarm system who has, in accordance with this section, been ordered by the Police Chief to discontinue use of an alarm system may appeal the order of discontinuance to the Board of Selectmen. Notice of an appeal shall be filed with the Board of Selectmen within ten (10) days of the date of the order of discontinuance. Thereafter the Board of Selectmen shall consider the merits of the appeal, and in connection therewith shall hear evidence presented by all interested person. After hearing such evidence the Board of Selectmen may affirm, vacate or modify the order of discontinuance.

SECTION 7. PENALTIES.

The following acts and omissions shall constitute violations of this bylaw punishable by a fine of fifty dollars (\$50.00).

- A. Failure to obey an order of the Police Chief to discontinue use of an alarm system, after exhaustion of the right appeal.
- B. Failure to disconnect an automatic dialing device from any telephone numbers at the Police Department within six (6) months after the effective date of this bylaw.
- C. Interconnection of an automatic dialing device to any numbers at the Police Department after the effective date of this bylaw.
- D. Failure to pay two (2) consecutive fines assessed under this bylaw within sixty (60) days from the date of assessment.
- E. Failure to comply with the requirements of Section 5 entitled "Control and Curtailment of Signals Emitted by Alarm Systems".

ARTICLE V (C)
SMOKING PROHIBITION

- (a) It is hereby declared that smoking in public places is a public nuisance, dangerous and hazardous to the public health, and violative of the right of non-smokers to breathe air which is free of smoke contamination.
- (b) As used herein, 'smoking' shall include carrying a lighted cigarette, cigar, pipe or other tobacco product.
- (c) No person shall smoke in any elevator accessible to the public.
- (d) No person shall smoke in any room to which the public is invited or in which the public is permitted, including by not limited to, any health care facility, classroom, lecture hall, theater, motion picture theater, opera house, concert hall, library, auditorium, school, retail store, reception area, restroom or lavatory, waiting room, or public area of a bank, but not including any private residence, nor any restaurant or other place mentioned in subsection (e), nor any party, beano game, social reception, or fraternal or veteran's organization.
- (e) No person shall smoke in any restaurant or public eating establishment except in specifically designated smoking areas. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and not by the proprietor or person in charge of the restaurant.

Smoking areas may be designated by the proprietor or other person in charge of a restaurant, except in places in which smoking is prohibited by the fire marshall or by other law or regulation. Designated smoking areas shall comprise no more than fifty (50) percent of the seating capacity of the restaurant. Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke on persons in adjacent no-smoking areas. In the case of restaurants consisting of a single room, the provisions of this subsection shall be considered met if one side of the room is reserved and posted as a no-smoking area, provided that the no-smoking area comprises no less than fifty (50) percent of the seating capacity of the restaurant.

However, to the extent that the shape of the room allows maximum separation, the proprietor will be required to utilize those natural barriers to satisfy the provisions of this article. Furthermore, if such natural barriers do not exist, the proprietor will make every effort to set up the space to inhibit the transfer of smoke to no-smoking areas.

The proprietor or other person in charge of a restaurant shall make reasonable efforts to prevent smoking in the no-smoking areas of the restaurant by:

- (1) posting appropriate signs;
- (2) arranging seating to provide a smoke-free area;
- (3) asking smokers to refrain from smoking upon request of a client, patron or employee suffering discomfort from the smoke; or

- (4) any other means which may be appropriate.

This subsection shall not apply to any bar with a seating capacity of fewer than seventy-five (75) persons, which is used primarily for selling alcoholic beverages for consumption on the premises and in which any sale of food or presentation of entertainment is incidental to the sale of such beverages.

Nothing in this subsection shall make lawful smoking; in any area in which smoking is or may hereafter be prohibited by law.

- (f) (1) Except as provided in paragraph (2) of this subsection (f), no person shall smoke in any room under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference rooms, and hallways, but not including any private residence unless it is used as a child care or health care facility, nor any dining area of a restaurant or other place mentioned in subsection (e).
- (2) At the written request of one or more employees, an employer may (but is not required to) designate the area in the immediate vicinity of the employee's usual work station as a smoking area, if the employer finds that such a smoking area will not allow non-smoking employees or the public to breathe any significant amount of smoke. Upon the same request and finding, an employer may also make other reasonable accommodation to smoking employees, including provision of a separate employee lounge for smoking, no larger in floor area or seating capacity than the employee lounge for non-smokers. Upon request in writing, an employer shall provide a copy in writing of its smoking policy under this paragraph, including any designated smoking areas or other accommodation for smoking employees, to any employee, prospective employee, and the Sudbury Board of Health. Any employee aggrieved by an employer's smoking policy or any portion thereof may appeal in writing to the Sudbury Board of Health, who may modify it in any manner to carry out the purposes of this section. In any dispute arising from such a smoking policy, the health concerns of non-smokers shall be given precedence.
- (g) Every person having control of premises upon which smoking is prohibited by this article or his or her agent or designee, shall conspicuously display upon the premises a sign reading "Smoking Prohibited by Law".
- (h) It shall be unlawful for any person having control of any premises or place in which smoking is prohibited by this article to knowingly permit a violation of this article. A person shall be held to have knowingly permitted a violation of this article if a visitor to his or her premises observes one or more people smoking (other than in properly designated smoking areas) on three successive visits. Any licenses issued by the Town to such a person shall be subject to suspension for up to fifteen (15) days for a single violation of this article, and shall be subject to suspension for up to one year, or to revocation, for any successive violation.
- (i) Any person who knowingly violates any provision of this article, or who smokes in an area in which a "Smoking Prohibited by Law" notice is conspicuously posted as required by subsection (g) of this article, shall be subject to a penalty of \$25.00. Each day during which a violation exists shall be deemed to be a separate violation.

- (j) The Sudbury Board of Health shall enforce the provision of this article, and for this purpose shall have the assistance of the Town Executive Secretary, Town Counsel, and the Police and Building Departments. In addition to the remedies provided by subsections (h) and (i), the Sudbury Board of Health or any person aggrieved by any violation of this article may apply for injunctive relief to enforce said provisions in any court of competent jurisdiction.
- (k) If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE V (D)

FIRE ALARM SYSTEMS

SECTION 1. DEFINITIONS.

When used in this bylaw, unless a contrary intention clearly appears, the following words shall have the following meanings:

- A. "Central station operating company": A company equipped to receive a fire alarm signal from each of its customers and which then transmits to the Sudbury Fire Department (SFD) the location of any such alarm it receives.
- B. "Fire alarm system": Any heat-activated, smoke-activated, flame-energy-activated or other such automatic device capable of transmitting a fire alarm signal to either a central station operating company or directly to the SFD by way of a master box.
- C. "Fire alarm malfunction": The transmittal of a fire alarm to a central station operating company or directly to the SFD by way of master box which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reason that causes a fire alarm to sound even though there is no actual fire or situation that reasonably could evolve into a fire.
- D. "Fire alarm system owner": An individual or entity which owns the title to and/or has on his business or residential premises a fire alarm system equipped to send a fire alarm signal to a central station operating company or directly to the SFD by way of a master box.
- E. "Fire Chief": The Chief of the Sudbury Fire Department.
- F. "Master box owner": An individual or entity who has on his business or residential premises a fire alarm system equipped to send a fire alarm signal directly to the SFD by way of a master box.

SECTION 2. CONNECTION OF FIRE ALARM SYSTEMS TO THE SFD BY WAY OF A MASTER BOX.

- A. Every master box owner whose fire alarm system as of the date of adoption of this bylaw is connected to the SFD by way of a master box shall pay the following fees:

Annual Fee for Churches and Non-Profit Organizations	\$ 75.00
Annual Fee for all others	200.00

- B. Every master box owner whose fire alarm system is connected after the date of adoption of this bylaw to the SFD by way of a master box shall pay the following fees:

Permit Fee	\$ 20.00
Connection Fee	100.00
Annual Fee for Churches and Non-Profit Organizations	75.00
Annual Fee for all others	200.00

- C. Before any fire alarm system is connected to the SFD, the master box owner shall install a key box providing the SFD access as required and specified in Section 7, and provide the Fire Chief with the following information:

1. The name, address, and home and work telephone numbers of the master box owner and other persons or businesses protected.
2. The street address where the master box is located.
3. The names, address and home and work telephone numbers of at least two persons other than the owner who can be contacted twenty-four hours a day, who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located.
4. The insurance carrier (with a copy of the insurance policy) for the building.
5. Such other information as the Fire Chief may require.

If, as of the date of adoption of the bylaw, a fire alarm system has already been connected to the SFD by way of a master box, the master box owner shall comply with the requirements of this section within sixty (60) days after the SFD has sent him notice by certified mail, return receipt requested, of the requirements of this section.

If a master box owner fails to comply with this section, the Fire Chief may assess a penalty of fifty dollars (\$50.00) for each day of non-compliance.

SECTION 3. CONNECTION OF CENTRAL STATION OPERATING COMPANIES TO THE SFD.

- A. Every central station operating company or other entity which makes a direct connection after the date of adoption of this bylaw to the SFD shall pay the following fees:

Permit Fee	\$ 20.00
Connection Fee	100.00
Annual Fee for Churches and Non-Profit Organizations	75.00
Annual Fee for all others	200.00

- B. Before any central station operating company is connected to the SFD, it shall provide the Fire Chief with the following information:

1. The name, address, and telephone numbers of the central station operating company.

2. The names, addresses and home and work telephone numbers of a least two persons who can be contacted twenty-four hours a day, who are authorized by the central station operating company to respond to an alarm signal and who have access to the premises emitting the alarm signal to the central station operating company.
3. The name, address, home and work telephone numbers, and location of the premises of each customer of the central station operating company who has a fire alarm system equipped to send a fire alarm signal to the central station operating company.
4. The insurance carrier (with a copy of the insurance policy) for the company.
5. Such other information as the Fire Chief may require.

If, as of the date of adoption of the bylaw, a central station operating company already has a direct connection to the SFD, the central station operating company shall comply with the requirements of this section within sixty (60) days after the SFD has sent it notice by certified mail, return receipt requested, of the requirements of this section.

If a central station operating company fails to comply with this section, the Fire Chief may assess a penalty of fifty dollars (\$50.00) for each day of non-compliance.

SECTION 4. UPDATING INFORMATION.

Every master box owner and every central station operating company shall be responsible for updating the information herein required to be provided to the Fire Chief. If the information provided changes, the master box owner and the central station operating company shall provide the Fire Chief with the updated information and shall pay the fee, if any, required by this bylaw. If a master box owner or a central station operating company fails to comply with this section, the Fire Chief may assess a penalty of fifty dollars (\$50.00) for each day of non-compliance.

SECTION 5. FIRE ALARM SYSTEMS MALFUNCTIONS - PENALTIES.

- A. If there is a fire alarm system malfunction, the Fire Chief may assess a penalty against a fire alarm system owner for each malfunction occurring during any fiscal year according to the following schedule:

FIRST THROUGH THIRD MALFUNCTION	No Charge
Upon recording of the third false alarm by the SFD, the Fire Chief shall notify the owner of the building, in writing and by certified mail, of such fact, and at this time inform the owner of the Department's policy with regard to charging for false alarms.	
FOURTH THROUGH SIXTH MALFUNCTION	\$100.00
SEVENTH THROUGH ELEVENTH MALFUNCTION	\$200.00
EACH MALFUNCTION AFTER THE ELEVENTH	\$300.00

- B. Private fire alarm systems connected to the Sudbury Fire Department by other automatic means or through a central station system shall also be subject to the schedule of penalties set forth in Paragraph A of this section.

- C. Any false fire alarm which is the result of the failure of the property owner, occupant or its agents to notify the Sudbury Fire Department of repair, maintenance or testing of an internal fire alarm system within the protected premises, shall cause a penalty to be assessed in accordance with the schedule of penalties set forth in Paragraph A of this section.
- D. For the purposes of this bylaw, a false fire alarm shall be defined as follows:
1. The operation of a faulty smoke or heat detection device.
 2. Faulty control panel or associated equipment.
 3. A water pressure surge in automatic sprinkler equipment.
 4. Accidental operation of an automatic sprinkler system.
 5. An action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or the occupant, causing accidental activation of an internal fire alarm system.
- E. Property owners will be billed once a month for the malfunction activity occurring during the previous month.
- F. If any bill is not paid within thirty (30) days of issuance, written notice will be sent; if the bill is not paid after a second thirty (30) day period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and his insurance company notified.

SECTION 6. RESTRICTIONS ON TAPE DIALERS AND SIMILAR AUTOMATIC TELEPHONE DEVICES.

No fire alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm message to any telephone lines of the SFD. If, upon adoption of this bylaw, a fire alarm system is equipped with such a tape dialer or similar automatic telephone device, the fire alarm system owner shall have sixty (60) days from adoption of this bylaw to disconnect such tape dialer or similar automatic telephone device. If a fire alarm system owner fails to comply with this section, the Fire Chief may assess a penalty of fifty dollars (\$50.00) for each day of non-compliance.

