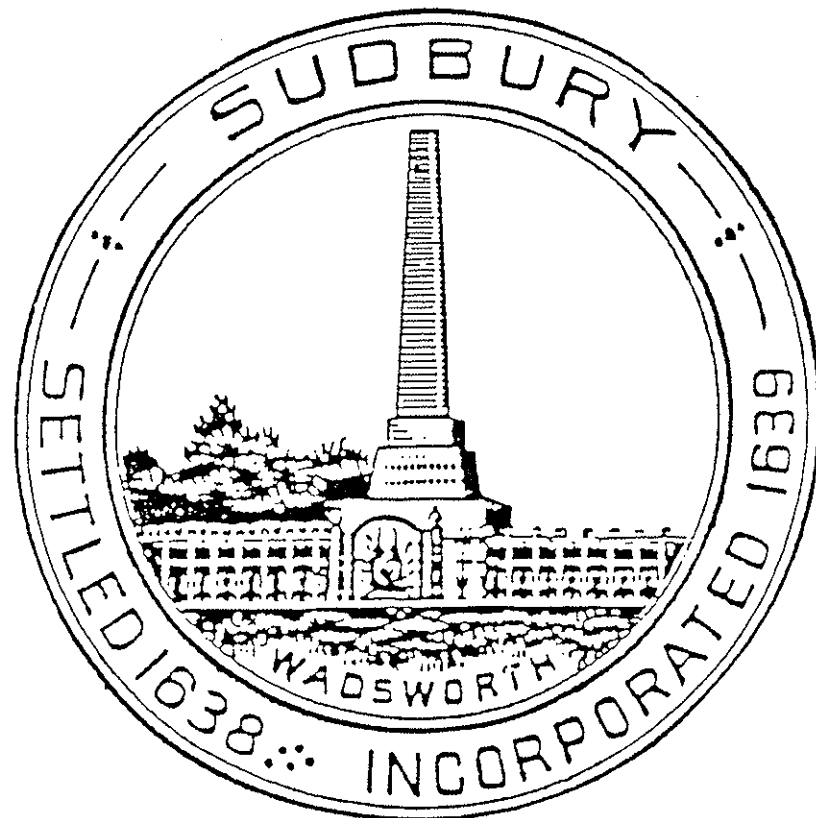


# BYLAWS

1995

## ARTICLES I-XXII

### 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 is 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.