SECTION 7. SECURED KEY ACCESS.

Any building, other than a residential building of less than six (6) units, which has an alarm system or other fire protection system shall be provided with a secure key box installed in a location accessible to the SFD in case of emergency. This key box shall contain keys to the structure served by the alarm system, keys to the fire alarm control panels and other keys necessary to operate or service fire protection systems. In addition, if required by the Fire Chief, a lock-box, sufficient in size, shall be obtained and shall contain a list and Material Safety Data Sheets for hazardous substances present on the site in "significant quantities". As used herein, the phrases "hazardous substances" and "significant quantities" shall be as defined by applicable Town, Commonwealth of Massachusetts and Federal laws and regulations governing the storage of these substances.

The key box and/or lock-box shall be of a type approved by the Fire Chief and compatible with the key box system presently in use. The key box and/or lock-box shall be located and installed as approved by the Fire Chief.

No permit for a fire alarm system will be issued until the permit applicant has placed an order for a key box/lock-box as specified above.

Any building owner violating this section of this bylaw after receiving due notice by the SFD shall be subject to a penalty of fifty dollars (\$50.00) for each day of non-compliance.

SECTION 8. APPEAL PROCEDURE.

Any fire alarm system owner who is aggrieved by an action taken by the Fire Chief under this bylaw may, within ten (10) days of such action, file an appeal, in writing, to the Board of Selectmen of the Town of Sudbury (the "Board"). After public notice, the Board shall hold a hearing, after which it shall issue a decision in which it may suspend, affirm, annul, or modify the action taken by the Fire Chief giving its written reasons therefor. The Board shall send its decision to the owner by first class mail within ten (10) days after the hearing.

SECTION 9. REGULATIONS AND ENFORCEMENT.

The Fire Chief may promulgate such regulations as may be necessary to implement this bylaw. The Fire Chief is authorized to pursue such legal action as may be necessary to enforce this bylaw. This bylaw may be enforced by civil process, as authorized by M.G.L. Chapter 40, section 21D and Article VI of the Town of Sudbury Bylaws.

SECTION 10. DEPOSIT OF FEES AND FINES.

All fees and fines collected shall be paid to the Sudbury Fire Department, which will forward all amounts collected to the Town Treasurer for deposit in the General Fund.

SECTION 11. SEVERABILITY.

The provisions of this bylaw shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.";

UNDERGROUND STORAGE TANKS

SECTION 1. AUTHORITY AND PURPOSE

- A. This bylaw is adopted by the Town of Sudbury under its Home Rule powers, its police powers to protect the public health and welfare, its authorization under Massachusetts General Laws, Chapter 40, Section 21, and Chapter 148, Section 9, and other provisions of law.
- B. The purpose of this bylaw is to control the use and maintenance of underground tanks for the storage of hazardous substances that are generally exempt from State and Federal regulation, to protect groundwater and surface water from contamination because of leakage, and to prevent damage to persons or property because of fire. The purpose of the bylaw is also to protect the owners of these tanks and the Town of Sudbury from the potentially devastating financial and environmental consequences of contamination of wells or groundwater due to leakage arising from tank corrosion, improper installation or other causes.

SECTION 2. DEFINITIONS

- A. Abandoned - in the case of underground storage tanks shall mean out of service for a continuous period in excess of six months where a license from the local licensing authority is required under the provisions of Massachusetts General Laws, Chapter 148, Section 13, and for a period in excess of twenty-four (24) months in the case of any other underground storage facility or an aboveground tank of 10,000 gallons capacity or less; and in the case of aboveground storage of any fluid other than water, where a permit is required from the commissioner under provisions of Massachusetts General Laws, Chapter 148, Section 37, it shall mean out of service for a continuous period in excess of sixty (60) months and it has been deemed to be unsafe and a threat to the public safety by the head of the Fire Department and by the Department of Public Safety Division of Inspectional Services.
- B. Doubled-Walled Tank - means a container with two complete shells which provide both primary and secondary containment. The container shall have a continuous 360 degree interstitial space between the primary and secondary shell. The interstitial space shall be designed so that an approved interstitial space monitor is able to continuously monitor this space. All double-walled tanks shall be UL-listed.
- C. Fuel Oil - means oil of grades 1, 2, 4, 5 and 6, established in accordance with Massachusetts General Laws, Chapter 94, Section 249H.
- D. Fire Chief - means the Fire Chief of the Town of Sudbury.
- E. Hazardous Substance - means any liquid hydrocarbon product, including but not limited to gasoline, heating oil and diesel oil, and any other substance controlled as being toxic or hazardous under Massachusetts General Laws, Chapter 21E.
- F. Owner - with respect to a tank means the owner of the land on which an underground tank is located.
- G. Petroleum Products - means fuel oil, waste oil and gasoline.

- H. Underground Tanks - means any containment system (including associated piping) used to contain a hazardous substance ten percent or more of the volume of which is beneath the surface of the ground, but excluding:
- (1) A tank of over 1,100 gallons capacity for storing motor fuel.
 - (2) A tank for storing motor fuel for commercial and governmental purposes.
 - (3) A tank for storing heating oil other than for consumptive use on the premises where stored.
 - (4) A septic tank used to contain sewage.
 - (5) A pipeline facility regulated under State or Federal law.
 - (6) A tank situated upon or above the surface of the floor in an underground area, such as the basement of a home.
- I. Code - means the Board of Fire Prevention Regulations Governing Tanks and Containers as set forth at 527 CMR 9.00 and following.

SECTION 3. REGISTRATION OF EXISTING TANKS

- A. On or before December 1, 1992, the owner of each underground tank shall file with the Fire Chief a form setting forth the size, type, age (with proof of age), contents and location of the underground tank. This form shall be made available to the public by the Fire Chief. The age of a tank is to be determined from the date when it was first installed. If the owner cannot document the age of the tank to the satisfaction of the Fire Chief, the installation date will be presumed to be January 1971. The registration tag issued by the Fire Chief shall be visibly affixed to the fill pipe by the owner on or before January 1, 1993.
- B. On or after January 2, 1993, each distributor of fuel oil or other hazardous substance that is requested to fill an underground tank without a registration tag shall notify the Fire Chief within forty-eight (48) hours of such request of the existence and location of the tank. It shall not be considered a violation of any provision of this bylaw for a fuel oil distributor to fill an underground tank without a registration tag provided that the distributor duly notifies the Fire Chief in accordance with the provisions of the previous sentence.

SECTION 4. NEW TANKS

Following the effective date of this regulation, installation of underground petroleum products storage tanks is prohibited with the following exceptions:

- A. Underground storage of a flammable petroleum product with a flash point of 100 degrees Fahrenheit or less is permitted in a double-walled steel or double-walled fiberglass tank.
- B. The storage of fuel oil for consumptive use on the premises is permitted in double-walled steel or double-walled fiberglass tanks limited to a maximum of 1,000 gallons for residential properties up to five units and to a maximum of 5,000 gallons for residential properties over five units.
- C. The storage of fuel oil for consumptive use is permitted in double-walled steel or double-walled fiberglass tanks to a maximum of 10,000 gallons for other than residential use.
- D. The storage of fuel oil for resale is permitted in double-walled steel or double-walled fiberglass tanks limited to that amount which the property is licensed for on the effective date of this regulation.

- E. All other tanks are to be indoors or outside aboveground.

SECTION 5. REMOVAL OF UNDERGROUND TANKS

- A. On or before December 31, 1996, the owner shall empty and remove any underground tank that was installed before December 31, 1971.
- B. Any tank which is not required to be removed under paragraph A of this section shall be emptied and removed in accordance with the schedule set forth in Appendix 1 of the bylaw.
- C. As required by the provisions of the Code, the owner must empty and remove any underground tank that is abandoned.
- D. Removal of an underground tank shall be performed under the supervision of the Fire Chief in compliance with the removal provisions of the Code. The Fire Chief may approve decommissioning of a tank instead of removal where permitted by the Code, provided that, immediately prior to decommissioning, the tank shall be tested for leakage of a hazardous substance using a method acceptable to the Fire Chief and that no leakage shall be detected by such testing.
- E. Notwithstanding Section 5.A and B, any underground tank that meets the requirement of 527 CMR 9.08(3)(a) shall be emptied and removed no later than thirty (30) years following the date of installation.

SECTION 6. PROCEDURE IN CASE OF SPILL OR LEAK

- A. In the event of a spill or leak, the owner, operator, or person in control shall comply with the provisions of the Board of Fire Prevention Regulations Massachusetts Comprehensive Fire Safety Code, 527 CMR 9.20, entitled "Response to Leaks", in its entirety.
- B. If a leak from an underground tank is confirmed, the owner must empty and remove or decommission the tank in accordance with the Code.

SECTION 7. VARIANCES

- A. The Board of Selectmen may, after receiving comment from the Fire Chief and after a public hearing, vary the application of this bylaw in accordance with the provisions of this section, when the applicant has demonstrated financial hardship. Notice of the hearing shall be given by the Selectmen, at the applicant's expense, at least ten days prior thereto, by certified mail to all abutters to the property on which the tank is located. The notice shall include a statement of the variance sought and the reasons therefor. Any grant or denial of variance shall be in writing and shall contain a brief statement of the reasons for the grant or denial.
- B. In considering the variance request, the Board of Selectmen shall take into consideration factors such as the direction of the groundwater flow, soil conditions, depth to groundwater, size, shape and slope of the lot, and proximity of existing and potential water supplies. No variance shall be granted unless the Board of Selectmen finds that the variance, as granted would result in the same degree of environmental protection as required by the bylaw.

- C. Any variance granted under this section shall be limited in effect to extending the period of compliance with the removal provisions of this bylaw, as set forth in Section 5. In no event shall any variance extend the period of compliance thirty-six (36) months or more beyond the time otherwise required under the bylaw.

SECTION 8. ADMINISTRATION AND ENFORCEMENT

- A. This bylaw shall be administered by the Fire Chief.
- B. Any owner or fuel oil distributor who violates any provision of this bylaw shall be subject to a fine of one hundred dollars for each offense. Each day during which such violation continues shall constitute a separate offense.

SECTION 9. COSTS

All costs incurred in complying with the provisions of this bylaw and in obtaining compliance shall be paid by the owner and operator of the affected underground tank.

SECTION 10. SEVERABILITY

Each part of this bylaw shall be construed as separate to the end that if any part or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that part and all other parts of the bylaw shall continue in full force.

APPENDIX 1

Underground Storage Tank Removal Schedule

<u>Installation Date</u>	<u>Final Removal Date</u>
1971	December 31, 1996
1972	December 31, 1997
1973	December 31, 1998
1974	December 31, 1999
1975	December 31, 2000
1976	December 31, 2001
1977	December 31, 2002
1978	December 31, 2003
1979	December 31, 2004
1980	December 31, 2005
1981	December 31, 2006
1982	December 31, 2007
1983	December 31, 2008
1984	December 31, 2009
1985	December 31, 2010
1986	December 31, 2011
1987	December 31, 2012
1988	December 31, 2013
1989	December 31, 2014
1990	December 31, 2015
1991	December 31, 2016

Tanks installed after 1991 and installed in accordance with Section 4, "New Tanks" shall be removed thirty (30) years after installation or shall submit to the Fire Chief annually a tank tightness test performed by a qualified person which indicates the tank's tightness.

ARTICLE VI
ENFORCEMENT

SECTION 1. It shall be the duty of the Selectmen to prosecute all parties who may cut, mark, deface, defile or in any manner damage or injure any public building belonging to the Town or any out-building connected with said public buildings, or who may damage or injure any fence enclosing any land belonging to the Town.

SECTION 2. Every violation of these bylaw, not otherwise provided for herein or by the General Laws or Special Laws of the Commonwealth, shall be subject to a penalty of \$50, and all penalties recovered from such violations shall be paid into the Town Treasury to inure such use as the Town shall from time to time direct.

SECTION 3. NON-CRIMINAL DISPOSITION OF BYLAW VIOLATIONS.

- (a) Scope and Authority. This bylaw provides for a non-criminal disposition of a violation of any Town bylaw or any rule or regulation of any Town officer, board or department, the violation of which is subject to a specific penalty. This bylaw is enacted in accordance with G.L. Chapter 40, section 21D, (herein called "Section 21D").
- (b) Enforcing Person. "Enforcing person" as used in this bylaw shall mean any police officer, regular or special, of the Town of Sudbury with respect to any offense; the Building Inspector and any such other official as the Board of Selectmen may from time to time designate, each with respect to violations of bylaws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case any such official may be an enforcing person with respect thereto.
- (c) Violation. An enforcing person taking cognizance of a violation of any bylaw, rule or regulation may, as an alternative to instituting criminal proceedings, give the offender a written notice to appear before the Clerk of the Framingham District Court for a non-criminal disposition of the Violation, in accordance with Section 21D. The provisions of Section 21D are incorporated by reference herein.
- (d) Proceedings. Proceedings pursuant to this bylaw and Section 21D shall not be deemed to be criminal proceedings.

ARTICLE VII
LEGAL AFFAIRS

SECTION 1. The Selectmen shall appoint a member of the Bar in good standing to serve as Town Counsel from the date of his appointment and until his successor is appointed and enters upon the performance of his duties. The Selectmen may employ special counsel to assist the said Town Counsel.

SECTION 2. It shall be the duty of the Town Counsel to advise the Town in legal matters and to conduct all of the legal affairs of the Town.

SECTION 3. Except as otherwise specifically provided by the General Laws, the Selectmen shall be the agents of the Town to institute, prosecute and defend in the name of the Town, or otherwise, any and all claims, actions and proceedings to which the Town is a party or in which the interests of the Town are or may be involved.

SECTION 4. The Selectmen shall have the authority to settle at their discretion any action, suit or other proceeding to which the Town is a party or in which the interests of the Town are or may be involved provided funds are available therefor.

SECTION 5. SELECTION OF TOWN COUNSEL

- (a) At least every 36 months, the Selectmen shall request proposals from legal service providers for the position of Town Counsel under the terms of Section 1, using the procedure specified herein, to either reappoint the incumbent Town Counsel or appoint a replacement. This means that a person or firm may serve as Town Counsel for a single term or series of continuous terms for more than 36 months only by participating in at least one competitive review procedure. The competitive review procedure for selecting a qualified legal service provider shall be as follows, in the sequence listed, and the Selectmen shall allow at least four months to complete the listed steps:
- i. Step 1. - The Selectmen shall request proposals from a minimum of three legal services providers. The request for proposals shall state the criteria by which candidates will be judged. Criteria shall include, but not limited to, qualifications, experience, and cost for providing services.
 - ii. Step 2. - The Selectmen shall review all proposals in sufficient detail to judge whether they are sufficiently responsive to the selection criteria to merit a subsequent interview.
 - iii. Step 3. - The Selectmen shall invite at least three responsive candidates to make oral presentations to the Selectmen in open session. Each candidate shall be allotted an equal length of time before the Selectmen.
 - iv. Step 4. - After interviewing the responsive candidates and deliberating the merits of each responsive proposal, the Selectmen shall choose by majority vote the most responsive candidate for the succeeding term of Town Counsel and document the basis for the selection.
 - v. If the Selectmen do not approve of any of the candidates for Town Counsel among those interviewed, then the preceding four steps shall be repeated.

- (b) If the Selectmen are unable to complete the selection process specified in Paragraph (a) to reappoint or replace Town Counsel by the end of the incumbent Town Counsel's term, the Selectmen may extend the term of the incumbent Town Counsel or appoint a qualified interim Town Counsel, in either case for a period not to exceed 120 calendar days, to allow the Selectmen to complete the selection process. Such an extension or interim appointment may only occur once after an unsuccessful selection process.

ARTICLE VII(A)

EQUAL EMPLOYMENT OPPORTUNITY

SECTION 1. The Town of Sudbury shall take affirmative action to provide equal employment opportunity, without discrimination.

SECTION 2. All Town agencies shall enter into contracts for the purchase of goods or services and for the construction, maintenance, renovation or repair of any building, structure, street, way, utility or other public work only with contractors taking affirmative action to provide equal employment opportunity without discrimination.

SECTION 3. As used in this bylaw, affirmative action means positive steps to ensure all persons equal employment opportunity without discrimination at all stages of the employment process. At the discretion of the appropriate Town agency, it may include, but is not limited to the following:

- A. Inclusion in all solicitations and advertisements for employees of a statement that the contractor is an "Equal Opportunity Employer";
- B. Placement of solicitations and advertisements for employees in media that reach minority groups;
- C. Notification in writing to all recruitment sources that the contractor solicits the referral of applicants without discrimination;
- D. Direct solicitation of the support of responsible and appropriate agencies to assist in recruitment efforts;
- E. Participation in, or establishment of, apprenticeship or training programs where outside programs are inadequate or unavailable to minority groups;
- F. Modification of collective bargaining agreements to eliminate restrictive barriers established by dual lines of seniority, dual rates of pay or dual lines of promotion or progression which are based on discrimination;
- G. Review of the employment process to eliminate all discrimination;
- H. Communication of all job orders simultaneously to the sources of minority manpower, such as those sources listed by the Massachusetts Commission Against Discrimination and the Equal Employment Opportunity commission.

In determining whether the steps taken or proposed by any bidder or contractor constitute affirmative action under this bylaw, the Town agency shall take into account the relevant characteristics of the bidder or contractor, the number of persons he employs and the location of his principal and branch offices.

SECTION 4. As used in this bylaw, the following terms shall have the following meanings:

- A. "Town agency" includes all boards, employees, commissions, committees, departments and other agencies, including the School Committee.

- B. "Contract" includes any contract, subcontract or other agreement.
- C. "Contractor" includes and is defined as any contractor, and his subcontractors, any other subcontractor or other contracting party, who employs more than six (6) persons.
- D. "Bidder" includes any bidder, sub-bidder or prospective contractor and his subcontractors, any other subcontractor or other contracting party.
- E. "Employment process" includes recruitment, selection, placement, promotion, training, layoff and termination of employment.
- F. "Discriminatory", "Discriminate", or "Discrimination" includes all action which denies or tends to deny equal employment opportunity because of race, color, religion, sex, national origin or age, (as defined by State Statutes).

SECTION 5. Each bidder, contractor, and subcontractor shall include in all bids, progress and compliance reports (1) a statement setting forth the affirmative action he is currently undertaking and will undertake during the contract period, and (2) a written statement with supporting information, signed by an authorized agent of any labor union or other agency which refers workers or provides or supervises apprenticeship or other training programs with which the bidder or contractor deals, to the effect that the union or other agency's practices and policies are not discriminatory. In the event that the union or other agency refuses to execute such a statement, the bidder or contractor shall certify such facts.

A copy of any such report shall be filed in the office of the Town Clerk and shall upon filing become a public record.

SECTION 6. The Selectmen shall enforce this bylaw.

SECTION 7. This bylaw shall apply to:

- A. All contracts involving expenditures in excess of \$10,000.00; and
- B. The municipal employment process.

Where a contract is for less than ten thousand dollars, a Town agency may apply the provisions of this bylaw to any contract, bidder or contractor.

SECTION 8. If any provision of this bylaw shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions.

ARTICLE VII(B)

TEMPORARY REPAIRS ON PRIVATE WAYS

The Town may make temporary repairs on private ways which have been opened to public use for six years or more, subject to the requirement of this bylaw. Said repairs shall not include construction, reconstruction or resurfacing of such ways. The cost of such repairs shall be paid by the abutters. Such repairs shall be made only if petitioned for by the abutters who own fifty percent of the linear footage of such way. No such repairs shall be commenced unless and until a cash deposit equal in amount to the estimated cost of such repairs, as determined by the Town department or contractor duly authorized by the Town to do the work, is paid over to the Town. Said temporary repairs shall only include the filling in of holes and depressions with sand, gravel, cinders or other suitable materials and/or the resurfacing of such holes and depressions. The Town shall not be liable for any damages whatever caused by such repairs.

ARTICLE VIII
PLANNING BOARD

This article as printed in the 1941 revision was abrogated upon adoption of the votes under Articles 2 and 3 of the Warrant for Special Town Meeting held January 3, 1946.

ARTICLE 2. VOTED: To accept General Laws, Chapter 41, Section 81 B through J.

ARTICLE 3. VOTED: To establish a Planning Board to consist of five members, under General Laws, Chapter 41, Section 81 A. These to be elected at the next Annual Town Meeting as follows: one for one year, one for two years, one for three years, one for four years, and one for five years, and as these original terms expire their successors shall be elected for terms of five years each.

The terms of the Planning Board members were changed from five to three years upon adoption of the vote under Article 15 of the Warrant for the Annual Town Meeting held April 5, 1984.

ARTICLE 15. VOTED: To change the term of the members of the Planning Board from five years to three years, with this change to be effected by the election of successors to expired terms to three-year terms commencing with the next Annual Town Meeting.

VIII (A)

ARTICLE VIII(A)

BOARD OF APPEALS FOR SUBDIVISIONS

Deleted by vote of 1968 Annual Town Meeting, Article 20.

ARTICLE VIII(B)

SCENIC ROADS

SECTION 1. PROCEDURES

1.1 Filing

Any person or organization seeking the consent of the Planning Board under M.G.L. Ch. 40, Sec. 15C (The Scenic Roads Act) regarding road repair, maintenance, reconstruction, or paving work that will involve the cutting or removal of trees or the tearing down of stone walls, or portions thereof, shall file a request with the Planning Board, together with the following:

- a. Information identifying the location of the proposed action in terms enabling readers to reasonably locate it on the ground, and describing the proposed changes to trees and stone walls;
- b. Plans, drawings or other explanatory reference material showing the specific design or engineering details;
- c. Except in the case of Town agencies, a deposit sufficient for the cost of advertising and notification.

1.2 Notice

Planning Board shall, as required by statute, give notice of its public hearing by twice advertising in a newspaper of general circulation in the area. The Board shall also send copies of that notice to the Selectmen, Conservation Commission, Historical Commission, Town Engineer, Highway Surveyor, Tree Warden, Department of Public Works, and owners as of the preceding January first of property located in whole or in part within 100 feet of the proposed action.

1.3 Timing

The Planning Board shall hold a public hearing within forty-five days of receipt of a properly filed request, and shall make a decision within sixty days of that receipt, unless a longer time is agreed to by the applicant. The date and time of the public hearing shall be set outside of normal weekday work hours (8:00 AM - 5:00 PM, Monday - Friday) so as to encourage maximum citizen participation.

1.4 Tree Warden

Whenever feasible, Planning Board hearings shall be held in conjunction with those to be held by the Tree Warden acting under M.G.L. Ch. 87. Consent to an action by the Planning Board shall not be construed as inferring consent by the Tree Warden, or vice versa.

1.5 Emergency Repair

The procedures of this article shall not be required when the Tree Warden or his deputy act in an emergency in accordance with M.G.L. Ch. 87 to remove fallen trees or limbs which cause an obstruction to public travel or a dangerous situation with respect to utility lines.

SECTION 2. DEFINITIONS

In the absence of contrary meaning established through legislative or judicial action pursuant to M.G.L. Ch. 40, Sec. 15C, these terms contained in that statute and herein shall be construed as follows:

"Road" shall mean the entire right of way of a vehicular travelled way plus its necessary appurtenances including bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks, but not intersecting streets or driveways. The right of way includes the area on and within the boundaries of the public way. If the boundaries are not officially known, any affected tree or stone wall shall be presumed to be within the public right of way until shown otherwise.

"Cutting or removal of trees" shall mean the destruction of more than one tree having a trunk diameter four inches or more measured one foot from the ground. Trimming of roots sufficient in the Tree Warden's opinion to cause eventual destruction of a tree is included in this definition.

"Tearing down or destruction of stone walls" shall mean the destruction of more than ten linear feet of stone wall involving more than one cubic foot of wall material per linear foot, but shall not be construed to include temporary removal and replacement at the same location with the same materials.

SECTION 3. CONSIDERATIONS

In acting on scenic roads, the Planning Board shall take into consideration the following:

1. Preservation of natural resources;
2. Environmental and historical values;
3. Scenic and aesthetic characteristics;
4. Public safety;
5. The characteristics of local residential traffic and resident expectations;
6. Relationship of road design to the standards of the Planning Board's subdivisions regulations and of the Massachusetts D.P.W.;
7. Compensatory actions proposed, such as replacement trees or walls;
8. Functional urgency of the repair, maintenance, reconstruction, or paving;
9. Financial and other consequences of design revision to avoid or reduce damage to trees or stone walls;
10. Additional evidence contributed by abutters, Town agencies, and other interested parties;
11. Other sound planning consideration.

SECTION 4. REPORTING.

The Planning Board shall within sixty days of receipt of a properly filed request submit a written determination of consent or denial to the applicant and a copy to the Board of Selectmen and the Town Clerk. A report of denial shall include an indication of what modifications, if any, would lead to consent.

ARTICLE X
AMENDMENTS

SECTION 1. These Bylaws may be amended at any Annual or Special Town Meeting.

SECTION 2. These Bylaws shall supersede all previous Bylaws.

SECTION 3. The Board of Selectmen, upon the submission to them for insertion in the Warrant for any Annual or Special Town Meeting of all articles relating to the adoption of any bylaw amendment to any bylaw, shall refer such articles to the Town Counsel who shall submit in writing to the Town Meeting, at which action is to be taken, his opinion as to the legality thereof, together with a statement containing such information as he shall deem will be of assistance to the voters in passing thereon. Each voter, board, committee and commission submitting such articles shall co-operate with the Town Counsel by furnishing all information which he or they may have on the subject matter of the proposed bylaw or amendment to a bylaw.

ARTICLE XI

**THE PERSONNEL ADMINISTRATION PLAN
TOWN OF SUDBURY, MASSACHUSETTS**

**Personnel Board, Classification Plan, Salary Plan
and Incidental Benefits**

SECTION 1. SHORT TITLE.

This Bylaw may be referred to as the Personnel Administration Plan.

SECTION 2. PERSONNEL BOARD.

There shall be a Personnel Board consisting of five members who shall be appointed by the Selectmen as herein provided:

Within ten days of the effective date of this bylaw said Board of Selectmen shall appoint two members to serve until the adjournment of the Annual Town Meeting in 1962; two members to serve until the adjournment of the Annual Town Meeting in 1961; and one member to serve until the adjournment of the Annual Town Meeting in 1960; and, thereafter, at the adjournment of each Annual Town Meeting as their terms of office expire their successors shall be appointed for terms of three years. Any vacancy which shall occur in the membership of said Personnel Board shall be filled by said Board of Selectmen, and the appointee shall serve for the balance of the term in which such vacancy shall occur.

Members of the Personnel Board must be registered voters in the Town and shall serve without compensation. No member may be an employee or elected official of the Town.

SECTION 3. DEFINITION OF TERMS AND CLASSIFICATION PLAN.

Employee - Any person working in the service of any department or whose services are divided between two or more departments who receives compensation for such services unless such person is elected.

Full-time Employee - Any employee who works thirty-five or more hours during the regularly scheduled work week.

Part-time Employee - Any employee who works less than thirty-five hours during the regularly scheduled work week.

Temporary Employee - Any employee who has been hired for any position, whether full-time or part-time, which is seasonal and/or limited to include a known or approximate termination date.

Regular Employee - Any employee, full or part-time, who has been appointed to an authorized position, except for temporary employees.

Retiree - Any former employee who qualifies for retirement under the county retirement system.

The position of all employees in the service of the Town, whether full or part-time, seasonal, casual, special, civil service, or others, except those positions filled by popular election and those under the control of the School Committee, shall be classified by titles in groups. Each group shall include those positions which involve substantially similar work

or which have substantially equal responsibilities. These groups and all other positions not falling within a group shall be set forth in this bylaw in Schedule A, entitled "Classification Plan".

The title of any position in the Classification Plan shall be used to designate that position in all payrolls, budget estimates, official reports, memoranda, records, or other matters involving the personnel or fiscal processes of the Town.

Positions set forth in the Classification Plan, Schedule A, which are currently in a certified or recognized collective bargaining unit shall only be subject to the Classification Plan, Schedule A, portion of the Personnel Bylaws, to the extent that it is not inconsistent with a valid current collective bargaining agreement.

SECTION 4. SALARY PLAN.

(1) Application

The minimum and maximum salaries, or the single rate salaries, for the groups and positions in the Classification Plan are to be established by vote of the Town in Town Meeting, and are to be set forth in this Bylaw in Schedule B, entitled 'Salary Plan'. The salary range, or rate, for a group shall be the salary range, or rate, for all positions in the group.

The minimum salary set for any position in the Salary Plan shall be the starting salary for that position, unless the Personnel Board authorizes a higher starting salary under Section 8, Paragraph (6).

Where the salary plan provides both a maximum and minimum salary for a position, both regular part-time and regular full-time employees holding the position shall be entitled to the salary set therefor in Steps 2 through 7 after continuous satisfactory performance, as recommended by the appropriate department head with notice to the Personnel Board to insure compliance with its performance review plan, with the Town for the following periods:

MIN.						MAX.
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
(start)	1 year	2 years	3 years	4 years	5 years	6 years

Employees receive step increases effective on the anniversary of the date the employee began continuous employment with the Town (anniversary date of hire), regardless of promotions or reclassifications of the employee since date of hire.

The preceding sentence shall not affect the present anniversary date of hire of employees hired before 6/30/88.

When an employee is reclassified to a higher salary grade, the increase in salary will be effective as of the first pay period after the request for reclassification was submitted to the Personnel Board, unless the Personnel Board determines otherwise. When an employee is promoted to a higher salary grade, the increase in salary will be effective as of the date the employee starts in the new position.

Temporary employees shall be paid the starting wage for the position they hold unless the Personnel Board authorizes a higher step within the range, based on the experience, and qualifications of the

employee. No employee of the Town at the time of amendment of the Salary Plan shall suffer a reduction of pay by virtue of such amendment.

Positions set forth in the Salary Plan, Schedule B, which are currently in a certified or recognized collective bargaining unit shall only be subject to the Salary Plan, Schedule B, portion of the Personnel Bylaws, to the extent that it is not inconsistent with a valid current collective bargaining agreement.";

Effective July 1, 1990, in the event that an employee is absent from work, on paid leave, unpaid leave of absence, or otherwise, for a continuous period of more than three months, the employee's anniversary date of hire, for purposes of receiving step increases and longevity pay, shall be permanently deferred by the period that the employee was absent from work, and the employee shall receive further step and longevity increases based on the new anniversary date of hire.

(2) Overtime.

Overtime for non-unionized employees shall be paid at the rate of time and one-half in excess of 40 hours in any work week, when such additional work time is directed by the Department Supervisor. The overtime rate of time and one-half shall be paid in accordance with the Fair Labor Standards Act if applicable.

(3) Longevity.

Longevity shall be paid to all regular employees hired prior to June 30, 1983, having served continuously as an employee of the Town as follows: after six (6) years, an additional two percent (2%); after ten (10) years, an additional one percent (1%); and after fifteen (15) years, an additional one percent (1%).

Regular employees hired between June 30, 1983, and June 30, 1986, having served continuously as an employee of the Town, shall be paid longevity as follows: after five (5) years, \$200; and after ten (10) years, an additional \$150; after fifteen (15) years, an additional \$150. Longevity shall be paid as a lump sum on the anniversary of the employee's date of hire.

Regular employees hired after June 30, 1986, having served continuously as an employee of the Town, shall be paid longevity as follows: after seven (7) years, \$200; after ten (10) years, an additional \$150; after fifteen (15) years, an additional \$150. Longevity shall be paid as a lump sum on the anniversary of the employee's date of hire.

Regular employees hired before July 1, 1983, who have elected to receive longevity in a lump sum, shall receive in addition to the lump sum payment, one (1) extra vacation day after six (6) years, an additional extra day after ten (10) years, and an additional extra day after fifteen (15) years.

SECTION 5. PAYMENT OF EMPLOYEES.

No person may be appointed, employed, or paid as an employee of the Town in any position subject to the Classification Plan:

- (1) Under any position title or titles other than those in the Classification Plan;

- (2) Under a position title other than that of the position, or positions, the duties of which the person actually performs;
- (3) At a salary, or rate, other than that set in the Salary Plan for the position, or positions, the duties of which the person actually performs; nor
- (4) Unless the Personnel Board has determined that the employment of such a person is consistent with all provisions of this bylaw.

SECTION 6. RECLASSIFICATION OF EMPLOYEES.

No employee may be reclassified to a position in another group, either higher or lower, unless the personnel Board has determined that the reclassification will be consistent with all provisions of this bylaw. Any employee who is asked to work in a higher classification except during a training period, will be paid all hours worked in said classification at the appropriate classification rate.

SECTION 7. INCIDENTAL BENEFITS.

- (1) Holidays with Pay. All regular town employees will be allowed the following eleven (11) days with pay:

New Year's Day	Memorial Day	Columbus Day
Martin Luther King Day	Independence Day	Veterans' Day
Washington's Birthday	Labor Day	Thanksgiving Day
Patriot's Day		Christmas Day

If a sick day is taken on the day immediately before or the day immediately following a holiday, no holiday pay will be given without the specific approval of the department head.

Regular
Full-time
Town
Employees

When one of the foregoing holidays falls on Sunday, such an employee shall be entitled to time off with pay on the following Monday. If it should fall on a Saturday, he shall be entitled to time off with pay on the preceding Friday. Or, if such holiday falls during his vacation, such employee shall be entitled to equal time off with pay at a time approved by his department head. If, due to an emergency, he is required to work on a holiday, the employee is to be paid at time-and-one-half for such time worked...(4 hours minimum).

Regular
Part-time
Employees

A regular part-time employee with regularly scheduled working hours shall be eligible for salary payment for each paid holiday which falls on his normally scheduled work day. The pay shall be for the number of hours the employee would normally have been scheduled to work on such a day.

- (2) Sick Leave. Each regular employee is eligible for sick leave after completing one full month of employment.

Regular full-time employees. Each regular full-time employee shall be entitled to one (1) day of sick leave per calendar month. The one (1) day of sick leave is credited to the employee at the end of each month. Unused sick days may be accumulated from fiscal year to fiscal year up to a maximum of 120 days.

Regular part-time employees. Each regular part-time employee shall be entitled to annual sick leave earned at the rate of 12 hours multiplied by the number of hours that the employee is normally scheduled to work per week and divided by five (5). The applicable amount of sick leave hours will be credited at the end of each month. Payment for time taken as sick leave shall be the payment that the employee would have normally received for that day up to the amount of sick leave hours available to the employee.

Unused sick time may be accumulated from fiscal year to fiscal year up to a maximum of ten (10) times the employee's annual rate of accrual.

Part-time employees with irregularly scheduled hours. Part-time employees who do not work regularly scheduled hours (e.g., Recording Secretaries) may receive sick leave (1) for time that the employee would have been required to work (e.g., a meeting of the Town Board in question) and (2) for the period of an extended disability but excluding the first two (2) weeks of absence. The amount of paid sick leave per year which such an employee may take and the total amount which may be accumulated shall be computed and earned in the same manner as for other part-time employees.

Sick Leave Buy-back. Regular full-time employees with 120 days of accumulated sick leave may each year sell back to the Town up to twelve (12) days at 50% of the applicable rate, effective July 1, 1988 (FY1989).

A regular full-time employee who retires from service in the employ of the Town of Sudbury and retires into the state or county retirement system shall receive from the Town payment at the then current rate of pay equal to 50% of the daily pay times the number of unused accumulated sick days.

Sick Leave Bank. A sick leave bank shall be created for regular full-time employees and regular part-time employees with regularly scheduled working hours which will be jointly administered by a committee of one (1) Personnel Board designee and two (2) Town employee designees. The joint committee may establish rules and regulations for the administration and operation of this bank, provided said rules and regulations for the administration do not conflict with the Personnel Administration Plan. To be eligible to use the bank, an employee must contribute three (3) days of his sick leave each year. Further, an employee must exhaust his own accumulated sick days before he is eligible to use the bank. The maximum number of bank days any employee may be granted in each fiscal year is twelve (12) times the number of years of his service. The contribution of, and grant to, a regular part-time employee shall be appropriately pro-rated.

In the case of an employee who is receiving weekly benefits under the Workers' Compensation Law, M.G.L. Chapter 152, the provisions of said Chapter 152 shall apply with respect to the use of sick leave..

An employee granted sick leave of five (5) consecutive days or more shall, prior to returning to work, submit to the department head and the Personnel Board satisfactory medical evidence of good health. An employee absent due to personal illness or injury shall upon request submit to the department head or the Personnel Board, as the case may be, satisfactory medical evidence of the personal illness or injury.

- (3) Vacations. A regular employee with at least five (5) months continuous service shall be entitled to paid vacation during the first fiscal year of employment in accordance with the following schedule:

<u>1st Year of Employment</u>		<u>Paid Vacation Entitlement</u>	
	<u>Date of Employment</u>	<u>Dept. Heads</u>	<u>Others</u>
(Employed during this period)	July or August	12 days	10 days
	September thru January	6 days	5 days
	February thru June	none	none

After the first fiscal year of employment, vacation entitlement shall be based on the years of continuous town service which shall be completed during the fiscal year as follows:

<u>Years of Continuous Town Service</u>	<u>Paid Vacation Entitlement</u>	
	<u>Dept. Heads</u>	<u>Others</u>
One (1) and two (2)	15 days	10 days
Three (3) and four (4)	15 days	12 days
Five (5) thru seven (7)	17 days	15 days
Eight (8) and nine (9)	20 days	17 days
Ten (10) and eleven (11)	20 days	20 days
Twelve (12) thru fourteen (14)	22 days	20 days
Fifteen (15) thru nineteen (19)	25 days	20 days
Twenty (20) and above	25 days	25 days

In no case shall an employee be entitled to paid vacation prior to completing five (5) months continuous service. The vacation period shall be the fiscal year, i.e., July 1 through June 30. However, eligibility shall be determined by the anniversary date of hire, e.g. if an employee shall complete ten (10) years of continuous service during a fiscal year, he/she shall be entitled to twenty (20) days of vacation in that period of July 1 through June 30.

In the event that an employee voluntarily terminates his/her employment with the Town, his/her paid vacation entitlement for that fiscal year shall be calculated as follows:

$$\frac{\text{Work days between July 1 and termination}}{260 \text{ work days per year}} \times \text{Annual Vacation} = \frac{\text{Vacation Entitlement}}{\text{Entitlement}}$$

If the employee has taken paid vacation in excess of the entitlement so calculated, such excess pay shall be deducted from his/her final paycheck.

A regular part-time employee's daily vacation pay shall be equal to the present hourly rate, multiplied by the budgeted hours worked per week, divided by 5. In the first year such an employee's daily vacation pay is based upon the average weekly hours worked since the employee was hired.

Vacation may not be carried forward from one fiscal year to the next. Leave granted for temporary military service may not be charged against an employee's vacation without the employee's consent. The vacation schedule compensates department heads for additional work burdens outside the normal working hours, and compensatory time, if it ever existed for said professionals, is hereby abolished.

- (4) Jury Duty. An employee called for jury duty on days falling within his usual work period for the Town shall be paid for those days the difference between the compensation he would have received from the Town and his fees, exclusive of travel allowance, for such jury service.
- (5) Reserve Military Duty. An employee who is called upon to report for reserve military duty shall be paid the difference between the compensation he would have received from the Town and his military pay and allowances upon the presentation of a pay voucher to the office of the Town Accountant. Such pay for reserve duty is not to exceed seventeen (17) days' pay in a calendar year.
- (6) Bereavement Time. An employee may be granted, by his department head, up to five (5) days' excused absence with pay to handle personal matters related to the death of close members of the employee's family including his spouse, child and parent, brother, sister or grandparent of either spouse.
- (7) Reimbursement Benefits. When a regular full-time Town employee takes a course with the prior approval of his department head, at an accredited college as part of a degree program, when the course or degree has a functional relationship to the employee's job, the employee will be reimbursed for 100% of the cost of books, registration and tuition fees based upon the presentation of satisfactory evidence that he has completed the course with a "C" grade or better, or that portion due which was disapproved or not paid by the state and federal government. The determination as to whether or not the degree is functionally related to his job shall be the responsibility of the department supervisor and approved by the Personnel Board.

When an employee, with the approval of his supervisor and of the Personnel Board, attends a job related course, not as part of a degree related program, at an accredited school or professional seminar, he will be reimbursed at the rate of 100% for the cost of books, registration and tuition fees, upon the presentation of satisfactory evidence that he has completed the course with a "C" grade or better, if grades are given.

When an employee is directed by his supervisor to attend a course as part of his job, the Town will reimburse the employee for all costs associated with attendance, including mileage at the rate established by vote at Town Meeting for travel to and from the course.

Reimbursement as outlined above shall be reduced by any amount to which the employee is entitled under various state and federal laws.

- (8) Maternity /Paternity Leave. Employees shall be granted maternity/paternity leave in accordance with applicable state and federal law.

SECTION 8. DUTIES AND AUTHORITY OF THE PERSONNEL BOARD.

- (1) The Personnel Board shall administer the Personnel Administration Plan, It may establish and promulgate for this purpose such policies, procedures and regulations consistent with the Plan as it considers desirable, except that no action of the Board may take effect unless approved by a majority of it members.
- (2) The Town Accountant and department heads shall keep such records of the employees of the Town as the Board may require. The Board shall keep such records of its own as it considers appropriate. All records of the Town by whomsoever kept pertaining to the Town's employees shall be open to inspection by the Board, or any of its members, at all reasonable times.
- (3) The Board shall maintain written descriptions of the positions subject to the Classification Plan, describing their essential characteristics and general duties, and establishing their minimum requirements. These descriptions are not to be interpreted as limiting the scope of any position, and employees in the future, as in the past, subject to the provisions of Sections 5 and 6, shall perform any incidental duties assigned by department heads, supervisors, or other administrative authority.
- (4) The Board shall review every three years or more often if it considers it advisable,
 - a. All positions subject to the Classification Plan to determine whether each group continues to include those positions which involve substantially similar work or which have substantially equal responsibilities, and
 - b. The Salary Plan to determine whether it sets forth fair and equitable pay levels.After each review the Board shall recommend to the Town the action which it considers advisable.
- (5) The Board may tentatively add a new position to the Classification Plan, or reclassify an existing position to a different group. Any such action shall cease to be effective after the close of the next following Annual Town Meeting unless adopted by an amendment to the Classification Plan at that meeting.
- (6) Notwithstanding provisions of Sections 4 and 5 that might be construed to the contrary the Board may authorize an entrance rate higher than the minimum rate for a position. The Board shall consider the recommendation of the department head or other administrative authority, supported by evidence of exceptional circumstances satisfactory to the Board. The Board may make such other variances from the Salary Plan as it considers necessary for the proper functioning of the services of the Town.
- (7) No action of the Personnel Board under paragraph (6) of this section, or under Section 5 or 6, or under any other section or provision of this bylaw, may be construed as authorization to spend money for salaries or wages to employees in addition to that which has been lawfully appropriated for that purpose at Town Meeting, or which is otherwise lawfully available.
- (8) The Board may on its own motion propose the amendments authorized by Article XI, and amendments of other Town bylaws which may affect the Personnel Administration Plan.
- (9) The Board shall summarize its activities annually in a report which shall be published in the Annual Town Report.

- (10) The Board may, by order, establish a temporary classification for any position, the nature and duties of which are temporary or subject to material change, which order shall be in effect until the completion of the next Annual Town Meeting.
- (11) The Personnel Board shall require that each employee shall be given an annual written evaluation by his supervisor, superior, or department head, which evaluation shall be in such form as the Personnel Board may prescribe and which shall be filed with said Board.
 - (A) No employee shall receive a step increase within grade unless that employee's supervisor or department head certified to the Personnel Board on the form provided by the Personnel Board, that the employee's performance meets the standard for the job.
 - (B) No employee shall receive a promotion in grade unless that employee's supervisor or department head certifies that the employee is qualified for the increased grade position and that the employee's performance is above average in meeting the standards for their present position and unless the Board approves such promotion.
- (12) Grievance Procedure. Any complaint, dispute or controversy of any kind which arises between one or more employees, not covered by a collective bargaining agreement, and the town or its agents, shall be processed through a grievance procedure. A grievance must be presented in writing within twenty-one (21) days of the time of the occurrence of the complaint, dispute or controversy or when the employee should reasonably have had notice thereof and must be processed according to this provision.

Step 1. Employee shall immediately submit the grievance in writing to the department head. The department head shall then meet with the employee within seven (7) days and shall decide the grievance within seven (7) days after said meeting. If the meeting is not held or a decision not rendered within the time provided, the grievance shall be deemed to have been denied as of the last day for the decision.

Step 2. If the employee is aggrieved by the department head's decision, the employee may appeal that decision to the Personnel Board in writing within seven (7) days. The Board shall have thirty (30) days to pass on this grievance. Within seven (7) days of the employee's appeal, the department head shall then submit a justification, in writing, as deemed appropriate. If the Board does not act within thirty (30) days the grievance shall be deemed to have been denied as of the last day for the decision.

Step 3. If either or both parties are aggrieved by the Personnel Board's decision and ruling, the aggrieved party or parties may, within seven (7) days, appeal to the Selectmen in writing. Both parties may then submit written justification to the Selectmen within seven (7) days. The Selectmen shall then have thirty (30) days to hear and rule on the grievance. The Selectmen's ruling and decision shall be final and binding.

Time limitations may be waived or extended by mutual agreement in writing by both parties. Days, as set forth herein, mean calendar days provided, however, that if the last day is not a regular town business day, the last day shall be the next regular town business day.

SECTION 9. EMPLOYEE PHYSICAL EXAMINATIONS.

The Town Board of Commission or department head of each department shall determine, from time to time, in accordance with applicable laws, the job categories for which physical examinations shall be required of successful applications for employment. Applicants who accept a conditional offer of employment for such a position shall, prior to the start of their employment, submit to a physical examination by a town physician, appointed for such purposes by the Board of Selectmen. Said examination shall be for the purpose of determining whether the person is capable of performing the essential functions for the position offered. The cost of such physical examination shall be borne by the Town and reports from the examining physician shall be filed with the Personnel Board and applicable board or commission having jurisdiction.

SECTION 9A. INJURIES DURING OR RELATED TO EMPLOYMENT.

Any town employee who claims to have been injured in the course of his employment and/or as a result of his employment shall report each such injury to his/her supervisor immediately unless said employee is not physically able to do so. In the event that the employee is not physically able to report said injury immediately, he/she shall make said report as soon as possible. In the event that a town employee seeks to claim benefits under G.L. C.152, under G.L. C.41 s.111F or otherwise, said employee shall furnish to the Town copies of all medical records, medical bills and records of treatment within thirty (30) calendar days of each treatment and/or the receipt of the bills. Each such employee shall, in addition, submit to a medical examination by a physician selected by the Town for the purposes of determining the validity of the claim that the employee was and/or is injured. In the event that any employee claims to be out of work and disabled as a result of a work related injury, the Town may require the employee, from time to time, to submit medical evidence concerning the nature of the injury, the degree of disability and the prognosis for recovery and to submit to medical examinations by physicians or other health care providers selected by the Town, to the extent permitted by M.G.L. Chapter 152. The Personnel Board may, in its sole discretion, require the employee claiming disability, to submit to further verification medical examinations at intervals not more frequently than every ninety (90) days. Nothing contained herein shall apply to proceedings under G.L. C.32 nor shall it be construed to grant the Town greater rights than those provided, where it applies, under G.L. C. 152.

Employees may be required to return to work in accordance with the provisions of M.G.L. Chapter 152.

SECTION 10. (amended to Section 12 by ATM 1983:4G, therefor there is no Section 10)

SECTION 11. SUMMER HIRING.

Any department of the Town which hires temporary summer employees shall on or before May 1 of each year advertise each position to be filled by posting a comprehensive list of said positions at the Lincoln-Sudbury Regional High School, Minuteman Regional Vocational School and the Town Clerk's Office, as well as advertising them in a newspaper of general circulation in the Town setting forth the qualifications required and salary range available.

SECTION 12. SEVERABILITY.

If a part of this bylaw is invalid, all valid parts which are severable from the invalid part remain in effect. If a part of this bylaw is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

SECTION 13. AMENDMENTS.

This bylaw may be amended by a majority vote at any Town Meeting.

The Personnel Board shall be given a copy of any proposed amendment at least thirty (30) days before the Town Meeting at which it is to be considered. The copy shall contain the names and addresses of the proponents.

Except as otherwise specifically provided in collective bargaining agreements, or by vote of the Town, amendments to the Classification Plan and to the Salary Plan voted at an Annual Town Meeting shall be effective as of July first of the calendar year in which voted; provided, however, that those amendments which confirm a tentative or temporary classification or salary change as ordered by the Personnel Board under Section 8 shall be effective immediately upon completion of the Annual Town Meeting.

**TOWN OF SUDBURY - FY95
SCHEDULE A - CLASSIFICATION PLAN
AND SCHEDULE B - SALARY PLAN**

GRADE 1

GRADE 2

Clerk I
Switchboard Operator/Receptionist

GRADE 3

Clerk II/Senior Clerk
Library Clerk
Recording Secretary

GRADE 4

Fire Dispatcher (40 hrs/wk)
Library Technician
Secretary I
Van Driver, Senior Citizens Center
Senior Data Processing Clerk
Groundsperson (40 hrs/wk)
Maintenance Custodian(40 hrs./wk)
Accounting Clerk

GRADE 5

Outreach Case Manager
Library Office Coordinator
Grounds Mechanic (40 hrs/wk)
Census and Documentation Coord.
Accounting Administrative Asst.
Part-Time Reference Librarian
Aquatic Coordinator

GRADE 6

Dog Officer
Police Dispatcher
Secretary/Legal Secretary
Secretary II/Office Supervisor
Grounds Foreman (40 hrs./wk)
Board of Health Coordinator

Title Change, Reclassification,
or New Position

GRADE 7

Assistant Assessor
Assistant Town Accountant
Assistant Town Clerk
Assistant Children's Librarian
Head of Circulation, Library
Head of Technical Services, Library

GRADE 8

Conservation Coordinator
Director, Council on Aging
Adult Services/Reference Librarian
Children's Librarian
Assistant Town Treasurer & Collector

GRADE 9

Administrative Asst. to Board of Selectmen
Assistant Library Dir. (Not filled FY93/94)
Aquatic Director

GRADE 10

Community Social Worker

GRADE 11

Budget & Personnel Officer
Park & Recreation Director

GRADE 12

GRADE 13

GRADE 14

Highway Surveyor (Elected)

GRADE 15

Fire Chief
Police Chief

GRADE 16

GRADE 17

Executive Secretary - Non Union - Contracted Position

Town Clerk - Non Union - Elected (Grade 10 for advisory purposes only)

The following are union positions:

Supervisor of Town Buildings	Director of Public Health
Assessor/Appraiser	Insptr. of Bldg./Zoning Enforcement Agent
Library Director	Town Treasurer/Collector
Supt. Parks and Grounds	Director of Finance/Town Accountant
Town Planner	Town Engineer

TOWN OF SUDBURY
FY95 NON-UNION SALARY GRID
7/1/94 - 6/30/95

	Minimum			Maximum			
	1	2	3	4	5	6	7
GRADE							
1	8.92	9.27	9.64	10.02	10.41	10.82	11.24
2	9.64 17,609	10.02 18,300	10.41 19,018	10.82 19,764	11.24 20,539	11.68 21,345	12.14 22,182
3	10.41 19,018	10.82 19,764	11.24 20,539	11.68 21,345	12.14 22,182	12.62 23,053	13.11 23,957
4	11.24 20,539	11.68 21,345	12.14 22,182	12.62 23,053	13.11 23,957	13.63 24,897	14.16 25,873
5	12.14 22,182	12.62 23,053	13.11 23,957	13.63 24,897	14.16 25,873	14.72 26,888	15.29 27,943
6	13.11 23,957	13.63 24,897	14.16 25,873	14.72 26,888	15.29 27,943	15.89 29,040	16.52 30,179
7	14.16 25,874	14.72 26,888	15.29 27,943	15.89 29,040	16.52 30,179	17.17 31,363	17.84 32,593
8	15.44 28,201	16.04 29,308	16.67 30,458	17.32 31,652	18.00 32,894	18.71 34,185	19.45 35,526
9	16.82 30,740	17.49 31,945	18.17 33,199	18.88 34,501	19.62 35,855	20.39 37,262	21.20 38,724
10	18.34 33,506	19.06 34,821	19.81 36,187	20.58 37,606	21.39 39,081	22.23 40,616	23.10 42,209
11	19.99 36,522	20.77 37,954	21.59 39,443	22.44 40,991	23.32 42,599	24.23 44,271	25.18 46,008
12	21.79 39,809	22.64 41,370	23.53 42,993	24.46 44,680	25.41 46,433	26.41 48,255	27.45 50,148
13	23.75 43,391	24.68 45,094	25.65 46,863	26.66 48,701	27.70 50,612	28.79 52,598	29.92 54,662

14	25.89 47,297	26.90 49,152	27.96 51,080	29.06 53,084	30.20 55,167	31.38 57,332	32.61 59,581
15	28.22 51,553	29.32 53,576	30.47 55,678	31.67 57,862	32.91 60,132	34.20 62,492	35.55 64,944
16	30.76 56,193	31.96 58,398	33.22 60,689	34.52 63,069	35.88 65,544	37.28 68,116	38.75 70,789
17	33.52 61,251	34.84 63,653	36.21 66,151	37.63 68,746	39.10 71,442	40.64 74,247	42.23 77,160

NOTE: Full-time employees are normally scheduled to work 35 hours per week. Full-time employees who are denoted as normally scheduled to work 40 hours per week are paid for a week's work at 40 times the stated hourly rate. The annual rate is based on 52.2 weeks per year.

NON UNION EMPLOYEES
INDIVIDUALLY RATED - FY95

<u>Library</u>	<u>Minimum</u>	<u>Step 1</u>	<u>Step 2</u>
●Library Page (Hourly)	\$6.18	\$ 6.45	\$6.66

Park and Recreation

	<u>Minimum</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Maximum</u>
●Camp Supervisor (Seasonal - Part Time)	\$2,409	\$2,509	\$2,631	\$2,764	\$2,906
●Teen Center Coordinator (Hourly):	\$11.88 - \$17.83				
●Temporary Laborer (Hourly):	\$ 6.64 - \$ 8.10 (Park and Rec. and Highway Depts.)				
●Temporary Snow Removal Equipment Operator (Hourly):	\$ 8.00 - \$10.00				

Atkinson Pool

Position Hourly Rated Salary Range (Permanent Part-Time & Fee for Service)

●Lifeguard/Pool Receptionist	\$6.50	6.78	7.05	7.33	7.62	7.92	8.23	8.55	8.89
●Childcare Helper Water Safety Ins.	\$7.05	7.33	7.62	7.92	8.23	8.55	8.89	9.23	9.60
●Receptionist Supervisor/ WSI Supervisor	\$8.23	8.55	8.89	9.23	9.60	9.98	10.36		

Town Administration

	Min Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Max. Step 7
●Custodian (Hrly-40 hrs.)	\$10.47	10.87	11.30	11.75	12.19	12.67	13.19

Single Rated:

●Veterans' Agent and Director	\$4,023/Year
●Census Taker	\$ 6.11/Hour
●Election Warden	\$ 6.11/Hour
●Election Clerk	\$ 6.11/Hour
●Deputy Election Warden	\$ 6.11/Hour
●Deputy Election Clerk	\$ 6.11/Hour
●Election Officer & Teller	\$ 5.80/Hour
●Plumbing Inspector	Fees

UNION EMPLOYEES

Fire Department

	MIN	Step 1	Step 2	Step 3	MAX
Firefighter					
Annual	29,047	29,720	30,409	31,082	31,814
Hourly	13.25	13.56	13.87	14.18	14.51
 Firefighter/EMT					
Annual	30,347	31,020	31,709	32,382	33,114
Hourly	13.84	14.15	14.46	14.77	15.10
 Lieutenant					
Annual	32,387	33,138	33,906	34,657	35,473
Hourly	14.77	15.11	15.47	15.81	16.18
 Lieutenant/EMT					
Annual	33,837	34,587	35,356	36,106	36,922
Hourly	15.43	15.78	16.13	16.47	16.84
 Fire Captain					
Annual	36,112	36,949	37,805	38,642	39,552
Hourly	16.47	16.85	17.24	17.63	18.04
 Fire Captain/EMT					
Annual	37,728	38,565	39,421	40,258	41,168
Hourly	17.21	17.59	17.98	18.36	18.78

SINGLE RATED:

● Call Firefighter \$123.22/Year \$11.86/Hour

OTHER SINGLE RATED:

● Fire Prevention Officer	\$ 700/Year
● Fire Alarm Superintendent	700/Year
● Master Mechanic	700/Year
● Fire Dept. Training Officer	700/Year
● Emerg. Med'l. Tech. Coord.	700/Year
● Fire Alarm Foreman	400/Year

NOTE: Hourly rates are obtained by dividing the annual rates by 52.2 weeks and 42 hours per week.
Overtime pay is calculated by multiplying 1.5 times those hourly rates.

POLICE DEPARTMENT

	Hrs/Week	MIN	Step 1	Step 2	Step 3	MAX
Sergeant	37.33					
Hourly		18.52	18.96	19.39	19.83	20.23
Annual		36,095	36,931	37,795	38,645	39,416
Patrolman	37.33					
Hourly		15.43	15.79	16.17	16.53	16.85
Annual		30,078	30,772	31,497	32,206	32,845

SINGLE RATED

●Matron	\$12.06/hour
●Crime Prevention Officer	700/year
●Photo/Fingerprint Officer	700/year
●Juvenile Officer	700/year
●Safety Officer	700/year
●Detective	700/year
●Training Officer	700/year
●Parking Clerk	700/year
●Mechanic	700/year
●Fire Arms Instructor	700/year

NOTE: Hourly rates are obtained by dividing the annual rates by 52.2 weeks and 37.33 hours per week. Overtime pay is calculated by multiplying 1.5 times these hourly rates.

SUDBURY SUPERVISORY ASSOCIATION

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Library Director	43,952	45,270	46,629	48,027	49,468	50,952
Director of Health	44,981	46,330	47,720	49,152	50,626	52,145
Town Engineer	54,174	55,799	57,473	59,197	60,973	62,803
Supt Parks/Grds Mgmt*	35,189	36,245	37,332	38,452	39,606	40,794
Asst Highway Surveyor	39,712	40,903	42,130	43,394	44,696	46,037
Highway Oper. Asst.	33,535	34,541	35,577	36,644	37,744	38,876
Building Inspector	43,751	45,064	46,416	47,808	49,243	50,720
Supv. of Town Bldgs.#	33,026	34,017	35,038	36,089	37,171	38,287
Assessor/Appraiser	43,753	45,065	46,417	47,810	49,244	50,721
Town Planner	46,621	48,019	49,460	50,944	52,472	54,046
Police Lt./Adm. Asst.	48,486	49,941	51,439	52,982	54,572	56,209
Dir. of Fin./Town Acct.	55,390	57,052	58,763	60,526	62,342	64,212
Treasurer/Collector	45,341	46,701	48,102	49,546	51,032	52,563

* This does not include salary paid by Lincoln-Sudbury Regional School District, if any.

This does not include \$10,440 per year as Wiring Inspector.

ENGINEERING DEPARTMENT

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
E1 Eng Aide I	20,791	21,416	22,060	22,725	23,407	24,110
E2 Eng Aide II	23,909	24,628	25,366	26,130	26,913	27,721
E3 Eng Aide III	27,497	28,324	29,172	30,047	30,947	31,877
E4 Jr Civil Eng	31,622	32,571	33,545	34,553	35,589	36,656
E5 Civil Eng	35,576	36,642	37,746	38,875	40,041	41,242
E6 Sr Civil Eng	37,726	38,858	40,025	41,225	42,463	43,733
E7 Asst. Town Eng	44,373	45,703	47,073	48,486	49,941	51,440

Hourly rates are obtained by dividing the annual rates by 52.2 weeks and 40 hours per week. Overtime pay is calculated by multiplying 1.5 times these hourly rates.

HIGHWAY DEPARTMENT

	<u>START</u>	<u>Step 1</u> After 6 mos.	<u>Step 2</u> After 1 yr.	<u>Step 3</u> After 2 yrs.	<u>Step 4</u> After 3 yrs.	<u>Step 5</u> After 4 yrs.	<u>Step 6</u> After 5 yrs.
Landfill Supervisor	30,187	31,094	32,026	32,987	33,976	34,996	36,046
Foreman, Hwy	29,594	30,210	30,871	31,487	32,117	32,757	33,739
Foreman, Tree/Cem	29,594	30,210	30,871	31,487	32,117	32,757	33,739
Master Mechanic	13.98	14.45	14.89	15.28	15.67	16.07	16.55
Asst. Mechanic	13.36	13.82	14.26	14.66	15.04	15.44	15.91
Hvy Equip Oper	12.55	12.91	13.19	13.62	14.06	14.51	14.95
Tree Surgeon	12.55	12.91	13.19	13.62	14.06	14.51	14.95
Truck or Lt Equip Oper	11.79	12.10	12.43	12.67	12.92	13.19	13.58
Tree Climber	11.79	12.10	12.43	12.67	12.92	13.19	13.58
Hvy Laborer	11.11	11.43	11.69	11.99	12.31	12.63	13.01
Lt Laborer	10.14	10.42	10.65	10.93	11.21	11.50	11.84
Landfill Monitor	9.48						

Hourly rates are obtained by dividing the annual rates by 52.2 weeks and 40 hours per week. Overtime pay is calculated by multiplying 1.5 times these hourly rates.

ARTICLE XI(A)

COUNCIL ON AGING

SECTION 1. The Board of Selectmen shall appoint a Council on Aging to consist of nine residents of the Town. Appointments shall be for terms of three years. The Selectmen shall annually appoint three members. No less than two of the members shall be over sixty-five years of age. Members may serve no more than two consecutive terms. However, upon the expiration of one year after completion of a second consecutive term, a former member shall be eligible for reappointment.

SECTION 2. The duties of said Council on Aging shall be to:

- (1) Identify the total needs of the community's elderly population
- (2) Educate the community and enlist the support and participation of all citizens concerning these needs.
- (3) Design, promote or implement services to fill these needs or coordinate present existing services in the community;
- (4) Promote and support any other programs which are designed to assist the elderly in the community.

SECTION 3. The Council on Aging shall cooperate with the Commonwealth of Massachusetts Office of Elderly Affairs 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.

SECTION 4. The Council on Aging shall give an annual report, in writing, to the Board of Selectmen with a copy of that report directed to the Commonwealth of Massachusetts Office of Elderly Affairs.

ARTICLE XII

TOWN PROPERTY

SECTION 1. DISPOSAL OF TOWN-OWNED PERSONAL PROPERTY. Any board or officer in charge of a department of the Town may, with the approval of the Board of Selectmen, transfer to another Town department or transfer by sale any personal property of the Town within the possession or control of the department which has become obsolete or is not required for further use by the department or any other Town department; provided, however, that in the case of transfer by sale of such property which has, in the opinion of the Board of Selectmen, an aggregate value in excess of \$1,000, or in the case of transfer by sale of personal property (regardless of its value) which, in the opinion of the Board of Selectmen, the Historical Commission and the Ancient Documents Committee and is contained in a list maintained by them, is historically significant to the Town, the sale shall be by public bid in a manner prescribed by said Board of Selectmen; and provided further that in the case of transfer by sale of such historically significant property the Board of Selectmen shall send advance written notice of such transfer by sale and such public bid to the Historical Commission and to the Ancient Documents Committee. For purposes of this Section 1, all personal property located in the Hosmer House shall be deemed to be historically significant to the Town.

SECTION 2. SALE OF TAX POSSESSION PROPERTY. The Selectmen are hereby empowered to sell at public auction all or any of the Town property acquired by virtue of sale for non-payment of taxes, which sales have been confirmed by the Land Court or the Tax Commissioner, and they are authorized to give deeds therefor.

The Selectmen shall, not less than twenty-one days before such sale, file a notice thereof with the Town Clerk, who shall post a copy of the notice in the Town Hall. The Selectmen shall also have a copy of the notice published, at least twenty-one days before such sale, in a newspaper having a circulation in the Town. Such notice shall contain a description of the property to be sold sufficient to identify it, shall state the date, time and place appointed for the sale thereof and the terms and conditions of such sale. Failure to send or post a notice as herein provided, or any insufficiency in the notice sent or posted, shall not invalidate the title to any property sold hereunder provided the deed is approved by the Selectmen. At such sale or any adjournment thereof, the Selectmen may reject any and all bids at such sale or any adjournment thereof, if, in their opinion, no bid is made which approximates the fair value of the property. No bid is accepted until the deed, drawn in accordance therewith, has been approved by the Selectmen and accepted by the successful bidder.

The Selectmen shall include, as a part of their report in the Annual Town Report, a listing, by parcel, of all property sold under this bylaw, which listing shall include the date of the sale, the name of the purchaser, a general description of the property sold and the sales price.

This bylaw shall not be construed to prevent the Town of Sudbury from disposing of such property under the provisions of General Laws, Chapter 40, Section 3.

SECTION 3. The Selectmen may accept, from time to time, in behalf of the Town of Sudbury, gifts of land and interest in land for the following purposes: walkway and sidewalk purposes, storm drainage and above and below ground general drainage purposes, for slope maintenance purposes, for the purposes of rounding street corners and for any purpose approved by the Planning Board and shown on a plan approved by the Planning Board under General Laws, Chapter 41, Sections 81K to 81Y, inclusive.

ARTICLE XIII
PLUMBING BYLAW

Article XIII, the Town of Sudbury Plumbing Rules and Regulations, has been superseded by the Massachusetts State Plumbing Code, Chapter 358 of the Acts of 1965, effective August 15, 1966.

ARTICLE XIV

PERPETUAL CARE OF BURIAL PLACES AND LOTS

SECTION 1. The Town Treasurer is hereby authorized to receive on behalf of the Town and hold and apply funds or money which may be deposited with him for the perpetual care, preservation, improvement or embellishment of any public or private burial place within the Town, or burial lots situated in such burial places; and he shall keep a record of all funds or money which may be so deposited with him.

SECTION 2. The Board of Selectmen shall determine the appropriate principal sum to be deposited for the perpetual care of burial lots and graves in cemeteries in the Town and they shall prepare and issue to the Treasurer a schedule of such amounts.

ARTICLE XV

BUILDING CODE

This article is replaced by the State Building Code, which is incorporated herein by reference, adopted under Chapter 802 of the Acts of 1972, and the following sections:

SECTION 1. BUILDING PERMIT FEES. The fee to be paid upon the issuance of each building permit shall be five dollars (\$5.00) for each \$1,000 or portion thereof of the estimated cost of the construction, alteration, removal or demolition, and the minimum fee shall be twenty dollars (\$20.00); provided that the fee to be paid upon the issuance of each building permit relating to such work initially commenced without benefit of a permit shall be ten dollars (\$10.00) for each \$1,000 or portion thereof of the estimated cost of such work, and the minimum fee shall be forty dollars (\$40.00). No fee shall be charged for the issuance of any building permit to the town or for work upon any building owned by the town.

SECTION 2. BUILDING INSPECTION FEES. No fee shall be charged for the periodic inspection and certification of buildings and structures or parts thereof owned by the town.

XVI
1991

ARTICLE XVI

TOWN SEAL

SECTION 1. The Town Seal, or any reproduction or facsimile thereof, shall not be used, unless authorized by law, without the written authorization of the Town Clerk.

ARTICLE XVII

FEES

SECTION 1. SEALING WEIGHTS AND MEASURES. The fee to be paid for the sealing of weighing or measuring devices shall be as follows:

Balances & Scales:	Over 10,000 lbs.	\$50.00
	5,000 to 10,000 lbs.	\$30.00
	1,000 to 5,000 lbs.	\$20.00
	100 to 1,000 lbs.	\$10.00
	More than 10 lbs., less than 100 lbs.	\$ 6.00
	10 lbs. or less	\$ 4.00
Weights:	Avoirdupois (Each)	\$.50
	Metric "	\$.50
	Apothecary "	\$.50
	Troy "	\$.50
Capacity Measures:	Vehicle Tanks:	
	Each Indicator	\$ 4.00
	Each 100 gallons or fraction	\$ 2.00
	Liquid:	
	1 gallon or less	\$.50
	More than 1 gallon	\$ 1.00
Liquid Measuring Meters:	Inlet 1/2" or less	
	Oil, Grease	\$ 4.00
	Inlet more 1/2" to 1"	
	Gasoline	\$ 7.00
	Inlet more than 1'	
	Vehicle Tank Pump	\$15.00
	Vehicle Tank Gravity	\$20.00
	Bulk Storage	\$40.00
Pumps:	Co. Supplies Prover	\$20.00
	Each stop on Pump	\$ 1.00
Other Devices:	Taxi Meters	\$ 8.00
	Odometer-Hubodometer	\$ 8.00
	Leather Measuring (Semi-Annual)	\$ 4.00
	Fabric Measuring	\$ 4.00
	Wire-Rope-Cordage	\$ 4.00

Linear Measures:	Yard Sticks	\$.20
	Tapes	\$.20
Miscellaneous:	Milk Jars (per gross)	\$ 4.00
	Dry Measures	\$.20";

SECTION 2. WIRING PERMITS. The fee to be paid for the issuance of a wiring permit and inspections thereunder shall be as follows:

New House or Residential Unit	\$2.00 per \$100 value \$50.00 minimum
Residential Rewiring	\$2.00 per \$100 value \$25.00 minimum
Industrial, Commercial or Non-residential Unit:	\$2.00 per \$100 value \$25.00 minimum
Industrial Maintenance	\$100.00

No fee shall be charged for the issuance of any electrical wiring permit to the Town or for work upon any building owned by the Town.

SECTION 3. TOWN CLERK'S FEES. The fees of the Town Clerk shall be as stated in General Laws Chapter 262, Section 34, except that the following fees shall be as stated below:

	<u>FEES</u>
(12) For correcting errors in a Record of Birth	\$10.00
(13) For furnishing Certificate of Birth	5.00
(13A) For furnishing an abstract copy of a Record of Birth	4.00
(14) For entering delayed Record of Birth	10.00
(20) For filing certificate of a person conducting business under any title other than his real name	20.00
(21) For the 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 such business, or of a change of location of such business	10.00

(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, or of a change of location of such business	5.00
(29)	For correcting errors in a Record of Death	10.00
(30)	For furnishing a Certificate of Death	5.00
(30A)	For furnishing an abstract copy of a Record of Death	4.00
(42)	For entering notice of Intention of Marriage and issuing certificate thereof	15.00
(43)	For entering Certificate of Marriage filed by persons married out of Commonwealth	\$ 5.00
(44)	For issuing a Certificate of Marriage	5.00
(44A)	For furnishing an abstract copy of a Record of Marriage	4.00
(45)	For correcting errors in a Record of Marriage	10.00
(57)	For recording a 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 twenty-two of Chapter one hundred and sixty-six	40.00
(66)	For examining records or papers relating to births, marriages or deaths upon the application of any person, the actual expense thereof, but not less than	5.00
(67)	For copying any manuscript or record pertaining to a birth, marriage or death	5.00 per page
(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

ARTICLE XVIII

LICENSES AND PERMITS SUBJECT TO UNPAID TAXES AND FEES

SECTION 1. 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 issue licenses or permits including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the Party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such Party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

SECTION 2. The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any Party whose name appears on said list furnished to the Licensing Authority from the Tax Collector; provided, however, that written notice is given to the Party and the Tax Collector, 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. 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 license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the Licensing Authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Municipality as of the date of issuance of said certificate.

SECTION 3. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

SECTION 4. 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 one of Chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

SECTION 5. This article 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 beverage licenses, section Twenty-one E 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; Theatrical Events, Public Exhibition Permits, section One Hundred and Eighty-one of Chapter One Hundred and Forty; and Special Permits granted by the Board of Appeals, Chapter 40A.

ARTICLE XIX

APPOINT TREE WARDEN

SECTION 1. The Board of Selectmen shall annually on or before May 1 appoint a suitably qualified person to the office of Tree Warden for a term to expire on April 30 of the following year, and shall set the compensation therefor. The Board of Selectmen may fill any vacancy in the office occurring before the expiration of the current term.

SECTION 2. This article shall take effect in the year 1990.

ARTICLE XX

PROHIBITION AND REGULATION OF OVERHEAD UTILITIES

SECTION 1. DEFINITIONS & APPLICABILITY.

This Bylaw is enacted pursuant to General Laws, Chapter 166, Sections 21, 22, 22C and 24 and shall be construed in a manner consistent with the provisions therein and the definitions in Section 22A of Chapter 166. This Bylaw does not apply to transmission lines carrying electric power in excess of twenty thousand volts, phase-to-phase.

SECTION 2. RULES & REGULATIONS.

- A. The Board of Selectmen shall adopt, and may from time to time amend, Rules and Regulations to effectuate the purposes of the Bylaw, which shall be consistent with this Bylaw and applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. Such rules shall prescribe, at a minimum, safety, environmental and aesthetic standards for the placement and numbers of poles, wires and associated overhead structures.
- B. The Selectmen may grant a waiver from their Rules and Regulations, on a case-by-case basis, only if such waiver would enhance the public safety, health, convenience or welfare.

SECTION 3. REGULATION OF EXISTING AND NEW CONSTRUCTION.

- A. No Utility shall install or construct, except by way of replacement or upgrading of existing facilities, any poles and overhead wires and associated overhead structures upon, along or across any public way within the Town.
- B. Any Utility replacing or upgrading existing poles, overhead wires and associated overhead structures upon, along or across any public way within the Town shall comply with the Selectmen's Rules and Regulations.
- C. Any Utility or person who installs or constructs any poles, overhead wires, or associated overhead structures in violation of this Bylaw shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars.
- D. This Bylaw shall not prohibit the installation of new street light poles or traffic signal poles supplied by underground electricity.
- E. The Board of Selectmen may grant special permission, in cases of emergency or unusual circumstances, to a Utility or person to erect, construct, install, maintain, use or operate, poles and overhead wires and associated structures, notwithstanding the provisions of this Bylaw.

SECTION 4. SEVERABILITY.

The provisions of this Bylaw are severable from each other, and if any of said provisions shall be held unconstitutional or invalid by any court of competent jurisdiction, the remaining provisions shall remain in full force and effect; if any provision of this Bylaw is held by such court to be invalidly applied to any particular case, all other applications of such provision to other cases shall not be affected thereby.

ARTICLE XXI
HIGHWAY SURVEYOR

SECTION 1. The term of office for the elected position of Highway Surveyor shall be three years.

SECTION 2. This article shall take effect in the year 1991.

ARTICLE XXII

WETLANDS ADMINISTRATION

SECTION 1. PURPOSE

The purpose of this bylaw is to maintain the quality of surface water, the quality and level of the ground water table and water recharge areas for existing, or potential water supplies; to protect the public health and safety; to protect persons and property against the hazards of flood water inundation; to protect the community against the costs which may be incurred when unsuitable development occurs in wetland resource areas; and to provide for the reasonable protection and conservation of certain irreplaceable natural features, resources and amenities for the benefit and welfare of the present and future inhabitants of the Town of Sudbury.

Accordingly, this bylaw protects the wetlands, related water resources, and certain adjoining land areas in the Town by providing for prior review and control of activities deemed to have a significant or cumulative adverse effect upon wetlands values, including but not limited to the following: protection of public and private water supply, protection of ground water, flood control, erosion and sedimentation control, storm damage prevention, avoidance of water and soil pollution, protection of fisheries, wildlife habitat, rare species habitat including rare plant species, agriculture, aqua culture, and recreation values, deemed important to the community (collectively, the "wetlands values protected by this bylaw".) This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures to augment those of the Wetlands Protection Act, G.L. Ch. 131, §40 and Regulations thereunder, 310 CMR 10.00.

SECTION 2. JURISDICTION

In accordance with its purpose no person shall remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter the following resource areas: any freshwater wetland; marshes; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds; rivers; streams; creeks; lands under waterbodies; lands subject to flooding by groundwater, surface water, or storm flow (collectively the "resource areas protected by this bylaw"); and lands within 100 feet or otherwise described in Section 9. Definitions, of any of the aforesaid resource areas (the buffer zone) without a permit from the Conservation Commission, or as provided by this bylaw.

SECTION 3. CONDITIONAL EXCEPTIONS

The application and permit required by this bylaw shall not be required for maintaining, repairing, replacing or enlarging an existing and lawfully located single-family residential structure or appurtenance thereto unless such filing is otherwise required by state or federal law.

The application and permit required by this bylaw shall not be required for work performed for normal maintenance or improvement of land which is lawfully in agricultural use at the time the work takes place, provided that written notice has been given to the Commission prior to the commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

The application and permit required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this section, the exceptions provided in the Wetlands Protection Act, G.L. Ch 131, §40, and Regulations, 310 CMR 10.00, shall not apply under this bylaw.

SECTION 4. APPLICATIONS FOR PERMITS AND REQUESTS FOR DETERMINATION

Written application shall be filed with the Commission to perform activities affecting resource areas and buffer zones protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission as specified in the bylaw regulations to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

Where this bylaw and the Wetland Protection Act G.L. Ch. 131, §40, and Regulations, 310 CMR 10.00 have concurrent jurisdiction the Commission shall accept the Notice of Intent and plans filed under the Wetlands Protection Act as the permit application and plans under this bylaw for those parts of the project where precise overlap exists, provided all pertinent areas and activities subject to the jurisdiction of this bylaw and all information required by bylaw regulations are addressed.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination (RFD) shall include information and plans as are deemed necessary by the Commission.

At the time of the permit application the applicant shall pay a filing fee according to the following schedule:

- | | | |
|-----|--|--|
| (a) | Single minor project -- i.e., house addition, tennis court, swimming pool, or other accessory residential activity | \$25 per project |
| (b) | New single family dwelling | \$250 |
| (c) | Subdivision--road and utilities only | \$500 plus \$2 per foot of road sideline within the buffer zone or resource area |
| (d) | Drainage, detention/retention basins | \$500 plus \$2 per 100 cubic feet of basin within the buffer or resource area |
| (e) | Multiple Dwelling Structure | \$500 plus \$100/unit, all or part of which is within the buffer zone or resource area |

(f)	Commercial and Industrial Projects	\$500 plus \$0.50 per square foot of disturbed buffer zone or resource area
(g)	Application filed after Enforcement Order	double the above fee
(h)	Determination of Applicability	no charge

This fee is not refundable. The fee is in addition to that required by the Wetlands Protection Act., G.L. Ch. 131, §40, and Regulations, 310 CMR 10.00. Town, county, state, and federal projects are exempt from the filing fee. The fee for an application for a modification of a permit will be the excess of the fee for the modified project as calculated above over the fee paid for the original permit but in no instance will it be less than \$25.

Upon receipt of a permit application or RFD, or at any point in its deliberations, the Commission may deem it necessary to obtain expert engineering or other outside consultant services in order to reach a final decision on the application. The specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource area values, including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.

In such instances the Commission shall notify the applicant of this need and the estimated costs and provide the opportunity for the application to be amended or withdrawn. Should an applicant choose to proceed the Commission shall require the applicant to pay the reasonable costs and expenses borne by the Commission for these consulting services as listed below. This fee is called the consultant fee. The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.

The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. The applicant shall pay the fee to be put into a consultant services account of the Commission which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public meetings.

The Commission shall return any unused portion of the consultant fee to the applicant.

The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to the following schedule:

<u>Project Cost</u>	<u>Maximum Fee</u>
UP TO \$100,000	NO FEE
\$100,001 - \$500,000	\$2,500
\$500,001 - \$1,000,000	\$5,000
\$1,000,001 - \$1,500,000	\$7,500
\$1,500,001 - \$2,000,000	\$10,000

Each additional \$500,000 project cost increment (over \$2,000,000) shall be charged at an additional \$2,500 maximum fee per increment.

The project cost means the estimated, entire cost of the project including, but not limited to, building construction, site preparation, landscaping, and all site improvements. The consultant fee shall be paid pro rata for that portion of the project cost applicable to those activities affecting the resource areas or buffer zone protected by this bylaw. The project shall not be segmented to avoid being subject to the consultant fee. The applicant shall submit estimated project costs at the Commission's request, but the lack of such estimated project costs shall not avoid the payment of the consultant fee.

SECTION 5. NOTICE AND HEARINGS

Any person filing a permit application or a RFD with the Commission, except an application for a minor project (such as a house addition, tennis court, swimming pool, or other accessory residential activity) shall within seven (7) days after such person is informed of the date and time of the hearing thereon, give written notice by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any permit application or RFD, with written notice given at the expense of the applicant, five business days prior to the hearing, in a newspaper of general circulation in the municipality.

The Commission shall commence the public hearing within 21 days from receipt of a completed permit application or RFD unless an extension is authorized in writing by the applicant.

The Commission shall issue its determination in writing within 7 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission shall issue its permit in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission shall combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act, G.L. Ch. 131, §40, and Regulations, 310 CMR 10.00, in instances of concurrent jurisdiction.

With the consent of the applicant the Commission shall have authority to continue the hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information from the applicant or others deemed necessary by the Commission in its discretion, or comments and recommendations of the boards and officials listed in §6. In the event the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

SECTION 6. COORDINATION WITH OTHER BOARDS

As appropriate the Conservation Commission may choose to solicit the advice and opinions of other Town boards and officials in the course of its deliberations. Town boards and officials shall be entitled to file written comments and recommendations with the Commission at or before the public hearing. The Commission shall take any such comments and recommendations into account but shall not be bound by them. The applicant shall have the right

to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

SECTION 7. PERMITS AND CONDITIONS

The Commission, after a public hearing, shall issue or deny a permit for the activities requested within 21 days of the close of the hearing. If it issues a permit, the Commission shall impose such conditions as it deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this bylaw; and where no conditions are adequate to protect those values.

Lands within 100 feet of wetlands resource areas are presumed important to the protection of these resources because activities undertaken in close proximity to wetlands and other resources have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and harm to wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover in part or all of the 100-foot area and set other conditions on this area, unless the applicant provides evidence deemed sufficient by the Commission that the area or part of it may be disturbed without harm to the values protected by the law.

A permit shall expire three years from the date of issuance. Any permit shall be renewed for additional one year periods if a request for renewal is received in writing by the Commission at least thirty (30) days prior to expiration of the permit, and providing the Commission finds that (1) good cause has been shown for such extension and (2) such extension will not have significant adverse effects, immediate or cumulative, upon any of the wetland values protected by this bylaw. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

The Commission shall, after receiving a written request for a Certificate of Compliance, inspect the resource area and buffer zone where any activity governed by a permit issued under this bylaw was carried out. If such activity has been completed in accordance with said permit, the Commission shall within twenty-one (21) days after such a request issued a Certificate of Compliance evidencing such determination, which may in an appropriate case be combined with a Certificate of Compliance issued under the Wetlands Protection Act. A Certificate of Compliance may specify conditions in the permit which will continue to apply for a fixed number of years or permanently and shall apply to all owners of the land.

Violations of this bylaw, submission of false or erroneous information, or new information that substantially alters the likely impact of the project on wetlands resources or values may cause the Commission to revoke or modify a permit or determination issued under this bylaw after notice to the holder of the permit or determination, notice to the public, abutters, and town boards, pursuant to §5 and §6, and a public hearing.

The Commission in an appropriate case may combine the permit or determination issued under this bylaw with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act, G.L. Ch. 131, §40, and Regulations, 310 CMR 10.00.

No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds or, if the land affected is registered land, in the registry section of the Land Court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the permit has been recorded. Such certification shall include the book and page or instrument number and date.

SECTION 8. REGULATIONS

After the public notice and public hearing, the Commission shall promulgate reasonable rules and regulations to effectuate the purposes of this bylaw. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

At a minimum these regulations shall define key terms in this bylaw not inconsistent with the bylaw and procedures governing the amount and filing of fees.

SECTION 9. DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this bylaw.

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term "Vernal pool" shall include, in addition to that already defined under the Wetlands Protection Act, G.L. Ch. 131, Sec. 40, and Regulations thereunder, 310 CMR 10.00, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas, or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile, or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Wildlife and Fisheries. The presumption of essential habitat value may be overcome by the presentation of credible evidence which in the judgement of the Commission demonstrates that the basin or depression does not provide the habitat functions as specified in the Bylaw regulations. The buffer zone for vernal pools shall extend 100 feet from the mean annual high-water line defining the depression, or one-half of the distance between the vernal pool and any existing house foundation, whichever is smaller. In either case the buffer zone for vernal pools shall not extend over existing lawns, gardens, landscaped or developed areas.

The term "existing" in the determination of buffer zones shall mean existing as of the date this bylaw becomes effective.

The term "isolated land subject to flooding" shall include an area, depression, or basin that holds at minimum one-eighth acre foot of water and at least six inches of standing water once a year. Not included are swimming pools, artificially lined ponds or pools, or constructed wastewater lagoons. The buffer zone for isolated land subject to flooding shall be 25 feet.

The term "pond" shall include any open body of fresh water with a surface area observed or recorded within the last ten years of at least 5,000 square feet. Ponds shall contain standing water except for periods of extended drought. Not included are swimming pools, artificially lined ponds or pools, or constructed wastewater lagoons. The buffer zone for ponds under 10,000 square feet shall extend 100 feet from mean annual high water or one-half the distance from existing house foundation, but in no case shall the buffer zone include existing lawns, gardens, landscaped or developed areas.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

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

- (a) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- (b) Changing of pre-existing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
- (c) Drainage, or lowering of water level or water table;
- (d) Dumping, discharging, or filling with any material which may degrade water quality;
- (e) Placing of fill, or removal of material, which would alter elevation;
- (f) Driving of piles, erection, or repair of buildings, or structures of any kind;
- (g) Placing of obstructions or objects in water;
- (h) Destruction of plant life including cutting of trees;
- (i) Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- (j) Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or ground water;
- (k) Application of pesticides or herbicides;
- (l) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

Except as otherwise provided in this bylaw or in regulations of the Commission, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act, G.L. Ch. 131, §40, and Regulations, 310 CMR 10.00.

SECTION 10. SECURITY

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.

SECTION 11. ENFORCEMENT

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas and buffer zones protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

Where the Commission deems it necessary to carry out its duties under this bylaw by entering privately owned land it shall do so with the authority of the property owner and shall be subject to the limitations imposed by the applicable federal and state laws. With the authority of the property owner or his/her designee the Commission may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary.

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued thereunder, shall be served with a Notice of Violation enumerating the alleged violations. If after ten business days the Commission has not received what it deems to be either (a) sufficient evidence demonstrating that no violations have occurred, or (b) a filing that will remove the violations along with evidence that sufficient progress is being made to correct the violations then the violator shall be punished by a fine of \$100 per offense. Beginning ten business days after the date of the Notice of Violation each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission may issue citations under the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D.

SECTION 12. BURDEN OF PROOF

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have significant or cumulative negative effect upon the resource area value protected by this bylaw. Failure to provide evidence that in the judgment of the Commission is adequate to support this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

SECTION 13. APPEALS

A decision of the Commission shall be reviewable in the Superior Court in accordance with M.G.L. C. 249, §4.

SECTION 14. RELATION TO THE WETLANDS PROTECTION ACT

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, G.L. Ch. 131, §40, and Regulations, 310 CMR 10.00, thereunder.

SECTION 15. SEVERABILITY

The invalidity of any section or provision or phrase of this bylaw shall not invalidate any other section or provision or phrase thereof, nor shall it invalidate any permit or determination which previously has been issued.

CIVIL DEFENSE

SECTION 1. DEPARTMENT OF CIVIL DEFENSE.

There is hereby established a Department of Civil Defense (hereinafter called the "Department"). 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 to exercise any authority delegated to it by the Governor under said Chapter 639.

SECTION 2. DIRECTOR OF CIVIL DEFENSE.

The Department shall be under the direction of a Director of Civil Defense (hereinafter called the "Director"), who shall be appointed by the Selectmen. The Director shall have direct responsibility for the organization and for the administration of the Department, subject to the direction and control of the Selectmen. The Director may, within the limits of the amount appropriated therefor, and subject to the approval of the Selectmen, 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 execute effectively the purposes of Chapter 639 of the Acts of 1950.

The Director shall also have authority, subject to the approval of the Selectmen, to appoint District Coordinators and may accept and may receive on behalf of the Town, services, equipment, supplies, materials or funds by way of gifts, 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, of the agency making the offer. The Director shall cause appropriate records to be kept of all matters relating to such gifts, grants or loans.

SECTION 3. POLICE AID TO OTHER CITIES AND TOWNS IN EVENT OF RIOTS AND OTHER VIOLENCE THEREIN.

The Police Department is hereby authorized to go to aid another city or town at the request of said city or town in suppression of riots and other forms of violence therein.

SECTION 4. TERMINATION OF BYLAW.

This bylaw shall remain in force during the effective period of Chapter 639, Acts of 1950 and any act in amendment or continuation thereof or substitution therefor.

SECTION 5. DEFINITIONS.

All references to Chapter 639, Acts of 1950, as now in force shall be applicable to any act or acts in amendment or continuation of or substitution for said Chapter 639.

EFFECTIVE DATE:

GENERAL BYLAWS:

ZONING BYLAWS:

A TRUE COPY ATTEST: