



**TOWN OF NORTHBRIDGE  
OFFICE OF THE TOWN CLERK**

7 MAIN STREET  
WHITINSVILLE, MASSACHUSETTS, 01588  
Phone: 508-234-2001

**Linda B. Zywiec, CMC**  
Town Clerk  
[lzywiec@northbridgemass.org](mailto:lzywiec@northbridgemass.org)

**Laura Medeiros**  
Assistant Town Clerk  
[lmedeiros@northbridgemass.org](mailto:lmedeiros@northbridgemass.org)

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF NORTHBRIDGE  
PROCEEDINGS OF THE SPRING ANNUAL TOWN MEETING  
TUESDAY, MAY 7, 2024 - 7:00 P.M.  
Northbridge High School  
Linwood Avenue**

The meeting was called to order by the Town Moderator, Henry J. Lane at 7:12pm at the Northbridge High School on Linwood Avenue, in Whitinsville, in Northbridge, Massachusetts. The Moderator declared a quorum in attendance at the time.

**ARTICLE 24 AS AMENDED: 127 YES / 6 NO DECLARED A VOTE BY THE MODERATOR**

Moved by Chairman Collins, and seconded that the Town vote to approve amendments to the Code of Northbridge (Bylaws), including grammatical and stylistic changes, and substantive revisions, in accordance with the final report of the Bylaw Review Committee appointed in 2021 pursuant to Section 8-9(b) of the Home Rule Charter, said report being on file with the Town Clerk.

There were questions and discussions on some of the recommendations.

**AMENDMENT 80 YES / 57 NO DECLARED A VOTE BY THE MODERATOR**

Moved by resident Dakota Lotz, and seconded that the article be amended to delete the changes recommended to §3-102B of the bylaws.

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ATTEST:

Linda B. Zywiec, CMC  
Town Clerk

The following ~~c~~Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

# Chapter 1

## General Provisions

[HISTORY: Adopted by the ~~a~~Annual ~~T~~own ~~m~~Meeting (~~hereafter ATM~~) 10-28-1997, ~~Art-art. 26~~. Amendments noted where applicable.]

### GENERAL REFERENCES

Policies and procedures — See ~~Ch.-ch. 194~~.

Effect on preexisting actions — See ~~Ch.-ch. A232~~.

### SECTION 1-100 GENERAL PROVISIONS

#### § 1-101 Code designation and citation.

[Amended 10-24-2006 ATM, ~~art. Art. 23~~]

The by-~~L~~aws in this and the following chapters and sections shall constitute and be designated as the “Code of By-~~L~~aws, Town of Northbridge, Massachusetts,” and may be so cited.

#### § 1-102 Rules of construction and definitions.

In the construction of this ~~c~~Code, and of all ~~by-laws~~bylaws, the following rules shall be observed and the following definitions shall apply unless such construction would be inconsistent with the manifest intent of the governing body. ~~The provisions of this code shall be liberally construed to effect the purposes expressed therein or implied from the expression thereof. Words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated. Technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.~~

~~Generally — The provisions of this Code shall be liberally construed to effect the purposes expressed therein or implied from the expression thereof. Words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated. Technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.~~

~~chair — Means the chairman or chairwoman of any town agency that has such an officer.~~

~~cCharter, town charter — The words “Charter” or “Town Charter” mean~~Means the Northbridge Home Rule Charter and any amendments which may hereafter be adopted. [Amended 10-24-2006 ATM, ~~art. Art. 23~~]

~~cChief eExecutive — The words “chief executive” m~~Means the ~~Board of Selectmen~~board of selectmen of the Town of Northbridge, Massachusetts. [Amended 10-24-2006 ATM, ~~art. Art. 23~~]

~~CMR — Refers to the Code of Massachusetts Regulations.~~

~~cCode — The word “Code” means~~Means the Code of By-~~L~~aws, Town of Northbridge, Massachusetts, as designated in § 1-101 of the ~~code~~Code. [Amended 10-24-2006 ATM, ~~art. Art. 23~~]

~~cCommonwealth — The word “commonwealth” means~~Means the Commonwealth of Massachusetts. [Amended 10-24-2006 ATM, ~~art. Art. 23~~]

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*c*Computation of time — The time within which an act is to be completed as provided in any by-law or in any order issued pursuant to any ~~by-law~~bylaw, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Sunday or a legal holiday it shall be excluded; and when any such time is expressed in hours the whole of Sunday or a legal holiday, from midnight to midnight, shall be excluded. [Amended 10-24-2006 ATM, ~~art. Art-~~23]

*c*County, *this county* — The words “county” or “this county” ~~m~~Means the County of Worcester. [Amended 10-24-2006 ATM, ~~art. Art-~~23]

*d*Days — ~~The word “days” refers to~~Means business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted. [Amended 10-24-2006 ATM, ~~art. Art-~~23]

*e*Emergency — ~~The word “emergency” m~~Means a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action. [Amended 10-24-2006 ATM, ~~art. Art-~~23]

*ex officio* — ~~In reference to a person serving as a member of a multiple-member body, to say that a person serves ex officio is to say that the person is a member of that multiple-member body by virtue of their holding an office in the town government other than their membership in that multiple-member body,~~

*f*Following — ~~The word “following” m~~Means next after. [Amended 10-24-2006 ATM, ~~art. Art-~~23]

*g*Gender — ~~Words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender~~In accordance with common usage, the words *they*, *their*, *theirs* and *them* may be used to refer to any individual person of unspecified gender.

*g*General laws (all lowercase letters) — ~~The words “general laws” (all lower case letters) m~~Means laws which apply alike to all cities and towns, to all towns or to a class of municipalities of which Northbridge is a member. [Amended 10-24-2006 ATM, ~~art. Art-~~23]

*General Laws (capital and lowercase letters)* — ~~The words “General Laws” (used with initial capital letters) shall refer to~~Means the General Laws of Massachusetts (MGL), a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted. [Amended 10-24-2006 ATM, ~~art. Art-~~23]

*hereafter* — ~~Means the time after the by-law shall take effect.~~ [Amended 10-24-2006 ATM, ~~art. Art-~~23]

*h*Heretofore, *hereafter* — ~~Whenever the word “heretofore” occurs in any bylaw it shall be construed to mean~~Means any time previous to the day when ~~such the by-law~~bylaw shall take effect. ~~Whenever the word “hereafter” occurs it shall be construed to mean the time after the bylaw shall take effect.~~ [Amended 10-24-2006 ATM, ~~art. Art-~~23]

*h*Highway — ~~The word “highway” includes~~Means any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass and causeway in the town, dedicated or devoted to public use. [Amended 10-24-2006 ATM, ~~art. Art-~~23]

*j*Joint authority — All words purporting to give joint authority to three or more town officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

*l*Local newspaper — ~~The words “local newspaper” mean~~Means a newspaper having a general circulation in the ~~t~~Town of Northbridge ~~and~~ published at least weekly. [Amended 10-24-2006 ATM, ~~art. Art-~~23]

*MADEP* — ~~Refers to the Department of Environmental Protection of the Commonwealth of Massachusetts,~~

*m*Majority vote — ~~The words “majority vote” mean~~Means a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless a higher number is required by law. [Amended 10-24-2006 ATM, ~~art. Art-~~23]

*m*May — The word “may” is to be construed as being permissive.

*m*May not — The phrase “may not” or phrases of like import have a mandatory negative effect and state a prohibition.

*MGL* — ~~Refers to the General Laws of Massachusetts.~~

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*mMonth* — The word “month” *m* Means a calendar month. [Amended 10-24-2006 ATM, **art. art. 23**]

*mMultiple-member body* — The words “multiple-member-body” *m* Means any town body consisting of two or more persons and whether styled a board, commission, committee, subcommittee or otherwise and however elected or appointed. [Amended 10-24-2006 ATM, **art. art. 23**]

*mMust* — The word “must” shall be construed as mandatory. [Amended 10-24-2006 ATM, **art. art. 23**]

*nNumber* — Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular. Words used in the singular include the plural, and words used in the plural include the singular number. [Amended 10-24-2006 ATM, **art. art. 23**]

*oOath* — The word “oath” *i* Includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.” [Amended 10-24-2006 ATM, **art. art. 23**]

*oOwner* — The word “owner,” *When* applied to any property, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such property. [Amended 10-24-2006 ATM, **art. art. 23**]

*pPerson* — The word “person” *a* Applies to associations, corporations, firms, partnerships and bodies politic and corporate as well as to natural persons. [Amended 10-24-2006 ATM, **art. art. 23**]

*pPersonal property* — The words “personal property” *i* Includes all tangible and intangible property other than real property. [Amended 10-24-2006 ATM, **art. art. 23**]

*pPreceding* — The word “preceding” *m* Means next before. [Amended 10-24-2006 ATM, **art. art. 23**]

*pProperty* — The word “property” *i* Includes real and personal property. [Amended 10-24-2006 ATM, **art. art. 23**]

*pPublic wWorks* — *AH* Refers to all work; the procurement of which is governed under the provisions of MGL c. 30, § 39M. [Added 10-24-2006 ATM, **art. art. 23**]

*qQuorum* — The word “quorum,” *Means*, unless otherwise required by law or the *c* Charter, *means* a majority of the members of a *m* multiple-member body then in office, not including any vacancies which might then exist. [Amended 10-24-2006 ATM, **art. art. 23**]

*rReal property* — The words “real property” *i* Includes all inherent natural resources and any man-made improvements thereon. [Amended 10-24-2006 ATM, **art. art. 23**]

*rReasonable time, reasonable notice* — In all cases where any *by-law* *bylaw* requires any act to be done in a reasonable time or *requires* reasonable notice to be given, such “reasonable time” or “reasonable notice” shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice. [Amended 10-24-2006 ATM, **art. art. 23**]

*rRoadway* — The word “roadway” *m* Means that portion of a street improved, designed or ordinarily used for vehicular traffic. [Amended 10-24-2006 ATM, **art. art. 23**]

*sShall* — The word “shall” is to be construed as being mandatory.

*sSidewalk* — The word “sidewalk” *m* Means that portion of a street between the curbline and the adjacent property intended for the use of pedestrians. [Amended 10-24-2006 ATM, **art. art. 23**]

*the sState, this state* — The words “the state” or “this state” shall be construed to mean *Means* the Commonwealth of Massachusetts. [Amended 10-24-2006 ATM, **art. art. 23**]

*sStreet* — The term “street” *i* Includes

- any land located within the layout of the public roadway, whether it is within the paved portion of the roadway or sidewalk or not; ~~and~~
- any highway, alley, street, avenue or public place or square, bridge, viaduct, underpass, overpass, tunnel and causeway in the town; dedicated or devoted to public use; ~~and~~ ~~includes~~
- any way to which the public has a right of access. [Amended 10-24-2006 ATM, **art. art. 23**]

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~~*Tenant, occupant*~~ — The words “tenant” and “occupant,” when applied to a building or land, these words include any person who, whether alone or with others, occupies the whole or a part of such building or land, ~~whether alone or with others~~. [Amended 10-24-2006 ATM, Art. art. 23]

~~*Tenses*~~ — The use of any verb in the present tense includes the future when applicable. [Amended 10-24-2006 ATM, Art. art. 23]

~~*the Town, this town*~~ — The terms “the town” or “this town,” means the Town of Northbridge, Massachusetts. [Amended 10-24-2006 ATM, Art. art. 23]

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~~*Town agency*~~ — The words “town agency” means any board, commission, committee, department division or office of the town government. [Amended 10-24-2006 ATM, Art. art. 23]

~~*Town bulletin board*~~ — The words “town bulletin board” means the bulletin board in the town hall on which official town notices are posted and those at other locations within the town which may from time to time be designated as town bulletin boards by by-law bylaw or by vote of the board of selectmen ~~Board of Selectmen~~. The term town bulletin board also means and includes local cable television, the town clerk’s website, or the town website. [Amended 10-24-2006 ATM, Art. art. 23]

~~*town meeting*~~ — Means the assembly that exercises the legislative powers of the town, meets in the town at least twice a year and is open to all of the town’s voters.

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~~*Town officers and departments*~~ — Whenever reference is made to an officer or a department, the same shall be construed as if followed by the words “of the Town of Northbridge Massachusetts.”

~~*Week*~~ — ~~The word “week” shall be construed to~~ means seven days; but publication in a newspaper of any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week, and all publications heretofore made in accordance with the terms of this subsection are hereby validated.

~~*Written, or in writing*~~ — The words “written” or “in writing” includes any representation of words, letters or figures, whether by printing or otherwise. [Amended 10-24-2006 ATM, Art. art. 23]

~~*Year*~~ — The word “year” means a calendar year.

**§ 1-103 When these rules of construction shall not apply.**  
[Amended 10-24-2006 ATM, Art. art. 23]

The rules of construction set forth in this by-law bylaw shall not be applied to any by-law bylaw which contains any express provision excluding such construction; and shall not be applied ~~or~~ when the subject matter or context of such by-law bylaw may be repugnant thereto.

**§ 1-104 References to titles, chapters or sections.**  
[Amended 10-24-2006 ATM, Art. art. 23]

All references to titles, chapters or sections are to the titles, chapters and sections of this code Code unless otherwise specified.

**§ 1-105 Conflicting provisions.**

- A. If the provisions of different chapters of this code Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter. [Amended 10-24-2006 ATM, Art. art. 23]
- B. If conflicting provisions be found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail.

C. To the extent that any provision of this ~~code Code~~ expressed in general terms shall conflict with any provision expressed in specific terms, the specific provision shall prevail.

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D. In all cases in which provisions of this ~~code Code~~ conflict with one another the provision enacted most recently shall prevail over any older provision. [Amended 10-24-2006 ATM, ~~Art-art.~~ 23]

**§ 1-106 When ~~by-laws bylaws~~ take effect.**  
[Amended 10-24-2006 ATM, ~~Art-art.~~ 23]

All ~~by-laws bylaws~~ passed by the ~~tTown Mmeeting~~, except when otherwise specifically provided, shall take effect and be in force from and after their approval by the ~~aAttorney gGeneral~~ of the ~~cCommonwealth~~ and their publication as provided in MGL c. 40, § 32.

**§ 1-107 Code not to affect prior offenses, rights, etc.**

A. Nothing in this ~~code Code~~ or the ~~by-law bylaw~~ adopting this ~~code Code~~ shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this ~~codeCode~~.

B. The adoption of this ~~code Code~~ shall not be interpreted as authorizing any use or the continuance of any use of a structure or premises in violation of any ~~by-law bylaw~~ of the town in effect on the date of adoption of this ~~codeCode~~, except as otherwise provided.

**§ 1-108 Effect of repeal of ~~by-lawsbylaws~~.**

A. The repeal of a ~~by-law bylaw~~ shall not revive any ~~by-law bylaw~~ in force before or at the time the ~~by-law bylaw~~ repealed took effect.

B. The repeal of a ~~by-law bylaw~~ shall not affect any punishment or penalty incurred before the repeal took effect; ~~nor and shall not affect~~ any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the ~~by-law bylaw~~ repealed.

**§ 1-109 Violations and penalty - municipal infractions.**

A. Any ~~by-law bylaw~~ of the Town of Northbridge or any rule or regulation of its officers, boards or departments, the violation of which is subject to a specific penalty, may, in the discretion of the town official who is the appropriate enforcing person, be enforced in the method provided in MGL c. 40, § 21D. The noncriminal fine for each such violation, if not otherwise specified, shall be \$~~50~~300.  
[Amended 10-24-2006 ATM, ~~Art-art.~~ 23].

B. ~~As used in this section, "Enforcing person," (i) as used in this section,~~ shall mean any police officer of the Town of Northbridge; with respect to any offense; and (ii) shall mean the ~~bB~~uilding ~~i~~nspector, a person designated by the ~~c~~onservation ~~c~~ommission, a person designated by the ~~b~~oard of ~~h~~Health, the ~~director of public works~~Director of Public Works, the ~~Dog Officer~~animal control officer and such other officials as the ~~board of selectmen~~ Board of Selectmen may from time to time designate, each with respect to violation of ~~by-laws bylaws~~ and rules and regulations within their respective jurisdictions. Each such person as is here designated an "enforcing person" may appoint a deputy enforcing person to serve in ~~his or her~~their absence or disability. The names of each enforcing person and of each deputy enforcing person shall be kept on file in the office of the ~~tTown m~~anager. If more than one official has

jurisdiction in a given case, any such official may be an enforcing person with respect thereto. Police officers shall in all cases be considered enforcing persons for the purpose of this provision.

- C. Unless otherwise provided, each day a violation continues shall constitute a separate and repeat violation.

**§ 1-110 Violations and penalty - criminal complaint.**  
**[Amended 10-24-2006 ATM, ~~Art-art.~~ 23]**

Except as otherwise provided by law, any person found guilty of violating any provision of this ~~code Code~~ in a criminal proceeding in the District Court shall be subject to a fine of \$~~3200~~. Each day a violation continues shall constitute a separate offense.

**§ 1-111 Severability.**

It is hereby declared to be the intention of the ~~town meeting Town Meeting~~ that the sections, paragraphs, sentences, clauses and words of this ~~code Code~~ are severable, and if any word, clause, sentence, paragraph or section of this ~~code Code~~ shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this ~~code Code~~, because the same would have been enacted by the ~~town meeting Town Meeting~~ without the incorporation in this ~~code Code~~ of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

**§ 1-112 References to legislation, agents and officials.**  
**[Added 10-24-2006 ATM, ~~Art-art.~~ 23]**

Whenever this ~~code Code~~ refers to specific provisions of the General Laws, other statutes, charter provisions, political subdivisions, government agencies or officials, such references shall be construed to include similar provisions of amended or recodified legislation as well as political subdivisions, government agencies or officials that succeed to the relevant duties and responsibilities of the referenced political subdivisions, agencies or officials.

**§ 1-113 Text of Home Rule Charter.**  
**[Added 10-24-2006 ATM, ~~Art-art.~~ 23]**

For purposes of consistency and ease of use, the text or portions of the text of selected provisions of the Northbridge Home Rule Charter are incorporated in this ~~code Code~~. Inclusion in this ~~code Code~~ shall give such text no independent legal significance and subsequent amendment or repeal of the coordinate ~~c~~Charter provisions shall always control.

**SECTION 1-200**  
**TOWN SEAL**

**§ 1-201 Town ~~s~~Seal.**

The Corporate Seal of the Town of Northbridge shall consist of the following letters, figures and designs:

[\[Image\]](#)

## Chapter 2

# Town Elections and Elected Town Officers

[HISTORY: Adopted by the ~~Annual Town Meeting~~ ATM 10-28-1997, Art. art. 26. Amendments noted where applicable.]

## GENERAL REFERENCES

Town ~~m~~Meetings — See Ch. ch. 3.

Administrative organization — See Ch. ch. 4.

Policies and procedures — See Ch. ch. 194.

## SECTION 2-100: TOWN ELECTIONS

### § 2-101 Officers to be elected.

[Amended 10-24-2006 ATM, Art. art. 23; 5-1-2018 ATM, Art. art. 24]

The offices to be filled by the voters are a ~~board of selectmen~~ Board of Selectmen, a ~~nine~~ five-member ~~s~~ School ~~c~~ Committee, a five-member ~~planning board~~ Planning Board, a ~~b~~ Board of ~~t~~ Trustees of ~~s~~ Soldiers, ~~s~~ Sailors' and ~~m~~ Marines' ~~m~~ Memorials, four members of the Housing Authority, a ~~town moderator~~ Town Moderator, a ~~r~~ Redevelopment ~~a~~ Authority and such other representatives to regional authorities, districts or committees as law or interlocal agreement may ~~be~~ required to be elected ~~by law or by interlocal agreement~~. (~~c~~ Charter §§ Sections 3-1 through; 3-7)

### § 2-102 Eligibility for elective office.

[Amended 10-24-2006 ATM, Art. art. 23]

Any voter shall be eligible to hold any elective town office, but no person shall simultaneously hold more than one elected town office.

### § 2-103 Date of annual town election.

The annual town election for the election of town officers and for the determination of all other matters to be referred to voters shall be held on the third Tuesday in May.

### § 2-104 Polling hours.

[Amended 10-24-2006 ATM, Art. art. 23; 10-25-2011 ATM, Art. art. 7]

The polls shall be opened for all elections at 7:00 ~~o'clock in the morning~~ a.m. and shall remain open until 8:00 ~~o'clock in the evening~~ p.m.

### § 2-105 Terms of office.

[Amended 10-24-2006 ATM, Art. art. 23; 5-1-2018 ATM, Art. art. 24]

The term of office of all elected town officers except the members of the Housing Authority is three years. The term of office of the members of the Housing Authority is five years. The term of office of elected town officials begins on the day following the election and continues until a successor is qualified. Vacancies in elected offices shall be filled in the manner provided in ~~charter~~ Charter § Section 3-1(g).

### § 2-106 Annual reports.

[Amended 10-24-2006 ATM, Art. art. 23]



All elected ~~officers-boards~~ shall prepare annual reports of their activities and shall submit these reports to the ~~town manager~~ Town Manager as provided in § 4-203B.

SECTION 2-200:  
**BOARD OF SELECTMEN**

[Amended 10-24-2006 ATM, ~~Art.~~ art. 23]

§ 2-201 **Composition, term of office.**

There shall be a ~~board of selectmen~~ Board of Selectmen consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year. [~~charter~~ Charter § Section 3-2(a)]

§ 2-202 **Powers and duties in general.**

The executive powers of the town shall be vested in the ~~board of selectmen~~ Board of Selectmen which shall be deemed to be the chief executive office of the town. The ~~board of selectmen~~ Board of Selectmen shall have all of the executive powers it is possible for a ~~board of selectmen~~ Board of Selectmen to have and to exercise. ~~The Board of Selectmen~~ shall serve as the chief policy-making agency of the town. ~~The and Board of Selectmen~~ shall be responsible for ~~the~~ formulating and ~~promulgating~~ promulgating policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected town officers and multiple-member bodies, ~~to-for~~ developing and ~~promulgating~~ promulgating policy guidelines designed to bring all town agencies into harmony. ~~Provided-h~~ However, nothing in this section shall be construed to authorize any member of the ~~board of selectmen~~ Board of Selectmen, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the ~~board of selectmen~~ Board of Selectmen shall act only through the adoption of board policy guidelines which are to be implemented by officers and employees serving under it. [~~charter~~ Charter § Section 3-2(b)]

§ 2-203 **Licensing authority.**

The ~~board of selectmen~~ Board of Selectmen shall be a licensing board for the town and shall have a power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, ~~and~~ to attach conditions and ~~to~~ impose restrictions on any ~~such~~ license ~~as~~ it may issue ~~as-if~~ it deems such conditions or restrictions to be in the public interest, and to enforce all laws relating to all businesses for which it issues any license. [~~charter~~ Charter § Section 3-2(c)]

§ 2-204 **Appointments.**

The ~~board of selectmen~~ Board of Selectmen shall appoint

- ~~a town manager~~ Town Manager, ~~c~~ Constables, ~~r~~ Registrars of ~~v~~ Voters (but not the ~~t~~ Town ~~c~~ Clerk) and other election officers;
- the members of the ~~b~~ Board of ~~a~~ Appeals, ~~board of health~~ Board of Health, ~~conservation commission~~ Conservation Commission, ~~historical commission~~ Historical Commission, ~~i~~ Industrial ~~d~~ Development ~~f~~ Finance ~~a~~ Authority, ~~Personnel Board~~, ~~b~~ Board of ~~a~~ Assessors, and other ~~members of~~ multiple-member bodies, ~~the-whose~~ functions of which do not involve direct operating responsibilities but are primarily policy-making or advisory in nature; and
- other individuals who are to serve as representatives of the town to the governing or advisory bodies of area, regional or district authorities. [~~charter~~ Charter § Section 3-2(d)]

§ 2-205 **Investigations.**

The ~~board of selectmen~~ Board of Selectmen may make investigations and may authorize the ~~town manager~~

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~~Town Manager~~ to investigate the affairs of the ~~town Town~~ and the conduct of any ~~town Town~~-agency, including any doubtful claims against the ~~townTown~~. The report of the results of such investigation shall be placed on file in the office of the ~~board of selectmen Board of Selectmen~~ and a report summarizing the results of such investigation shall be printed in the next annual town report. [~~charter Charter § Section 3-2(e)~~]

§ 2-206 **Authority to settle claims or suits.**

The ~~board of selectmen Board of Selectmen~~ has authority in the name of the town to prosecute, defend or compromise any and all claims or suits to which the town is a party and to employ counsel in relation ~~to~~ claims and suits whenever in its judgment it is reasonably necessary, except actions otherwise provided for by statute or by ~~by-lawbylaw~~. (~~charter §§ 38-2+~~)

§ 2-207 **Management of town property and affairs.**

The ~~board of selectmen Board of Selectmen~~ has general direction or management of the property and affairs of the town in all matters not otherwise provided for so far as permitted by law. (~~charter § 3-2§ 8-2~~)

§ 2-208 **Policy formulation for ~~Public Works Department~~department of public works.**

~~The Board of Selectmen, acting through the Town Manager, is responsible for the overall supervision of the Department of Public Works and for establishing priorities and policies to govern the operation of the Department.~~ The ~~board of selectmen Board of Selectmen~~ shall establish and set the fees or charges for all services provided by the ~~department of public works~~Department of Public Works.

§ 2-209 **Authority to make traffic rules and regulations.**

The ~~board of selectmen Board of Selectmen~~ has the authority to adopt, amend, alter and repeal rules and regulations governing the use of streets and ways and the operation of vehicles in accordance with the provisions of MGL c. 40, §§ 22 and 22D and Chapter 6 of these ~~by-laws~~bylaws.

SECTION 2-300-  
**SCHOOL COMMITTEE**

[Amended 10-24-2006 ATM, ~~Art-art. 23~~]

§ 2-301 **Composition, term of office.**

[Amended 5-1-2018 ATM, ~~Art-art. 24~~]

There shall be a ~~school committee School Committee~~ consisting of five members elected for terms of three years each, so arranged that the terms of ~~three members~~office of as nearly an equal number of members as is possible shall expire each year. [~~charter Charter § Section 3-3(a)~~]

§ 2-302 **Powers and duties.**

[Amended 5-1-2018 ATM, ~~Art-art. 24~~]

The ~~school committee School Committee~~ shall have the power to select, fix the compensation of and to terminate the Superintendent, shall review and approve budgets for public education in the ~~townTown~~, and shall establish educational goals and policies for the schools in the ~~town Town~~ consistent with the requirements of law and statewide goals and standards established by the Board of Education ~~of the Commonwealth of Massachusetts~~.

§ 2-303 **Lasell Field.**

A. Location and description. The ~~thirteen and seven hundredths~~13.07-acre parcel of land located on the northeasterly side of Linwood Avenue in the Village of Whitinsville and acquired by the ~~Town-town~~.

from the estate of Arthur F. Whitin by a deed dated April 7, 1930, shall be known as the "John Whitin Lasell Memorial Field."

- B. Administration. The field shall be under the direction and control of the ~~school committee~~~~School-Committee~~, which shall manage, control, lease and let the same for the purposes of all amateur and professional athletics, recreation, play, sports, physical education, celebrations, exhibitions and entertainments.
- C. Promulgation of rules and regulations. The ~~school committee~~~~School-Committee~~ may make rules and regulations governing the field, including establishing and collecting reasonable charges for its use, provided that the field shall be available to all local residents and groups without discrimination and that the field shall not be considered school property for any purpose that would limit or control the ability of the town to determine the control or disposition of the field.

### SECTION 2-400: PLANNING BOARD

[Amended 10-24-2006 ATM, ~~Art-~~~~art.~~ 23]

#### § 2-401 Composition, term of office.

There shall be a ~~planning board~~~~Planning-Board~~ consisting of five members elected for terms of three years each, so arranged that the term of office of as nearly an equal number of members as is possible shall expire each year. [~~charter~~~~Charter-§~~~~Section~~-3-5(a)]

#### § 2-402 Powers and duties.

The ~~planning board~~~~Planning-Board~~ shall make careful studies of the resources, possibilities and needs of the ~~town~~~~Town~~ and shall make plans for the development of the ~~town~~~~Town~~. The ~~b~~~~Board~~ shall make and may from time to time amend and perfect a comprehensive or master plan, setting forth in graphic and textual form policies to govern future growth and development in the ~~town~~~~Town~~. The ~~board~~~~Board~~ shall have the power to regulate the subdivision of land within the town by the adoption of rules and regulations governing such development and the administration of such rules and regulations. The ~~planning board~~~~Planning-Board~~ shall make recommendations to the ~~town meeting~~~~Town-Meeting~~ on all matters affecting land use and development, including the ~~z~~~~Zoning~~ ~~b~~~~By~~-law of the ~~town~~~~Town~~.

The ~~planning board~~~~Planning-Board~~ shall make an annual report, giving information regarding the conditions of the ~~town~~~~Town~~ and any plans or proposals for its development and estimates of their costs. ~~planning board~~~~The-Planning-Board~~ shall have all of the other powers and duties planning boards are given by general law, by the ~~charter~~~~Charter~~, by ~~by-law~~~~bylaw~~ or by other ~~town meeting~~~~Town-Meeting~~ vote. [~~charter~~~~Charter-§~~~~Section~~-3-5(b)]

### SECTION 2-500 TRUSTEES OF SOLDIERS', SAILORS' AND MARINES' MEMORIALS

[Amended 10-24-2006 ATM, ~~Art-~~~~art.~~ 23]

#### § 2-501 Composition, terms of office.

There shall be a ~~b~~~~Board~~ of ~~t~~~~Trustees~~ of ~~s~~~~Soldiers'~~, ~~s~~~~Sailors'~~ and ~~m~~~~Marines'~~ ~~m~~~~Memorials~~, which shall consist of the chairperson of the ~~board of selectmen~~~~Board-of-Selectmen~~ who shall serve, ex officio, and five

persons elected for terms of three years each, so arranged that the term of as nearly an equal number of members as is possible shall expire each year. ~~At least Three members shall be veterans, and~~ two members shall be persons who are not veterans of any war. [~~charter Charter § Section~~ 3-6(a)]

**§ 2-502 Powers and duties.**

The ~~b~~Board of ~~t~~Trustees of ~~s~~Soldiers', ~~s~~Sailors' and ~~m~~Marines' ~~m~~Memorials ~~(i)~~ shall have charge and control of the construction of any memorial commemorating the service and sacrifices of soldiers, sailors, marines, and airmen who have served the country in war or who have rendered military service for the ~~c~~Commonwealth in time of war, and ~~to (ii) shall~~ have the custody and care thereof after its construction [~~charter Charter § Section~~ 3-6(b)]

**§ 2-503 Memorial dedications.**

[Amended 10-25-2011 ATM, ~~Art.~~ art. 7]

Persons wishing to have a memorial dedicated to a veteran of the United States Armed Forces should send a request to the ~~c~~Chairman of the ~~t~~Trustees of ~~s~~Soldiers', ~~s~~Sailors' and ~~m~~Marines' ~~m~~Memorials, Northbridge Town Hall, 7 Main Street, Memorial Square, Whitinsville, MA 01588 via written correspondence.

If ~~a request is~~ approved by the ~~t~~Trustees, the ~~trustees~~ Trustees will present the request to the ~~board of selectmen~~ Board of Selectmen. The ~~board of selectmen~~ Board of Selectmen will have four regular meetings following receipt of the request to approve or disapprove the request as presented by the ~~trustees~~ Trustees. If the ~~board of selectmen~~ Board of Selectmen fails to approve or disapprove the request within four regularly scheduled meetings, the request shall be deemed ~~dis~~approved.

SECTION 2-600  
**TOWN MODERATOR**

[Amended 10-24-2006 ATM, ~~Art.~~ art. 23]

**§ 2-601 Term of office.**

There shall be a ~~town moderator~~ Town Moderator elected for a term of three years. [~~charter Charter § Section~~ 3-4(a)]

**§ 2-602 Powers and duties.**

[Amended 5-1-2018 ATM, ~~Art.~~ art. 24]

The ~~town moderator~~ Town Moderator shall be the presiding officer of the ~~town meeting~~ Town Meeting, as provided in ~~charter Charter § Section~~ 2-2, regulate its proceedings and perform such other duties as may be provided by general law, by charter, by ~~by-law~~ bylaw or by other ~~town meeting~~ Town Meeting vote.

The ~~town moderator~~ Town Moderator shall appoint the ~~f~~Finance ~~c~~Committee, three members of ~~the~~ ~~b~~Building, ~~p~~Planning and ~~c~~Construction ~~c~~Committee, all other standing committees of the ~~town meeting~~ Town Meeting, and all committees authorized by the ~~town meeting~~ Town Meeting for a primarily legislative purpose.

SECTION 2-700  
**HOUSING AUTHORITY**

[Added 5-1-2018 ATM, ~~Art.~~ art. 24]

The Northbridge Housing Authority exists and operates pursuant to chapter 121B of the General Laws and §

3-7 of the town charter.

SECTION 2-800  
REDEVELOPMENT AUTHORITY

[Added 5-1-2018 ATM, Art. art. 24]

The Northbridge Redevelopment Authority exists and operates pursuant to chapter 121B of the General Laws. It is a separate, quasi-municipal entity that works cooperatively with town government for a specific purpose—urban renewal through redevelopment, adaptive reuse, and infill development.

## Chapter 3 Town Meetings

[HISTORY: Adopted by the Annual Town Meeting ATM 10-28-1997, Art. art. 26. Amendments noted where applicable.]

GENERAL REFERENCES

Town elections — See Ch. ch. 2.

Policies and procedures — See Ch. ch. 194.

SECTION 3-100  
TOWN MEETINGS

§ 3-101 Annual tTown mMeeting dates.

The spring session of the aAnnual town meeting Town Meeting shall be held on the first Tuesday in May, and the fall session of the annual Annual-town meeting Town Meeting shall be held on the fourth Tuesday in October.

§ 3-102 Closing, publication and posting of town meeting Town Meeting warrants.

[Amended 10-24-2006 ATM, Art. art. 23; 10-25-2011 ATM, Art. art. 7; 5-1-2018 ATM, Art. art. 24]

- A. The warrant for the spring and fall sessions of the annual Annual-town meeting Town Meeting shall close not later than at 12:00 ~~o'clock~~ noon on the seventh Friday preceding the date set by by-law bylaw for the said session to convene. The warrant for any sSpecial town meeting Town Meeting which is to be called shall close not later than at 12:00 ~~o'clock~~ noon on the fifth ~~(5)~~ Friday preceding the date such sSpecial town meeting Town Meeting is to convene. Notwithstanding the date set in any warrant for a town meeting Town Meeting, no town meeting Town Meeting shall be convened by the tTown mModerator until six ~~(6)~~ weeks following the closing of the warrant for an annual Annual-town meeting Town Meeting and until four ~~(4)~~ weeks following the closing of the warrant for a sSpecial town meeting Town Meeting.
- B. Notice of every annual town meeting shall Town Meeting shall be given at least twenty-eight (28) no less than seven days before the meeting, and notice of every special town meeting shall be given no less than 14 days before an annualthe meeting.

- ~~(spring or fall session) and at least twenty-one (21) days before any special meeting,~~ by posting a copy of the warrant for such meeting in the office of the ~~town clerk~~Town Clerk, on the ~~town~~Town bulletin board, and in at least one public place in each precinct;
- by emailing a copy of the warrant to the ~~town moderator~~Town Moderator and to the ~~c~~Chair of the ~~finance committee~~Finance Committee and
- by ~~publication in a local newspaper or posting on the town's website~~ a notice of the date, time and place that the ~~town meeting~~Town Meeting will be held, together with a summary, prepared by the ~~town manager~~Town Manager, of the subject matter of each article contained in the warrant for such meeting sufficient for identification.

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**§ 3-103 Notice of adjourned ~~town meeting~~Town Meeting sessions.**  
**[Amended 10-24-2006 ATM, ~~Art.~~art. 23]**

Whenever a ~~town meeting~~Town Meeting votes to adjourn to another date, the ~~town clerk~~Town Clerk shall cause notice of such adjournment to be published in a local newspaper. If there is insufficient time to publish such notice, notice of the date, time and place at which the meeting will reconvene shall be given by posting such notice in the office of the ~~town clerk~~Town Clerk, on the town bulletin board, and in one or more public places in each precinct, by delivering such notice to the ~~town moderator~~Town Moderator and to the ~~c~~Chair of the ~~finance committee~~Finance Committee and by posting such notice on the government access channel of the cable television system.

**§ 3-104 Reconsideration of articles voted upon.**  
**[Amended 10-24-2006 ATM, ~~Art.~~art. 23]**

After an article in the warrant has once been acted on, it shall not be again considered at that meeting except by a two-thirds vote to reconsider said article.

**§ 3-105 Notice required to move reconsideration.**  
**[Amended 10-24-2006 ATM, ~~Art.~~art. 23]**

No vote passed at any meeting shall be reconsidered at any adjournment of that meeting unless notice is given in writing to the ~~m~~Moderator at the meeting that a motion to reconsider will be made at the adjournment thereof.

**§ 3-106 Moderator authorized to declare two-thirds votes.**  
**[Amended 5-1-2018 ATM, ~~Art.~~art. 24]**

Whenever a two-thirds vote is required on any matter and whether such quantum of vote is required by state statute, ~~by~~ town charter, ~~by~~ town ~~by-law~~bylaw, by the usual rules of parliamentary procedure, or otherwise, the ~~m~~Moderator may, without an actual count, declare that such matter has been adopted by a vote of ~~2/3~~two-thirds of the number of persons present and voting, and such declaration shall stand as final unless such declaration is immediately challenged by ~~ten~~(10) or more voters rising in their place to so indicate. If such challenge is made a count of the vote to verify, or to overturn, the declaration of the ~~moderator~~Moderator shall be conducted, forthwith.

**§ 3-107 Quorum.**  
**[Amended 5-1-2018 ATM, ~~Art.~~art. 24]**

Fifty ~~(50)~~ voters shall constitute a quorum for the transaction of business at any ~~annual~~Annual or ~~s~~Special ~~town meeting~~Town Meeting.

§ 3-108 **Quantum of votes required on financial matters at ~~s~~Special ~~town meeting~~Town Meetings.**

At any ~~s~~Special ~~town meeting~~Town Meeting, a ~~simple two-thirds~~majority vote shall be required to raise money by taxation or to appropriate or transfer money from available funds (including free cash or surplus revenue) of the town.

§ 3-109 **Method of voting.**

[Amended 10-24-2006 ATM, ~~Art. art. 23~~; 10-25-2011 ATM, ~~Art. art. 7~~; 5-1-2018 ATM, ~~Art. art. 24~~]

Votes on all motions, ~~including motions requiring a two-thirds or greater majority~~, may be taken in the first instance by a voice vote, ~~including motions requiring a two-thirds or greater majority or by the use of an electronic voting system, at the moderator's discretion. Following a voice vote, if the moderator~~ Moderator is in doubt, he may call for ~~a standing vote~~the use of an electronic voting system or for a standing vote. If ~~the vote as declared by the moderator~~ Moderator is still in doubt after such standing vote, or if the vote as ~~declared by the Moderator~~ is immediately challenged by seven (7) or more voters rising in their place for such purpose, the vote ~~shall may be~~ retaken ~~electronically or be taken~~ by a "yes" or "no" ballot. A vote by ballot shall be taken in the first instance if requested by at least seven (7) voters present. ~~If the electronic voting system is unavailable for any reason, all other voting methods will be used as stated above.~~

§ 3-110 **Ballot voting.**

Ballot voting shall be under the direction of the ~~moderator~~ Moderator and officially designated tellers appointed by the ~~moderator~~ Moderator. The ~~town clerk~~ Town Clerk shall furnish the ballots.

§ 3-111 **Admission to ~~town meeting~~Town Meeting.**

[Amended 10-24-2006 ATM, ~~Art. art. 23~~]

At any ~~town meeting~~ Town Meeting held for the transaction of town business, no person whose name is not on the list of voters shall be admitted to the floor of the hall. This shall not apply to ~~town meeting~~ Town Meetings held solely for the election of town officers. The ~~town moderator~~ Town Moderator shall determine the bounds of the floor of the hall. Any person not on the list of voters shall be allowed into the hall in areas designated by the ~~moderator~~ Moderator as outside the bounds of the floor. ~~Any person who is not a voter of the town shall address the Town Meeting only with the consent of the Moderator.~~

§ 3-112 **Addressing a ~~town meeting~~Town Meeting.**

No person shall address the meeting without first being recognized by the ~~moderator~~ Moderator. When two or more persons rise to speak at the same time, the ~~moderator~~ Moderator shall name the one entitled to speak. ~~Any person who is not a voter of the town shall address the town meeting only with the consent of the moderator.~~

§ 3-113 **Procedural guide for the conduct of ~~town meetings~~Town Meetings.**

[Amended 10-24-2006 ATM, ~~Art. art. 23~~]

Unless some other provision is made by law, by ~~Town town charter~~ Charter or by town ~~by-law~~ bylaw, the ~~town moderator~~ Town Moderator shall be guided in rulings on procedure by the rules of procedure contained in the most recent edition of *Town Meeting Time* (a publication of the Massachusetts Moderators Association).

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§ 3-114 **Hours of ~~town meeting~~ Town Meeting sessions.**

[Amended 10-24-2006 ATM, ~~Art. art. 23~~]

All evening sessions of ~~annual~~ Annual and ~~s~~Special ~~town meeting~~ Town Meetings shall begin as soon as a

quorum of the body is present after the time set in the warrant calling the meeting and shall be adjourned by the ~~town moderator Town Moderator~~ at 10:30 ~~o'clock in the eveningp.m.~~, or as near that hour as may be according to the nature of the business then pending. The ~~town meeting Town Meeting~~ may, by a two-thirds vote, suspend the operation of this ~~by-lawbylaw~~. Nothing in this section shall be construed to prohibit the holding of a ~~town meeting Town Meeting~~ during the daytime.

§ 3-115 **Motions to be in writing.**

[Amended 10-24-2006 ATM, ~~Art. art.~~ 23]

All motions offered for the consideration of the meeting shall be in writing.

SECTION 3-200  
**FINANCE COMMITTEE**

[Amended 5-4-1999 ATM, ~~Art. art.~~ 14; 10-24-2006 ATM, ~~Art. art.~~ 23]

§ 3-201 **Composition; term of office.**

[Amended 5-1-2018 ATM, ~~Art. art.~~ 24]

The ~~finance committee Finance Committee~~ consists of seven (~~7~~) members, each to serve for a period of three (~~3~~) years without compensation.

§ 3-202 **Appointments and vacancies.**

[Amended 5-1-2018 ATM, ~~Art. art.~~ 24]

The ~~moderator shall appoint all members of the finance committee and Moderator~~ shall make an appointment to fill any vacancies in the ~~finance committee Finance Committee~~ within ~~thirty (30)~~ days after such vacancies occur.

§ 3-203 **Responsibilities.**

- A. The ~~finance committee Finance Committee~~ shall ask for and receive budget reports and recommendations from all departments in the town and shall consider all articles in the warrant for ~~annual Annual~~ and ~~sSpecial town meetings Town Meetings~~ and ~~shall~~ report its findings in printed form to the ~~town meeting Town Meeting~~ which considers such articles.
- B. The ~~finance committee Finance Committee~~ shall have access to all facts, figures, records and other information relating to all fiscal affairs of town departments, town officers and town agencies, and the same shall be furnished forthwith to the ~~finance committee Finance Committee~~ by town departments, town officers and town agencies whenever so requested by the ~~finance committee Finance Committee~~.
- C. The ~~finance committee Finance Committee~~ shall mail, or cause to be delivered to the residence of each registered voter, not less than seven (~~7~~) days before the date of ~~annual Annual~~ or ~~sSpecial town meetings Town Meetings~~, a post-card designating each ~~town meeting Town Meeting~~ date, place and time with detailed information on how a copy of the warrant information can be obtained. [Amended 5-1-2018 ATM, ~~Art. art.~~ 24]

## Chapter 4



# Administrative Organization

[HISTORY: Adopted by the ~~Annual ATM Town Meeting 10-28-1997, Art. art. 26.~~ Amendments noted where applicable.]

## GENERAL REFERENCES

Elected town officers — See ~~Ch. ch. 2.~~

## SECTION 4-100 CHIEF ADMINISTRATIVE OFFICER

### § 4-101 Overview.

[Amended 10-24-2006 ATM, ~~Art. art. 23~~]

- A. The efficient and effective administration of town government, including all legal, financial, human resources, and informational affairs is vested in the executive branch.
- B. This chapter describes permanent multiple-member bodies of the ~~townTown~~, the principal individual officer of the ~~townTown~~, the manner and time of appointment and terms of office where appropriate, and the authorities, responsibilities and interrelationships of the town agencies. Town representatives to regional governmental boards and committees shall be appointed by the ~~board of selectmen Board of Selectmen~~ unless required to be elected by law or interlocal agreement.

### § 4-102 Chief Administrative Officer.

[Amended 10-24-2006 ATM, ~~Art. art. 23~~]

- A. Chief ~~a~~Administrative ~~o~~fficer. The ~~town manager Town Manager~~ is the supervising executive and ~~c~~Chief ~~a~~Administrative ~~o~~fficer of the ~~townTown~~. The ~~town manager Town Manager~~ enforces the laws of the town and requires the faithful performance of all administrative duties by all officers and employees serving under the ~~town manager Town Manager~~.
- B. Duties. The ~~town manager Town Manager~~ has the following specific duties:
  - (1) Appointment and dismissal. The ~~town manager Town Manager~~ shall appoint competent, qualified officers and employees to the administrative service; and shall have the power to dismiss, suspend and discipline, in accordance with the personnel system, all officers and employees in the administrative service under the ~~town manager Town Manager~~'s control. The ~~town manager Town Manager~~ shall also have the power to authorize a department head or other officer responsible to the ~~town manager Town Manager~~ to appoint and remove subordinates serving under that department head or officer.
  - (2) Appointment to acting capacity. The ~~town manager Town Manager~~ may perform personally, or may designate some other officer or employee to temporarily perform, the duties of any office or position in the administrative service under the control of the ~~town manager Town Manager~~ which is vacant or which lacks administration due to the absence or disability of the incumbent.

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- (3) Annual report. The ~~town manager Town Manager~~ shall prepare and present an annual report of the town's affairs, including a summary of reports of department heads, and such other reports as the ~~board of selectmen Board of Selectmen~~ shall require.
- (4) Budget report. The ~~town manager Town Manager~~ shall annually assemble estimates of the financial needs and resources of the town for the ensuing year, and shall prepare a program of activities within the financial resources of the ~~townTown~~, embodying them in a budget document with appropriate supporting schedules and analyses as provided in ~~Artiele Sixarticle 6~~ of the ~~charterCharter~~.

C. Powers. The ~~town manager Town Manager~~ has the following specific powers:

- (1) Assignment of employees. The ~~town manager Town Manager~~ has the power to assign any employee of the town to any department or branch thereof requiring services appropriate to the personnel system classification of the employee so assigned.
- (2) Prescribe rules. The ~~town manager Town Manager~~ has the power to prescribe such rules and regulations as the ~~town manager Town Manager~~ deems necessary or expedient for the conduct of administrative agencies subject to the authority of the ~~town manager Town Manager~~ and ~~has~~ the power to revoke, suspend or amend any rule or regulation of the administrative service by whomever prescribed.
- (3) Investigate. The ~~town manager Town Manager~~ has the power, either personally or by delegation to any officer or person designated for the purpose, to investigate and to examine or inquire into the affairs or operation of any department, division, bureau or office, and subject to the availability of funds for such purpose, has the power to employ consultants and professional counsel to aid in such investigations, examinations or inquiries.
- (4) Coordinate departments. The ~~town manager Town Manager~~ is responsible for the coordination of the administrative heads of each department of town government and for the review and analysis of the operation and administration of all town agencies however established.
- (5) Require reports. The ~~town manager Town Manager~~ has the power to require all appointed administrative officers and administrative employees of the town to furnish any information connected with or related to their official or assigned duties. Annually, at the request of the ~~town manager Town Manager~~, the ~~heads of all town ageneieshead of each town agency~~ shall provide the ~~town manager Town Manager~~ with a comprehensive report analyzing the conditions and operations of their ~~respective ageneiesagency~~, projecting its need for the ensuing fiscal year and recommending measures to better enable it to meet the objectives and goals set for it.
- (6) Advise the ~~board of selectmen Board of Selectmen~~. The ~~town manager Town Manager~~ has the power to appear before and address the ~~board of selectmen Board of Selectmen~~ at any meeting with the right to take part in its discussion. The ~~town manager Town Manager~~ shall make recommendations to the ~~board of selectmen Board of Selectmen~~ and deliver messages to the ~~board of selectmen Board of Selectmen~~ and to the people.

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§ 4-103 **Administrative policy and procedures.**

A. Officers. Each officer shall perform all duties required of the office by state law, the Northbridge Home Rule Charter, this code and any other by-laws, town meeting votes and rules or regulations of the town applicable to the office, and such other duties not in conflict therewith as may be required by the town manager.

(1) ~~Perform duties. Each officer shall perform all duties required of the office by state law, the Northbridge Home Rule Charter, this Code and any other bylaws, Town Meeting votes and rules or regulations of the town applicable to the office, and such other duties not in conflict therewith as may be required by the Town Manager.~~

B. Department heads. Department heads have the following specific powers and duties:

- (1) Be responsible to the ~~town manager~~Town Manager. The heads of departments are immediately responsible to the ~~town manager~~Town Manager for the effective administration of their respective departments and all activities assigned thereto. **[Amended 10-24-2006 ATM, ~~Art.~~art. 23]**
- (2) Inaugurate sound practices. The heads of departments shall keep informed as to the latest practices in their particular fields and shall inaugurate, with the approval of the ~~town manager~~Town Manager, such new practices as appear to be of benefit and service to the public.
- (3) Report to the ~~town manager~~Town Manager. The heads of departments shall submit quarterly and annual reports of the activities of their departments to the ~~town manager~~Town Manager. **[Amended 10-24-2006 ATM, ~~Art.~~art. 23]**
- (4) Maintain records. The heads of departments shall establish and maintain systems of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the ~~town manager~~Town Manager and to the ~~board of selectmen~~Board of Selectmen.
- (5) ~~Have a~~Authority over employees. The heads of departments have the power, when authorized by the ~~town manager~~Town Manager, to appoint and remove, subject to personnel system regulations and the provisions of any applicable collective bargaining agreements, all subordinates under them. **[Amended 10-24-2006 ATM, ~~Art.~~art. 23]**
- (6) Maintain equipment. The heads of department are responsible for the proper maintenance of all town property and equipment used in their departments. **[Amended 10-24-2006 ATM, ~~Art.~~art. 23]**

C. Departments. Each department shall furnish, upon the direction of the ~~town manager~~Town Manager, to any other department such service, labor and materials as may be requisitioned by the head of such other department, and as its own facilities permit, ~~through the same procedure and subject to the same audit and control as other expenditures are incurred~~through the same procedure as that through which other expenditures are incurred and subject to the same audit and control as that to which other expenditures are subject. **[Amended 10-24-2006 ATM, ~~Art.~~art. 23]**

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D. Operation of administrative service. [Amended 10-24-2006 ATM, Art. art. 23]

- (1) Office hours. All offices and departments in the administrative service shall be open to conduct the public business during such days and hours as may be determined from time to time by the town manager~~Town Manager~~.
- (2) ~~Make w~~Weekly deposits. All offices and departments in the administrative service shall, at least weekly, deposit with the town~~Town T~~reasurer/collector any moneys received directly from the public.

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SECTION 4-200  
STANDARD PROVISIONS

§ 4-201 Permanent and ad hoc multiple-member bodies.

[Amended 10-24-2006 ATM, Art. art. 23]

- A. Section 4-200 describes permanent multiple-member bodies of the ~~Town~~town. The town meeting~~Town Meeting~~ may establish additional permanent multiple-member bodies of the town by the enactment of a by-law~~bylaw~~ amending this section and creating said permanent multiple-member body. All by-laws~~bylaws~~ establishing permanent standing multiple-member bodies shall specify the following: membership, term of office, authorities and responsibilities, and interrelationships with ~~both~~the town manager~~Town Manager~~, the board of selectmen~~Board of Selectmen~~ and other agencies within the town~~Town~~.
- B. The town meeting~~Town Meeting~~ may from time to time, by a vote under a warrant article, establish ad hoc multiple-member bodies to assist it in carrying out its responsibilities. Ad hoc multiple-member bodies shall be limited to a particular subject matter and shall serve only for a specific period of time.
- C. The board of selectmen~~Board of Selectmen~~ may from time to time establish ad hoc multiple-member bodies to assist it in carrying out its responsibilities. Ad hoc multiple-member bodies shall be limited to a particular subject matter and shall serve only for a specific period of time.

§ 4-202 Term of office.

[Amended 10-24-2006 ATM, Art. art. 23]

- A. Multiple-member bodies. The term for each office is three years, unless otherwise provided. Appointments are effective on ~~the first day of July 1~~ and expire on ~~the 30th day of June 30~~ or when a successor has been appointed and qualified. The terms of office are arranged so that ~~1/3~~one-third or as nearly as possible shall expire each year. A vacancy shall be filled by the appointing authority for the remainder of the unexpired term. The appointing authority shall annually evaluate all persons subject to reappointment. Persons may be reappointed to successive terms, but no member shall have a right to be reappointed. Members of multiple-member bodies may be removed for cause, subject to an investigation and hearing by the appointing authority, pursuant to charter~~Charter § Section 7-10~~, or for failure to regularly attend meetings of the multiple-member body as provided in charter~~Charter § Section 7-12~~.
- B. Town officers and officials. The terms of office of individual town officers and other officials shall be

for three years, unless otherwise provided. A vacancy shall be filled by the appointing authority for the remainder of the unexpired term. Appointments are effective on ~~the first day of July 1;~~ and expire on ~~the 30th day of June 30;~~ or when a successor has been appointed and qualified, provided, however, that the ~~town manager Town Manager~~ may extend said date for officers and officials that the ~~town manager Town Manager~~ appoints to a date not later than December 31 of any given year. The appointing authority shall annually evaluate all persons subject to reappointment. Persons may be reappointed to successive terms, but no town officer or official shall have a right to be reappointed. Town officers and other officials may be removed for cause, subject to an investigation and hearing by the appointing authority, pursuant to ~~charter Charter § Section 7-102.~~

**§ 4-203 Periodic reports.**

- A. In order to ensure that accurate and timely information concerning the administrative operations of the various town agencies is transmitted effectively, the town officers and ~~employees agencies~~ named in this chapter are required to submit to the ~~town manager Town Manager~~ reports when requested by the ~~town manager Town Manager, reports~~ which detail in summary form the various activities of their department or division for the preceding period. Reports will focus upon program and service delivery, financial expenditures, achievement of performance standards, personnel actions and related information.
- B. All town officers, town ~~employees agencies~~ and multiple-member bodies of the ~~town Town~~ shall prepare annual reports of their activities and submit the same to the ~~town manager Town Manager~~ for inclusion in the annual report of the ~~town Town, on or before the fourth Friday in July; provided, however, that the Town Manager may extend such date to a date not later than December 31 in any particular year.~~ The annual report shall describe ~~fiscal year the~~ activities for the year ~~ending each June 30.~~ Where required by state and/or federal regulations, certain boards shall submit copies of their annual reports to appropriate state and/or federal agencies. [Amended 10-24-2006 ATM, ~~Art. art. 23~~]

**§ 4-204 Multiple-member body internal organization.**  
[Amended 10-24-2006 ATM, ~~Art. art. 23~~]

- A. Each multiple-member body shall, at a minimum, annually elect from its membership; a ~~cChair, vVice cChair and cClerk.~~ Multiple-member bodies may further elect a ~~(Treasurer and such other officer or officers as are deemed necessary or as may be required by law.~~ The annual election shall occur in July of each year or immediately following the annual appointment of members by the appointing authority. Each multiple-member body shall forthwith following its annual organization and election of officers file a report in the office of the ~~town clerk Town Clerk~~ on a form approved by the ~~town clerk Town Clerk.~~
- B. The ~~chair Chair~~ shall preside over all meetings of the multiple-member body and is its official representative in all proceedings before the ~~board of selectmen Board of Selectmen~~ and other officials of the ~~town Town.~~ The ~~vVice chair Chair~~ shall perform the ~~chair Chair's~~ functions, in the absence of the ~~chair Chair.~~ The ~~cClerk~~ of the multiple-member body is responsible for the certification of the multiple-member body's meeting minutes, observance of the ~~pPublic rRecords lLaw~~ and maintenance of other records of the multiple-member body.

§ 4-205 **Time and place of meetings.**

[Amended 10-24-2006 ATM, ~~Art.~~art. 23]

~~When a meeting is scheduled for a multiple-member body, the c~~Clerk of each ~~multiple-member~~that body is responsible for notifying the ~~town clerk~~ Town Clerk and the ~~Board of Selectmen, annually, on or before the first day of July, of the date, time and location of the regularly scheduled meeting times and dates for the ensuing fiscal year. The notification shall also include a location for each regular meeting.~~ This shall not prevent multiple-member bodies from calling special meetings in addition to those regularly scheduled, provided that, in all instances, the requirements of the open meeting law are followed. The ~~town clerk~~ Town Clerk shall ensure posting of all meeting schedules, consistent with the ~~o~~Open ~~m~~Meeting ~~l~~Law. No multiple-member body shall schedule a regular meeting which conflicts with a regularly scheduled session of the Northbridge ~~town meeting~~Town Meeting.

§ 4-206 **Authority to establish subcommittees.**

[Amended 10-24-2006 ATM, ~~Art.~~art. 23]

Each multiple-member body may establish subcommittees for the purpose of addressing a particular issue. A report of the activities of any such subcommittee shall regularly be made to the full multiple-member body. Each subcommittee shall observe laws relevant to the keeping of public records, the ~~o~~Open ~~m~~Meeting ~~l~~Law, and any other applicable laws.

§ 4-207 **Meetings with town manager~~Town Manager~~.**

[Amended 10-24-2006 ATM, ~~Art.~~art. 23]

- A. The delivery of services to the public requires coordination and cooperation among the various departments. At the administrative and operational level, ~~managers-department heads~~ shall seek to identify areas where the various departments can assist each other in accomplishing ~~of~~ their mission.
- B. The ~~town manager~~ Town Manager shall meet, as necessary, with each of the officers and employees listed in this chapter to discuss their activities, to coordinate activities and to mitigate duplication of services where possible. The ~~town manager~~ Town Manager, in meetings with the said officers and employees, shall develop action programs, evaluate program completion, and review management, financial, personnel and legal issues.
- C. The ~~c~~Chair of each multiple-member body shall annually, upon election, meet with the ~~town manager~~ Town Manager for the purpose of defining an appropriate reporting relationship during the ensuing fiscal year. The meeting should review the following minimum areas: frequency and method of reporting, official or officials responsible for reporting, transmittal of monthly and quarterly summaries of actions taken by the multiple-member body and the role of the ~~board of selectmen~~ Board of Selectmen in developing policies of interest to the multiple-member body.

§ 4-208 **Authority of multiple-member bodies.**

A. Multiple-member bodies may ~~be~~function in any of the following ways:

- (1) Advisory: wherein the body has no legal authority to promulgate rules or regulations, decide individual cases or enact policy;
- (2) Regulatory: wherein the body has legal authority to promulgate rules and regulations, decide

individual cases and enact policy;

- (3) Ministerial: wherein the body has legal authority to take actions which are essentially administrative in nature; or
- (4) Combinations of advisory, regulatory and ministerial.

B. Multiple-member bodies are defined in the manner noted in § 1-102 of these by-laws. [Amended 10-24-2006 ATM, Art-art. 23]

**§ 4-209 Eligibility for service.**  
[Amended 10-24-2006 ATM, Art-art. 23]

Any registered voter of the townTown, except a permanent full-time municipal employee of the townTown, is eligible to be appointed to any multiple-member body of the townTown. This limitation shall not prevent a town employee from serving as a member of a multiple-member body the functions of which are wholly unrelated to such persons municipal employment. A town employee may also serve as a member of a multiple-member body when such service is specifically required of that employee as a representative of a municipal agency.

**§ 4-210 Filing of minutes.**  
[Amended 10-24-2006 ATM, Art-art. 23]

Certified copies of the minutes of all meetings of all multiple-member bodies shall be filed with the town clerk Town-Clerk within five days following the next meeting of the multiple-member body after the meeting was held, at which meeting said minutes shall have been approved by the multiple-member body. The minutes of all executive sessions of multiple-member bodies shall be filed with the town clerk Town-Clerk within five days following the date the minutes of those meetings are made public. This filing of minutes of meetings with the town clerk Town-Clerk is for the convenience of the public. Such filing shall not be construed to be the official records of the multiple-member body. The official records shall continue to be maintained in the custody of the person designated pursuant to MGL c. 66, § 6. The minutes of all executive sessions of multiple-member bodies shall be approved at the next regular meeting of the multiple-member body and be kept by the town manager Town-Manager and members of the bodies until they are approved to be made public.

**§ 4-211 References to statutes.**

The references to state statutes which are contained in the sections which follow (describing the powers, duties and responsibilities of the town agencies) are provided for the purpose of describing the broad scope of the authority and responsibility which may be exercised by the Town of Northbridge with respect to each particular matter. Such enumeration is not to be construed in any way as intended to impose a limitation on the ability of the townTown, pursuant to aArticle 5 of the Northbridge Home Rule Charter and MGL c. 43B, § 20, to reassign powers, duties and responsibilities among and between town agencies generally.

**§ 4-212 Reorganization plans submitted by the town manager Town-Manager.**

- A. Any plan proposed by the town manager Town-Manager which purports to be a reorganization plan under § Section 5-1(b) of the Northbridge Home Rule Charter charter but which does not contain a proposal in which is-are incorporated amendments, revisions or repeals of this chapter and any other chapters or provisions of this code Code of town Town-by-laws bylaws as will accomplish the desired

reorganization shall not be deemed to be a reorganization plan within the meaning of said ~~§ Section~~-5-1(b).

- B. Each proposed reorganization plan filed by the ~~town manager Town-Manager~~ shall bear an identifying number and shall be accompanied by a detailed statement of the ~~town manager Town-Manager~~ explaining the reasons underlying the submission of the proposed plan and the goals and objectives expected to be achieved by implementation of the plan. [Amended 10-24-2006 ATM, ~~Art-art.~~ 23]
- C. Each proposed reorganization plan shall make due provision for the ~~civil service status~~, seniority, retirement, and other rights of ~~town Town~~-employees as required by state statute, or collective bargaining agreements. [Amended 10-24-2006 ATM, ~~Art-art.~~ 23]

#### SECTION 4-300 MULTIPLE-MEMBER BODIES

§ 4-301 ~~Aging, c~~Council on.

A. Establishment. The ~~c~~Council on ~~a~~Aging consists of 11 members. (See MGL c. 40, § 8B.) [Amended 10-24-2006 ATM, ~~Art-art.~~ 23]

B. Mode of appointment. The members of the ~~council on aging Council-on-Aging~~ are appointed by the ~~board of selectmen Board-of-Selectmen~~. [Amended 10-24-2006 ATM, ~~Art-art.~~ 23]

C. Authorities and responsibilities.

(1) The ~~council on aging Council-on-Aging~~ is to be an advocate for the needs of the elderly people residing in the ~~town Town~~. ~~The Council-on-Aging shall make continuing surveys of the elderly population to better determine their needs, problems and concerns. It shall develop criteria for program and supportive services based upon an assessment of needs and participates in programs offered by the Commonwealth's Department of Elder Affairs.~~ The ~~council on aging Council-on-Aging~~ is an advisory committee of the ~~town Town~~. [Amended 10-24-2006 ATM, ~~Art-art.~~ 23]

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(2) The ~~council on aging Council-on-Aging~~ shall ~~do the following~~:

- (a) ~~Identify the needs of the community's elderly population~~~~Make continuing surveys of the elderly population to better determine their needs, problems and concerns.~~
- (b) Educate the community and enlist the support and participation of all ~~town Town~~-residents concerning these needs.
- (c) ~~Based on an assessment of needs, Design~~develop, promote and implement services to fill these needs or coordinate ~~present~~-existing services in the community.
- (d) Promote and support any other programs which are designed to assist elderly people in Northbridge.

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- (3e) Cooperate with the Commonwealth of Massachusetts Office of Elderly Affairs and be cognizant of all state and federal legislation concerning funding, information exchanges and programming which exist for the elderly. [Amended 10-24-2006 ATM, Art-art. 23]
- (4f) File an annual report with the ~~board of selectmen~~Board of Selectmen, and with the Commonwealth of Massachusetts Office of Elderly Affairs. [Amended 10-24-2006 ATM, Art-art. 23]

D. Interrelationships. [Amended 10-24-2006 ATM, Art-art. 23]

- (1) Board of ~~s~~Selectmen. The ~~council on aging~~ Council on Aging consults with the ~~board of selectmen~~ Board of Selectmen in developing policies concerned with the issues and needs facing the elderly within the ~~town~~Town.
- (2) Town ~~m~~Manager. The ~~town manager~~ Town Manager provides administrative staff support to the ~~council on aging~~ Council on Aging. The ~~council on aging~~ Council on Aging advises the ~~s~~Senior ~~s~~Services ~~d~~Director concerning program and supportive service delivery as well as financial management issues. [Amended 10-25-2011 ATM, Art-art. 7]

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§ 4-302 Appeals, ~~z~~Zoning ~~b~~Board of.

- A. Establishment. The ~~z~~Zoning ~~b~~Board of ~~a~~Appeals consists of five ~~regular~~ members and four associate members. (See § 173-46 of Northbridge Zoning Bylaw.) [Amended 10-24-2006 ATM, Art-art. 23]
- B. Mode of appointment; term of office. The ~~regular~~ members of the ~~zoning board of appeals~~ Zoning Board of Appeals are appointed by the ~~board of selectmen~~ Board of Selectmen for terms of five years each, so arranged that the term of one member shall expire each year. The ~~alternate associate~~ members of the ~~b~~Board of ~~a~~Appeals are appointed for terms of four years each so arranged that the term of one member will expire each year. [Amended 10-24-2006 ATM, Art-art. 23]
- C. Authorities and responsibilities.

- (1) The ~~zoning board of appeals~~ Board of Appeals for zoning hears and decides individual cases brought by persons seeking land use relief, all as provided for in MGL c. 40A, §§ 78, 9, 10 and 17, 15 and the zoning ~~by-laws~~ bylaws of the ~~town~~Town. The ~~zoning board of appeals~~ Board of Appeals for zoning is an advisory and regulatory body of the ~~town~~Town.

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(2) ~~The zoning board of appeals is an adjudicatory and regulatory body of the town.~~

- (32) The ~~zoning board of appeals~~ Board acts as a ~~b~~Board of ~~a~~Appeals on matters of subdivision control under the applicable sections of MGL c. 41, §§ 81M, 81Y, 81Z, 81AA and 81BB; and decides on comprehensive permits pursuant to the provisions of MGL c. 40B, §§ 20—23.

D. Interrelationships. [Amended 10-24-2006 ATM, Art-art. 23]

- (1) Board of ~~s~~Selectmen. The ~~zoning board of appeals~~ Zoning Board of Appeals consults with the

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~~board of selectmen Board of Selectmen~~ in the matter of developing policies concerning the administration of the ~~z~~Zoning ~~b~~By-law.

- (2) Town ~~m~~anager. The ~~town manager Town Manager~~ provides clerical and professional assistance to the ~~zoning board of appeals Board~~ to enable it to effectively administer the ~~z~~Zoning ~~b~~By-law.
- (3) Other town agencies. The ~~zoning board of appeals Zoning Board of Appeals~~ hears appeals of decisions made by the ~~building inspector Building Inspector~~. The ~~zoning board of appeals Zoning Board of Appeals~~ also consults with the ~~planning board Planning Board, conservation commission Conservation Commission, board of health Board of Health, historical commission Historical Commission, d~~Development and ~~i~~Industrial ~~c~~Commission, the ~~l~~icensing ~~a~~Authority and the ~~b~~Building ~~i~~nspector.

§ 4-303 Assessors, ~~b~~Board of.  
[Amended 10-24-2006 ATM, ~~Art-art. 23~~]

- A. Establishment. The ~~board of assessors Board of Assessors~~ consists of three members. (See MGL c. 41, §§ 24 to 30B and c. 59, generally.)
- B. Mode of appointment. The ~~board of assessors Board of Assessors~~ is appointed by the ~~board of selectmen Board of Selectmen~~. ~~Members are appointed for terms of three years each, so arranged that the term of one member shall expire each year.~~
- C. Authorities and responsibilities. The ~~board of assessors Board of Assessors~~ shall annually make a fair cash valuation of all ~~of the~~ property, both real and personal, subject to taxation within the ~~town Town~~. The ~~board of assessors Board of Assessors~~ annually determines the annual tax rate necessary to meet all sums voted by the Town. It hears and decides all questions relating to the abatement of taxes levied by it. The ~~board of assessors Board of Assessors~~ has all of the other powers, duties and responsibilities ~~which are~~ given to ~~a~~Assessors by law. The ~~board of assessors Board of Assessors~~ is an advisory and regulatory ~~committee body~~ of the ~~town Town~~.
- D. Interrelationships.
  - (1) Board of ~~s~~Selectmen. The ~~board of assessors Board of Assessors~~ annually provides the ~~board of selectmen Board of Selectmen~~ with the necessary classification rate information for the holding of classification hearings, including exemption recommendations, and advises the ~~board of selectmen Board of Selectmen~~ on legislative and policy matters concerning valuation, classification, abatements and otherwise.
  - (2) Town ~~m~~anager. ~~The Town Manager provides the clerical and professional assistance the Board requires to perform its duties.~~ The ~~board of assessors Board of Assessors~~ interacts with the ~~town manager Town Manager~~ and the administrative organization primarily for the purpose of obtaining clerical and professional assistance to perform the administrative functions necessary to implement the ~~board of assessors Board of Assessors~~' determinations. The ~~town manager Town Manager~~ otherwise provides support as requested or required by law. The ~~town manager Town Manager~~ also

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appoints a principal appraiser after consultation with the ~~board~~Board. The ~~board of assessors~~ Board of Assessors provides information to the ~~planning board~~Planning Board, ~~Zoning~~ bBoard of Appeals and other town boards as ~~requested or~~ required by law.

§ 4-304 ~~Building, p~~Planning and ~~c~~Construction ~~c~~Committee.

[Amended 5-4-1999 ATM, ~~Art. art.~~ 16; 10-24-2006 ATM, ~~Art. art.~~ 23; 10-25-2011 ATM, ~~Art. art.~~ 7]

A. Establishment. The ~~building, planning and construction committee~~ Building, Planning, and Construction Committee consists of seven members.

B. Mode of appointment. Three members shall be appointed by the ~~board of selectmen~~ Board of Selectmen for terms of three years each, so arranged that the term of one such appointee shall expire each year, and three members shall be appointed by the ~~town moderator~~ Town Moderator for terms of three years each, so arranged that the term of one such appointee shall expire each year. The seventh member shall be appointed by the ~~school committee~~ School Committee for a term of three years. The appointee of the ~~school committee~~ School Committee shall be a member of the ~~school committee~~ School Committee or its designee. If the appointee of the ~~school committee~~ School Committee is a member of the ~~school committee~~ School Committee and ceases to be a member of the ~~school committee~~ School Committee during ~~his/her/their~~ term, such appointee's term on the ~~building, planning and construction committee~~ Committee shall be deemed to be automatically terminated as a result on the date thereof, and the ~~school committee~~ School Committee shall appoint a successor to serve for the remainder of such term. The ~~building, planning and construction committee~~ Committee shall include in its membership a registered professional engineer or an architect, an attorney, and a person employed in the construction industry or a related trade or profession.

C. Authorities and responsibilities.

(1) The ~~building, planning and construction committee~~ Building, Planning, and Construction Committee is responsible for surveying the growth needs of the ~~Town~~town, the needs of the community and the physical condition of all municipal buildings and other facilities. The ~~committee~~ Committee shall meet ~~from time to time as needed~~ with representatives of all municipal agencies to determine the need for additions or renovations to any existing buildings or for the construction of new buildings or any other facilities for the ~~town~~Town, and to determine the appropriate sites for such buildings and facilities.

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(2) When capital improvement projects are approved as provided in ~~s~~Subsection D, the ~~building, planning and construction committee~~ Building, Planning, and Construction Committee is responsible for recommendations for the awarding of all contracts associated with said projects. The ~~building, planning and construction committee~~ Building, Planning, and Construction Committee is also responsible for all work associated with said projects, which will include site planning, preliminary architectural plans, drawings, and construction supervision. At a regular scheduled ~~board of selectmen~~ Board of Selectmen meeting, the ~~town manager~~ Town Manager will award all contracts relating to capital projects. The ~~building, planning and construction committee~~ Building, Planning, and Construction Committee will present a bimonthly report to the ~~board of selectmen~~ Board of Selectmen at one of the ~~board of selectmen~~ Board of Selectmen's regularly

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scheduled meetings to update the ~~b~~Board on the status of such projects.

- (3) All horizontal projects, which are considered to consist of roadways, bridges, sidewalks, underground and overhead utilities including related pump stations and other types of infrastructure, will come under the jurisdiction of the ~~d~~Department of ~~p~~Public ~~w~~Works (DPW). Horizontal construction, commonly referred to as “public works,” is governed under MGL c. 30, § 39M. The DPW shall submit to the ~~building, planning and construction committee Building, Planning, and Construction Committee~~ copies of its approved projects for review. The DPW ~~d~~Director or ~~his/her/their~~ designee shall give a written and/or oral bimonthly report on the status of such projects to a joint meeting of the ~~board of selectmen Board of Selectmen~~ and the ~~building, planning and construction committee Building, Planning, and Construction Committee~~.

D. Interrelationships.

- (1) By October 1 of each year all departments shall submit to the ~~building, planning and construction committee Building, Planning, and Construction Committee~~ any capital requests, which would include the need for additions, ~~maintenance, repairs~~ or renovations to existing buildings or for the construction of new buildings or any other facilities for the ~~town Town~~, whether funded by general revenue, borrowing, enterprise funds, grants, or otherwise.
- (2) ~~By the following December 1, (The building, planning and construction committee Building, Planning, and Construction Committee~~ shall ~~review and~~ submit to the ~~town manager~~ an updated prioritized five-year capital improvement plan based on the requests received from all departments ~~to the Town Manager by the following December 1~~. The ~~building, planning and construction committee Building, Planning, and Construction Committee~~ shall consult with the ~~finance committee Finance Committee~~ and municipal finance officials to compile financial data in support of the draft to be submitted to the ~~town manager Town Manager~~.
- (3) Pursuant to ~~§ Section~~ 6-7 of the ~~town Town~~ charter ~~Charter~~, the ~~town manager Town Manager~~ shall submit a capital improvement and financial plan to the ~~board of selectmen Board of Selectmen~~ and the ~~finance committee Finance Committee~~ by February 1 of each year. These plans shall come specifically from the ~~building, planning and construction committee Building, Planning, and Construction Committee~~ draft.
- (4) The ~~board of selectmen Board of Selectmen~~, along with the ~~finance committee Finance Committee~~, ~~will shall~~ review the capital improvement plan submitted by the ~~town manager Town Manager~~. Following this review, the ~~board of selectmen Board of Selectmen~~ will draft articles for the recommended projects for the ~~Fall annual Annual town meeting Town Meeting~~.

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§ 4-305 ~~Cable t~~Television ~~a~~Advisory ~~c~~Committee.

- A. Establishment. The ~~cable television advisory committee Cable Television Advisory Committee~~ consists of seven members. [Amended 10-24-2006 ATM, ~~Art, art.~~ 23]
- B. Mode of appointment. The members of the ~~c~~Cable ~~t~~Television ~~a~~Advisory ~~c~~Committee are appointed by the ~~board of selectmen Board of Selectmen~~. [Amended 10-24-2006 ATM, ~~Art, art.~~ 23]

C. Authorities and responsibilities.

- (1) The ~~cable television advisory committee~~ Cable Television Advisory Committee advises the ~~board of selectmen~~ Board of Selectmen and ~~town manager~~ Town Manager on matters relating to the licensing and supervision of ~~a contract~~ contracts for cable television services in the town consistent with MGL c. 166A. Consistent with ~~the any~~ cable television contract, the ~~committee~~ Cable Television Advisory Committee may be designated by the ~~town manager~~ Town Manager to exercise certain authorities under ~~the such~~ contract.
- (2) The ~~cable television advisory committee~~ Cable Television Advisory Committee acts as a sounding board for citizen complaints and suggestions relating to the cable television services and shall, under the direction of the ~~town manager~~ Town Manager, refer subscriber complaints to the cable operator for appropriate resolution. The ~~committee~~ Cable Television Advisory Committee meets not less than once each quarter for the purpose of reviewing cable contract compliance, and advising on other licensing matters. The ~~cable television advisory committee~~ Cable Television Advisory Committee is an advisory committee of the ~~town~~ Town.

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D. Interrelationships. [Amended 10-24-2006 ATM, Art. art. 23]

- (1) Board of ~~s~~Selectmen: The ~~cable television advisory committee~~ Cable Television Advisory Committee advises the ~~board of selectmen~~ Board of Selectmen on matters relating to issues and policies concerning cable television ~~matters~~.
- (2) Town ~~m~~Manager: The ~~cable television advisory committee~~ Cable Television Advisory Committee meets regularly with the ~~town manager~~ Town Manager, and provides advice, information and recommendations in the matter of licensing for ~~the any~~ cable contract. The ~~committee~~ Cable Television Advisory Committee interacts with the ~~town manager~~ Town Manager and the administrative organization primarily for the purpose of obtaining clerical and professional assistance to enable it to perform its functions; in order to efficiently manage the cable license.

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§ 4-306 ~~Bylaw~~ rReview ~~c~~Committee.

~~(1)A.~~ The ~~b~~By-law ~~r~~Review ~~c~~Committee is appointed periodically as required by the ~~charter~~ Charter. The term of office shall be from October 1 in a year ending in one or six to no later than the ~~f~~Fall annual Annual-town meeting Town Meeting in the succeeding year at which their report is presented as required by ~~§ Section~~ 7-8(b), ~~By-law~~ Review, of the Northbridge ~~town~~ Town-charter Charter. [Amended 5-1-2018 ATM, Art. art. 24]

~~(2)B.~~ The ~~board of selectmen~~ Board of Selectmen may, at their discretion and for reasons beyond their control which cause an unavoidable delay in completion of the ~~by-law~~ bylaw-review, extend the term of the ~~b~~By-law ~~r~~Review ~~c~~Committee for a period of no longer than six months.

§ 4-307 ~~Conservation~~ cCommission.

A. Establishment. The ~~conservation commission~~ Conservation Commission consists of seven members (MGL c. 40, § 8C). [Amended 10-24-2006 ATM, Art. art. 23]

B. Mode of appointment. The members of the ~~conservation commission~~ Conservation Commission are appointed by the ~~board of selectmen~~ Board of Selectmen. [Amended 10-24-2006 ATM, ~~Art.~~ art. 23]

C. Authorities and responsibilities.

- (1) The purpose of the ~~conservation commission~~ Conservation Commission is to protect, promote and enhance the quantity and quality of the natural resources within the ~~town~~ Town, especially wetlands, wildlife and water resources, through planning, acquisition, land management, regulation, scientific research and public education. The ~~conservation commission~~ Conservation Commission may conduct researches into local land areas and shall seek to coordinate the activities of unofficial bodies organized for similar purposes. The ~~conservation commission~~ Conservation Commission is an advisory and regulatory ~~committee~~ body of the ~~town~~ Town. [Amended 10-24-2006 ATM, ~~Art.~~ art. 23]
- (2) The ~~conservation commission~~ Conservation Commission may receive gifts, bequests or devises of personal property or interests in real property in the name of the ~~town~~ Town, subject to approval of the ~~board of selectmen~~ Board of Selectmen. The ~~conservation commission~~ Conservation Commission may also receive monetary gifts for deposit to a ~~c~~Conservation ~~a~~Gift ~~a~~Account, and expend the same, subject to the General Laws and the approval of the ~~board of selectmen~~ Board of Selectmen. [Amended 10-24-2006 ATM, ~~Art.~~ art. 23; 10-25-2011 ATM, ~~Art.~~ art. 7]
- (3) The ~~conservation commission~~ Conservation Commission is responsible for ~~the implementation of~~ implementing (i) the provisions of MGL c. 131, § 40, in protecting floodplains, water bodies and other wetlands within the ~~town~~ Town, and (ii) the wetlands protection and aquifer protection provisions of the ~~town~~ Town ~~by laws~~ bylaws.
- (4) ~~The Conservation Commission is responsible, with the Recreation Commission, for development and adoption of the town's Open Space and Recreation Plan, subject to Board of Selectmen approval.~~ The ~~conservation commission~~ Conservation Commission may adopt policies and promulgate land management plans for properties of the town reserved for conservation purposes.

D. Interrelationships.

- (1) Board of ~~s~~Selectmen: The ~~conservation commission~~ Conservation Commission consults with the ~~board of selectmen~~ Board of Selectmen for the purposes of developing policies and proposed legislation for the town designed to protect, promote and enhance the quantity and quality of the natural resources within the ~~town~~ Town. [Amended 10-24-2006 ATM, ~~Art.~~ art. 23]
- (2) Town ~~m~~Manager: The ~~conservation commission~~ Conservation Commission interacts with the ~~town manager~~ Town Manager in all matters relating to the receipt of gifts, bequests or devises of personal property or interests in real property in the name of the ~~town~~ Town. Administrative support to the ~~conservation commission~~ Conservation Commission is primarily through the ~~town manager~~ Town Manager who, in addition, coordinates the activities of other administrative departments in order to ensure effectiveness of the ~~conservation commission~~ Conservation Commission's decisions.

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(3) Other town agencies: The ~~conservation commission~~ ~~Conservation Commission~~ consults with the ~~planning board~~ ~~Planning Board~~, ~~zoning board of appeals~~ ~~Zoning Board of Appeals~~, the ~~board of health~~ ~~Board of Health~~ and the ~~historical commission~~ ~~Historical Commission~~, as required to accomplish the ~~c~~Commission's mission. [Amended 10-24-2006 ATM, ~~Art.~~ ~~art.~~ 23]

§ 4-308 ~~Contributory r~~Retirement ~~b~~Board.

- A. Establishment. The ~~c~~Contributory ~~r~~Retirement ~~b~~Board consists of five members. [Note: See MGL c. 32, § 20(4)(b).] [Amended 10-24-2006 ATM, ~~Art.~~ ~~art.~~ 23]
- B. Mode of appointment; selection. The ~~town accountant~~ ~~Town Accountant~~ shall serve, ex officio, as a member of the ~~b~~Board, one member shall be appointed by the ~~board of selectmen~~ ~~Board of Selectmen~~; two members shall be elected by the members in or retired from the service of such system from among their number, and the fifth member, who shall not be an employee or official of the Town of Northbridge, shall be chosen by the other members. The terms of all members shall be for three years.
- C. Authorities and responsibilities. The ~~contributory retirement board~~ ~~Contributory Retirement Board~~ has the powers and duties provided in MGL c. 32, § 20(5) and shall be responsible for the management of the retirement system for the ~~town~~ ~~Town~~, subject to the requirements of MGL c. 32 and to the oversight of the Commissioner of Public Employee Retirement as provided in MGL c. 32, § 21, and otherwise. [Amended 10-24-2006 ATM, ~~Art.~~ ~~art.~~ 23]

§ 4-309 Cultural ~~c~~Council.

- A. Establishment. The ~~c~~Cultural ~~c~~Council consists of seven members. (See MGL c. 10, § 58.) [Amended 10-24-2006 ATM, ~~Art.~~ ~~art.~~ 23]
- B. Mode of appointment. The members of the ~~cultural council~~ ~~Cultural Council~~ are appointed by the ~~board of selectmen~~ ~~Board of Selectmen~~. No member shall serve more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities or interpretive sciences. [Amended 10-24-2006 ATM, ~~Art.~~ ~~art.~~ 23]
- C. Authorities and responsibilities. The ~~cultural council~~ ~~Cultural Council~~ shall decide the manner of distribution of arts lottery funds or other funds that may be available to it and may also conduct other activities to promote and encourage the arts, humanities or interpretive sciences. The ~~cultural council~~ ~~Cultural Council~~ shall operate pursuant to the provisions of MGL c. 10, § 58. The ~~cultural council~~ ~~Cultural Council~~ is an advisory and ministerial body of the ~~town~~ ~~Town~~.
- D. Interrelationships.
- (1) Board of ~~s~~Selectmen: The ~~cultural council~~ ~~Cultural Council~~ interacts with the ~~board of selectmen~~ ~~Board of Selectmen~~ for the purpose of discussing policies and programs designed to promote and encourage the arts within the ~~town~~ ~~Town~~.
- (2) Town ~~m~~Manager: The ~~cultural council~~ ~~Cultural Council~~ interacts with the ~~town manager~~ ~~Town Manager~~ for the purpose of receiving administrative support ~~and~~, financial assistance, ~~utilization of~~ ~~fusing~~ property for the purpose of sponsoring art exhibits ~~and~~, displays, and ~~performing~~ related

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administrative activities.

§ 4-310 **Disability Commission.**

[Amended 10-24-2006 ATM, ~~Art.~~ art. 23]

- A. Establishment. The ~~disability commission~~ Disability Commission consists of five members. (See MGL c. 40, § 8J.)
- B. Mode of appointment. The members of the ~~d~~Disability c~~Commission~~ are appointed by the ~~board of selectmen~~ Board of Selectmen. A majority of the persons appointed shall consist of persons with disabilities; one member may be a member of the immediate family of a person with a disability, and one member shall be an employee of the ~~town~~ Town. The ~~disability commission~~ Disability Commission may appoint two alternates.
- C. Authorities and responsibilities. The ~~disability commission~~ Disability Commission researches local problems of people with disabilities; ~~advises~~ and assists municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities; ~~coordinates~~ or carries out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disability; ~~reviews~~ and makes recommendations about policies, procedures, services, activities and facilities of departments and boards of the town as they affect people with disabilities; ~~provides~~ information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; ~~and coordinates~~ the activities of other local groups organized for similar purposes. The ~~commission~~ Commission may draft rules and regulations concerning disabled persons' needs and issues, for adoption by the ~~town manager~~ Town Manager and ~~board of selectmen~~ Board of Selectmen. The ~~commission~~ Commission may receive gifts of property, both real and personal, in the name of the ~~town~~ Town, subject to approval of the ~~board of selectmen~~ Board of Selectmen, such gifts to be managed and controlled by the ~~commission~~ Commission. The ~~disability commission~~ Disability Commission is an advisory and ministerial body of the ~~town~~ Town.
- D. Interrelationships.
- (1) Board of ~~s~~Selectmen. The ~~disability commission~~ Disability Commission consults with the ~~board of selectmen~~ Board of Selectmen to advise it on policies designed to meet the needs of the disabled and keep it informed of new developments in state and federal laws and regulations relating to the disabled.
  - (2) Town ~~m~~anager. The ~~disability commission~~ Disability Commission consults with the ~~town manager~~ Town Manager to ensure that town programs and activities, as well as facilities, serve the disabled, and come into compliance with state and federal standards. The ~~commission~~ Commission receives administrative support through the ~~town manager~~ Town Manager.
  - (3) Other town agencies. The ~~disability commission~~ Disability Commission interacts with the ~~planning board~~ Planning Board; ~~zoning board of appeals~~ Zoning Board of Appeals; ~~conservation commission~~ Conservation Commission; ~~board of health~~ Board of Health; ~~historical~~

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~~commissionHistorical Commission;~~ ~~building, planning and construction committeeBuilding, Planning and Construction Committee;~~ Northbridge Housing Authority; and others as necessary; or needed; to assure-ensure compliance with relevant laws, rules and regulations concerning disabled persons.

§ 4-311 **Health, ~~b~~Board of.**

A. Establishment. The board of health Board-of-Health consists of five members, one of whom shall be a health care professional. (See MGL c. 111, §§ 26 to 32.) [Amended 10-24-2006 ATM, ~~Art.-art.~~ 23]

B. Mode of appointment. The members of the board of health Board-of-Health are appointed by the board of selectmenBoard-of-Selectmen. [Amended 10-24-2006 ATM, ~~Art.-art.~~ 23]

C. Authorities and responsibilities.

(1) The board of health Board-of-Health seeks to preserve and maintain the town's public health standards and protect its environmental resources by educational means and by strict enforcement of various regulations, by ~~laws,~~ ~~s~~State ~~h~~Health ~~c~~Codes (CMR), General Laws~~—~~, in particular, MGL c. 111~~—~~, and federal law. The board of health Board-of-Health carries out duties and responsibilities assigned by either state or local legislation; as these primarily concern public health standards and protection of environmental resources. The board of health Board-of-Health establishes policies and programs ~~for implementation by the Health Department~~to fulfill its responsibilities. The board of health Board-of-Health is an advisory and regulatory ~~committee-body~~ of the townTown.

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(2) No town agency, board, commission or officer shall enter into an agreement with a private vendor; ~~the purpose of which would be to provide~~for the purpose of providing ~~for~~ town-wide residential trash collection services; however, nothing in this subsection shall limit in any way the authority of the board of health Board-of-Health, under state law, to regulate the issuance of solid waste collection permits ~~as that~~ it deems to be in the town's best interest.

D. Interrelationships.

(1) Board of ~~s~~Selectmen: The board of health Board-of-Health provides the board of selectmen Board-of-Selectmen with all needed or required information concerning issues related to the public health in the townTown. [Amended 10-24-2006 ATM, ~~Art.-art.~~ 23]

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(2) Town ~~m~~Manager: The town manager Town-Manager-willshall ensure that the bBoard's administrative staff ~~in the Health Division~~carries out its rules, regulations and decisions. The town manager Manager must meet periodically with the board of health Board-of-Health so as to ensure that administrative staff support is effective. [Amended 10-24-2006 ATM, ~~Art.-art.~~ 23]

(3) Other town agencies: As necessary, the board of health Board-of-Health interacts with other boards within the town on issues of concern to the public health, including the ~~s~~School ~~d~~Department, the planning boardPlanning Board, conservation commissionConservation-Commission, the Northbridge Housing Authority, the historical commissionHistorical Commission, the

~~d~~Development and ~~i~~Industrial ~~c~~Commission and the ~~licensing authority~~Licensing Authority.

§ 4-312 **Historical ~~c~~Commission.**

- A. Establishment. The ~~historical commission~~ ~~Historical-Commission~~ consists of seven members. (See MGL c. 40, § 8D.) [Amended 10-24-2006 ATM, ~~Art-~~art. 23]
- B. Mode of appointment. The members of the ~~historical commission~~ ~~Historical-Commission~~ are appointed by the ~~board of selectmen~~ ~~Board of Selectmen~~. [Amended 10-24-2006 ATM, ~~Art-~~art. 23]
- C. Authorities and responsibilities.
- (1) The purpose of the ~~historical commission~~ ~~Historical-Commission~~ is to preserve, protect and develop the historical and archaeological assets of the ~~town~~ ~~Town~~. The ~~historical commission~~ ~~Historical-Commission~~ may conduct research for places of historic and archaeological value, and shall cooperate with the ~~s~~State ~~a~~Archaeologist in conducting such research. The ~~historical commission~~ ~~Historical-Commission~~ seeks to coordinate the activities of unofficial bodies organized for similar purposes and may, subject to appropriation and approval by the ~~town manager~~ ~~Town-Manager~~, advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work.
  - (2) The ~~historical commission~~ ~~Historical-Commission~~, for the purpose of protecting and preserving such places, may make such recommendations as it deems necessary to the ~~board of selectmen~~ ~~Board of Selectmen~~, and, subject to the approval of the ~~board of selectmen~~ ~~Board of Selectmen~~, to the Massachusetts Historical Commission, that any such place be certified as ~~an a~~ historical or archaeological landmark.
  - (3) The ~~historical commission~~ ~~Historical-Commission~~ may hold hearings, may recommend to the ~~town manager~~ ~~Town-Manager~~ execution of contracts with individuals, organizations and institutions or services furthering the objectives of their program, may recommend to the ~~town manager~~ ~~Town-Manager~~ execution of contracts with local or regional associations for cooperative endeavors furthering its program, and may with the approval of the ~~town manager~~ ~~Town-Manager~~, accept gifts, contributions and bequests of funds from individuals, foundations and ~~from~~ federal, state or other governmental bodies for the purpose of furthering its programs. The ~~historical commission~~ ~~Historical-Commission~~ may recommend to the ~~board of selectmen~~ ~~Board of Selectmen~~ ~~acquisition of property~~ ~~that~~, by gift, purchase, grant, bequest, devise, lease or otherwise, ~~the town acquire~~ a fee or lesser interest in real or personal property of significant historical value and, upon approval by the ~~town manager~~ ~~Town-Manager~~, may be directed to manage the same, may make and execute any agreement and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section.
  - (4) The ~~historical commission~~ ~~Historical-Commission~~ surveys and compiles a listing of all historical sites and buildings within the ~~town~~ ~~Town~~, public and private, determines the functions and structures of all historical organizations within the town and holds correlative seminars with historical organizations. ~~It further~~ ~~In addition, it~~ determines the requirements for repair, reconstruction and protection of historical landmarks ~~and~~; assists and cooperates with public

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commissions in the conduct of public historical events. The ~~historical commission~~ Historical-Commission is an advisory committee of the town~~Town~~.

D. Interrelationships.

- (1) ~~board of selectmen~~Board of Selectmen; The ~~historical commission~~ Historical-Commission advises the ~~board of selectmen~~ Board of Selectmen on policies and legislation concerning the preservation, protection and development of historical or archaeological assets in the town~~Town~~. [**Amended 10-24-2006 ATM, Art. art. 23**]
- (2) Town ~~m~~Manager; The ~~t~~own m~~anager~~ interacts with the ~~h~~istorical c~~ommission~~ primarily for the purposes outlined in order to effectuate its activities; and/or ~~for the~~ acquisition of interests in historical properties within the town~~Town~~. Administrative support is provided to the Commission through the town manager~~Town-Manager~~.
- (3) Other town agencies; The ~~historical commission~~ Historical-Commission shall, with respect to matters or actions affecting the historical or archaeological assets of the town~~Town~~, coordinate with state boards and agencies, including, but not limited to, the Massachusetts Historical Commission, the ~~s~~tate a~~rchaeologist~~, and local and regional planning committees and interact with respect to such matters or actions with town agencies, including; but not limited to the planning board~~Planning-Board~~, zoning board of appeals~~Zoning-Board of Appeals~~, conservation commission~~Conservation-Commission~~, board of health~~Board of Health~~ and the Northbridge Housing Authority, as necessary, in order to better coordinate the activities of these boards in instances where properties of either a historical or archaeological value are under consideration by these boards.

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§ 4-313 **Industrial Development Finance Authority and Commission.**

- A. Establishment. The ~~i~~ndustrial d~~evelopment f~~inance a~~uthority and c~~ommission consists of seven members. (See MGL c. 40, § 8A and c. 40D.) [**Amended 10-24-2006 ATM, Art. art. 23**]
- B. Mode of appointment. The members of the industrial development finance authority and commission ~~Industrial-Development Finance Authority and Commission~~ are appointed by the board of selectmen ~~Board of Selectmen~~ for terms of five years each. At least one member shall be experienced in financial matters, one in real estate matters and one in town government. The industrial development finance authority and commission ~~Industrial-Development Finance Authority and Commission~~ is an advisory and ministerial body of the town~~Town~~. [**Amended 10-24-2006 ATM, Art. art. 23**]
- C. Authorities and responsibilities.

- (1) The industrial development finance authority and commission ~~Industrial-Development Finance-Authority and Commission~~ is responsible for coordinating and approving industrial development projects for financing by means of tax-exempt industrial development finance bonds. The industrial development finance authority and commission ~~Industrial-Development Finance-Authority and Commission~~ acts pursuant to the provisions of MGL c. 40D. The town~~Town~~, acting by and through its authority, and the town manager ~~Town-Manager~~ are authorized and empowered

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to borrow money in furtherance of the purposes of MGL c. 40D, and to evidence the same by the issuance of bonds.

- (2) The ~~industrial development finance authority and commission~~ ~~Industrial Development Finance Authority and Commission~~ shall also serve as a development and industrial commission to provide advice and assistance relative to development of the town's economic resource base, and to provide assistance in the development of an economic development plan.
- (3) The ~~industrial development finance authority and commission~~ ~~Industrial Development Finance Authority and Commission~~ advises and assists in development of specific economic development goals, establishes methods to foster cooperation among the private and public sectors, establishes methods to increase job opportunities for residents of the ~~town~~ ~~Town~~, establishes methods to assist existing businesses in their expansion needs, establishes methods to assist businesses locating in the town and establishes methods to determine the compatibility of certain businesses with the environment and character of the ~~town~~ ~~Town~~.

D. Interrelationships.

- (1) Board of ~~s~~Selectmen. The ~~industrial development finance authority and commission~~ ~~Industrial Development Finance Authority and Commission~~ interacts with the ~~board of selectmen~~ ~~Board of Selectmen~~ on all matters concerning industrial development within the ~~town~~ ~~Town~~, and specifically to provide recommendations concerning development of the town's economic resources.
- (2) Town ~~m~~Manager. The ~~industrial development finance authority and commission~~ ~~Industrial Development Finance Authority and Commission~~ interacts with the ~~town m~~Manager for the purpose of seeking review and approval for programs and proposals it has made or intends to make on behalf of the ~~town~~ ~~Town~~. Administrative support is provided by the ~~town manager~~ ~~Town Manager~~.
- (3) Other town agencies. As necessary, the ~~industrial development finance authority and commission~~ ~~Industrial Development Finance Authority and Commission~~ meets with the ~~planning board~~ ~~Planning Board~~, ~~zoning board of appeals~~ ~~Zoning Board of Appeals~~, ~~conservation commission~~ ~~Conservation Commission~~, ~~board of health~~ ~~Board of Health~~, the ~~historical commission~~ ~~Historical Commission~~ and other town agencies in pursuit of economic development planning and coordination of efforts.
- (4) Regional agencies. As necessary the ~~industrial development finance authority and commission~~ ~~Industrial Development Finance Authority and Commission~~ meets with other public and private agencies located in proximity to Northbridge which are also concerned with economic development matters.

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§ 4-314 **Licensing ~~a~~Authority.**

- A. Establishment. The ~~board of selectmen~~ ~~Board of Selectmen~~ shall serve as a ~~licensing authority~~ ~~Licensing Authority~~ for the town pursuant to the provisions of MGL c. 138 and MGL c. 140, § 1.
- B. Mode of appointment. The members of the ~~board of selectmen~~ ~~Board of Selectmen~~ shall serve by virtue

of their office as the members of the ~~licensing authority~~Licensing Authority.

C. Authorities and responsibilities. The ~~licensing authority~~ Licensing Authority may grant licenses relating to alcoholic beverages under ~~c~~Chapter 138 of the General Laws and those licenses under ~~c~~Chapter 140 of the General Laws which are not, by the provisions of said chapter, placed within the jurisdiction of another municipal officer or agency, and shall have all the powers and duties of a ~~licensing authority~~ Licensing Authority under said chapters. The ~~licensing authority~~ Licensing Authority is an advisory and regulatory body of the ~~town~~Town.

D. Interrelationships.

(1) Board of ~~s~~Selectmen: The ~~board of selectmen~~ Board of Selectmen in its capacity as the ~~licensing authority~~ Licensing Authority shall, annually, file a separate report listing all of its doings regarding licensing activities, with recommendations, as necessary, concerning issues relative to Chapter 138 and Chapter 140 licensing within the ~~town~~Town. A copy of this report shall be filed in the office of the ~~town clerk~~Town Clerk.

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(2) Town ~~m~~anager: The ~~town manager~~ Town Manager provides the ~~licensing authority with~~ Licensing Authority administrative support for its deliberations and responsibilities. The ~~licensing authority~~ Licensing Authority shall further discuss with the ~~town manager~~ Manager budgetary issues and other, related licensing issues of the ~~town~~Town. [Amended 10-24-2006 ATM, ~~Art.~~art. 23]

§ 4-315 ~~Personnel Board~~Personnel.

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~~A. Establishment. The Personnel Board consists of five members. [Amended 10-24-2006 ATM, Art. 23]~~

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~~B. Mode of appointment. The Personnel Board shall be appointed by the Board of Selectmen. At least two members of the Personnel Board shall be qualified by reason of experience in personnel administration.~~

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~~C. Authorities and responsibilities.~~

~~(1) A majority of the members of the Personnel Board constitute a quorum for the transaction of its business, but the affirmative vote of a majority of its membership shall be necessary for any official act of the Personnel Board. [Amended 10-24-2006 ATM, Art. 23]~~

~~(2) Except as otherwise provided by law, the Personnel Board shall have access to all facts, figures, records and other information relating to the personnel of town departments, and the same shall be furnished forthwith by the Town Manager whenever so requested by the Board in such form as said Board may require.~~

~~(3) Personnel policy.~~

~~(a) The Personnel Board, consistent with the Town Charter and applicable state and federal laws, shall develop and recommend a town personnel policy to be approved by the Board of Selectmen and~~

~~administered by the Town Manager.~~

~~(b) — The town personnel policy shall encompass modern personnel practices, provide for equitable and fair treatment of town employees, reflect the town's commitment to equal employment opportunity and affirmative action and provide for a merit-based performance evaluation system; provided, further, that nothing in said policy shall infringe upon a department director's ability to supervise and discipline other employees subject to an appropriate appeal process to the Town Manager.~~

~~(c) — At a minimum, the policy shall consist of the following components:~~

~~[1] — Applicability to different classes of employees.~~

~~[2] — Recruitment and selection of employees.~~

~~[3] — Pay and classification plan.~~

~~[4] — Rules of conduct and hours of work.~~

~~[5] — Employee benefits.~~

~~[6] — Leaves of absence.~~

~~[7] — Maintenance of personnel records.~~

~~[8] — Disciplinary procedures.~~

~~[9] — Grievance hearing processes.~~

~~[10] — Federal and state required elements (e.g., ADA).~~

~~(d) — Before the Personnel Board makes any recommendations to the Board of Selectmen regarding the personnel policy, it shall hold a duly advertised public hearing at which employees and the public may have the opportunity to express their views with respect to any proposed amendments.~~

~~(e) — Upon receipt from the Personnel Board of a proposed change in the personnel policy, the Board of Selectmen shall place on its next available agenda the proposal for discussion, inviting the Personnel Board to attend. The Board of Selectmen may accept, reject or amend the proposal of the Personnel Board. The Town Manager shall be responsible for administration and enforcement of the personnel policy and any amendments thereof.~~

~~(f) — The Board of Selectmen and/or the Town Manager may at their own volition propose changes to the personnel policy by adhering to the following procedures:~~

~~[1] — A draft of the proposed policy change shall be sent to the Personnel Board for public hearing and recommendation to the Board of Selectmen.~~

~~[2] — The Personnel Board, from receipt of the draft proposal, shall have 30 days to conduct a public hearing and report back to the Board of Selectmen with its recommendation.~~

~~[3] — Should the Personnel Board fail to conduct a public hearing and report back to the Board of Selectmen within the allocated 30 days, the Board of Selectmen may conduct its own public hearing on the proposed change, after which it may take final action.~~

~~(4) — The Personnel Board shall file an annual report of its activities, including its recommendations to the Board of Selectmen, by a time established by the Town Manager to allow for its inclusion in the annual town report.~~

**D. — Interrelationships.**

~~(1) — Board of Selectmen: The Personnel Board consults with the Board of Selectmen on the issues of personnel policy and legislation necessary to effectuate sound personnel management in the Town. [Amended 10-24-2006 ATM, Art. 23]~~

~~(2) — Town Manager: The Town Manager provides clerical and professional assistance to the Board in the areas prescribed, and meets regularly with the Board in furtherance of its objectives. [Amended 10-24-2006 ATM, Art. 23]~~

~~(3) — Other boards: The Personnel Board shall make itself available to other boards and departments in order to provide advice on personnel matters.~~ Per charter § 4-2(c), the town manager is responsible for administering the town personnel system.

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§ 4-316 **Playgrounds and Recreation Commission.**

A. Establishment. The ~~p~~Playgrounds and ~~r~~Recreation ~~c~~Commission consists of five members. (See MGL c. 45.) [Amended 10-24-2006 ATM, ~~Art. art.~~ 23; 10-28-2008 ATM, ~~Art. art.~~ 5]

B. Mode of appointment. The members of the ~~playground and recreation commission~~ Playgrounds and Recreation Commission are appointed by the ~~board of selectmen~~ Board of Selectmen. [Amended 10-24-2006 ATM, ~~Art. art.~~ 23]

C. Authorities and responsibilities. The ~~playground and recreation commission~~ Playgrounds and Recreation Commission advises and otherwise assists the ~~town manager~~ Town Manager in the establishment of rules and regulations concerning the use of all playgrounds and athletic fields, including those under the jurisdiction of the ~~school committee~~ School Committee except during the regular school year or at other times when such facilities are reserved for use for Town of Northbridge school activities. The ~~playground and recreation commission~~ Playgrounds and Recreation Commission further advises and otherwise assists the ~~town manager~~ Town Manager in establishing rules and regulations for development, servicing and delivery of recreational activities in the ~~town~~ Town. The ~~playground and recreation commission~~ Playgrounds and Recreation Commission is an advisory ~~committee body~~ committee of the ~~town~~ Town.

D. Interrelationships.

(1) Board of ~~s~~Selectmen: The ~~playground and recreation commission~~ Playgrounds and Recreation Commission advises the ~~board of selectmen~~ Board of Selectmen relative to the establishment of policies concerning recreational programming within the ~~town~~ Town. [Amended 10-24-2006 ATM, ~~Art. art.~~ 23]

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(2) Town ~~m~~Manager: The ~~playground and recreation commission~~ Playgrounds and Recreation Commission interacts with the ~~town manager~~ Town Manager to ensure that rules and regulations

concerning playgrounds, athletic fields, and the development and delivery of recreational activities are effective. The ~~p~~Playgrounds and ~~r~~Recreation ~~c~~Commission receives administrative support from the ~~town manager~~ Town Manager for this purpose.

- (3) Department of ~~p~~Public ~~w~~Works (DPW); The ~~department of public works~~ Department of Public Works has responsibility for the day-to-day maintenance of land and facilities. Additionally, the DPW shall oversee all construction, repairs, maintenance and improvement of playgrounds, parks, athletic fields, and facilities. The ~~playground and recreation commission~~ Playground and Recreation Commission shall make recommendations on maintenance, repairs, and improvements to recreational facilities and shall submit proposed capital projects through the ~~town manager~~ Town Manager to the DPW for inclusion in the ~~c~~Capital ~~i~~mprovement ~~p~~lan. [Added 10-24-2006 ATM, Art. art. 23]
- (4) The ~~playground and recreation commission~~ Playgrounds and Recreation Commission may receive gifts, bequests or devises of personal property or interests in real property in the name of the town, subject to the approval of the ~~board of selectmen~~ Board of Selectmen. The ~~playground and recreation commission~~ Playgrounds and Recreation Commission may receive monetary gifts for development of a ~~p~~Playgrounds and ~~r~~Recreation fund; and may expend the same, subject to the General Laws and the approval of the ~~board of selectmen~~ Board of Selectmen. [Added 10-24-2006 ATM, Art. art. 23]

§ 4-317 (Reserved)

§ 4-318 Registrars of Voters.

- A. Establishment. The ~~b~~Board of ~~r~~Registrars of ~~v~~Voters consists of the ~~town clerk~~ Town Clerk and three other persons. (See MGL c. 51.) [Amended 10-24-2006 ATM, Art. art. 23]
- B. Mode of appointment. Members of the ~~b~~Board of ~~r~~Registrars of ~~v~~Voters are appointed by the ~~board of selectmen~~ Board of Selectmen, so that they represent the two leading political parties, and in no case shall an appointment be made so as to cause the ~~b~~Board of ~~r~~Registrars of ~~v~~Voters to have more than two members, including the ~~town clerk~~ Town Clerk, of the same political party. Every such appointment shall be made from a list to be submitted by the town committee of the political party from ~~the whose~~ members of which the position is to be filled, containing the names of three enrolled members of such party resident in the ~~town~~ Town, selected by a majority vote at a duly called meeting of such committee. [Amended 10-24-2006 ATM, Art. art. 23]
- C. Authorities and responsibilities. The ~~b~~Board of ~~r~~Registrars of ~~v~~Voters holds s voter registration sessions, certifies s the signatures on nomination papers and petitions, holds s hearings and decides s disputes over signatures on nomination papers, prepares s an annual list of persons (the; ~~so-called~~, "street list") performs and all other duties as cited in MGL c. 51. The ~~b~~Board of ~~r~~Registrars of ~~v~~Voters is a regulatory and ministerial committee of the ~~town~~ Town.
- D. Interrelationships.
  - (1) Board of ~~s~~Selectmen; Interaction with the ~~board of selectmen~~ Board of Selectmen is minimal; ~~the main function of the Board of Registrars of Voters concerns itself with elective matters.~~

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(2) Town ~~m~~Manager: The ~~town m~~Manager provides staff assistance ~~by employing through the employment of~~ poll workers ~~and~~; ballot counters ~~and by providing~~; supervision and facilities for the conduct of electoral matters. [~~Amended 10-24-2006 ATM, Art. art. 23~~]

§ 4-319 ~~Youth Commission~~Reserved.

A. ~~Establishment. The Youth Commission consists of seven members. (See MGL c. 40, § 8E.) [Amended 10-24-2006 ATM, Art. 23]~~

B. ~~Mode of appointment. The members of the Youth Commission are appointed by the Board of Selectmen. Members appointed shall provide a balanced and diverse representation of the community's interests and concerns. At least three members shall be high school students. [Amended 10-24-2006 ATM, Art. 23]~~

C. ~~Authorities and responsibilities. The Youth Commission shall be responsible for carrying out programs which may be designed or established to meet the opportunities, challenges and problems of the youth of the Town. The Youth Commission advises and assists the Board of Selectmen and Town Manager in the development of policies, programs and delivery of services for the health and welfare of youth and their families. The Youth Commission shall regularly assess the needs of youth as individuals and community members and work with the School Department, Recreation Department, Police Department and other town departments, multiple member bodies and community groups in coordinating or developing mutual efforts to address these needs. The Youth Commission further advises and otherwise assists the Town Manager in utilization of all federal, state and municipal programs and services available to youth and provides education and referral resources to all members of the community. The Youth Commission is an advisory committee of the Town.~~

D. ~~Interrelationships:~~

(1) ~~Board of Selectmen: The Youth Commission advises the Board of Selectmen relative to the establishment of policies concerning youth and family service programming within the Town. [Amended 10-24-2006 ATM, Art. 23]~~

(2) ~~Town Manager: The Youth Commission interacts with the Town Manager to ensure that the development and delivery of youth and family services are effective. The Youth Commission receives administrative support from the Town Manager.~~

(3) ~~Other town agencies: As necessary, the Youth Commission interacts and meets with the Playgrounds and Recreation Commission and the School Committee.~~

§ 4-320 ~~Safety~~ cCommittee.

[~~Added 10-25-2011 ATM, Art. art. 7~~]

A. Establishment. The ~~s~~sSafety ~~c~~cCommittee is advisory and consists of seven members.

B. Mode of appointment. The ~~c~~cChief of ~~p~~pPolice, ~~f~~fire ~~c~~cChief, ~~d~~director of the ~~department of public works~~ Department of Public Works or his designee and the ~~town~~ Town ~~P~~planner are ex officio members of the ~~c~~cCommittee. One member is appointed by the ~~school committee~~ School Committee and two additional

members are appointed by the ~~board of selectmen~~Board of Selectmen, one of whom is a local business person.

- C. Authorities and responsibilities. The ~~committee~~ Committee renders opinions and makes recommendations on public safety issues. ~~The committee also entertains requests from Northbridge residents to make changes to town by-laws that affect public safety. Then, in response to such requests, the committee makes any recommendations to town agencies that it deems appropriate.~~
- D. Interrelationships. The ~~committee~~ Committee renders opinions and makes recommendations upon ~~written~~ requests from the ~~board of selectmen~~Board of Selectmen, ~~planning board~~Planning Board, ~~zoning board of appeals, Zoning Board of Appeals and~~ other boards and officers of the ~~town, and the general public~~Town.

§ 4-321 ~~Town m~~Manager ~~s~~Screening ~~c~~Committee.  
[Added 10-25-2011 ATM, ~~Art-art.~~ 7]

- A. Establishment. ~~Whenever the office of town manager is vacant, a~~ town manager ~~Town Manager-~~ ~~s~~Screening ~~c~~Committee of five members shall be established ~~whenever the office of Town Manager is vacant~~ for the purpose of soliciting, receiving and evaluating applications for the position of ~~town manager~~Town Manager.
- B. Mode of appointment. Two members shall be appointed by the ~~moderator~~Moderator, one member shall be appointed by the ~~school committee~~School Committee, one member shall be appointed by the ~~Personnel Board~~board of selectmen, and one member shall be appointed by the ~~planning board~~Planning Board.
- C. Authorities and responsibilities. The ~~s~~Screening ~~c~~Committee shall review all applications that are received by it, screen all such applicants by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.
- D. Interrelationships. Not more than 120 days following the date on which the ~~committee~~ Committee meets to organize, the ~~committee~~ Committee shall submit to the ~~board of selectmen~~ Board of Selectmen the names of not fewer than three nor more than five persons whom it believes to be best suited to perform the duties of the office of ~~town manager~~Town Manager.
- E. Dissolution. Upon the appointment of a ~~town manager~~Town Manager, the ~~committee~~ Committee established hereunder shall be considered discharged.

§ 4-322 ~~Community p~~Preservation ~~c~~Committee.  
[Added 10-23-2018 ATM, ~~Art-art.~~ 5]

- A. Establishment.
  - (1) There is hereby established a ~~community preservation committee~~Community Preservation Committee, consisting of nine voting members pursuant to MGL c. 44B. The composition of the

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~~c~~Committee, the appointment authority ~~for the committee~~, and the term of office for the ~~committee~~ ~~Committee~~-members shall be as follows:

- (a) One member of the ~~planning board~~ ~~Planning Board~~ as designated by the ~~zoning board of appeals~~ ~~b~~Board;
- (b) One member of the ~~conservation commission~~ ~~Conservation Commission~~ as designated by the ~~c~~Commission;
- (c) One member of the ~~historical commission~~ ~~Historical Commission~~ as designated by the ~~c~~Commission;
- (d) One member of the ~~playground and recreation commission~~ ~~Playgrounds and Recreation Commission~~ as designated by the ~~c~~Commission;
- (e) One member of the ~~h~~Housing ~~a~~Authority ~~b~~Board as designated by its ~~b~~Board of ~~d~~Directors;
- (f) One member of the ~~school committee~~ ~~School Committee~~ as designated by the ~~c~~Committee;
- (g) Three at-large members appointed by the ~~board of selectmen~~ ~~Board of Selectmen~~.

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- (2) ~~Members~~ ~~Each member~~ of the ~~c~~Community ~~p~~Preservation ~~c~~Committee shall serve for a term of three years or until ~~the person~~ ~~that member~~ no longer serves on the board or commission being represented. Any vacancy on the ~~community preservation committee~~ ~~Community Preservation Committee~~ shall be filled by the commission, authority or board that designated the member who creates the vacancy by designating another member for the unexpired portion of the term.
- (3) Should any of the commissions or boards who have appointment authority under this section be no longer in existence for whatever reason, the appointment authority for that commission or board shall become the responsibility of the ~~board of selectmen~~ ~~Board of Selectmen~~.

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#### B. Duties.

- (1) The ~~community preservation committee~~ ~~Community Preservation Committee~~ shall study the needs, possibilities and resources of the ~~town~~ ~~Town~~ regarding community preservation. The ~~committee~~ ~~Committee~~ shall consult with existing municipal boards, including the ~~board of selectmen~~ ~~Board of Selectmen~~, the ~~conservation commission~~ ~~Conservation Commission~~, the ~~historical commission~~ ~~Historical Commission~~, the ~~planning board~~ ~~Planning Board~~, the ~~playground and recreation commission~~ ~~Playgrounds and Recreation Commission~~ and the ~~h~~Housing ~~a~~Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the ~~committee~~ ~~Committee~~ shall hold one or more public informational hearings on the needs, possibilities and resources of the ~~town~~ ~~Town~~ regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the ~~town and on the town bulletin board~~ ~~Town~~. The ~~committee~~ ~~Committee~~ may, after proper appropriation, incur expenses as

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permitted by state law using funds from the ~~cCommunity pPreservation fFund~~ to pay such expenses.

- (2) The ~~community preservation committee Community Preservation Committee~~ shall make recommendations to the ~~town meeting Town Meeting~~ for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with ~~cCommunity pPreservation~~ funds. With respect to community housing, the ~~community preservation committee Community Preservation Committee~~ shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
  - (3) The ~~community preservation committee Community Preservation Committee~~ may include in its recommendation to the ~~town meeting Town Meeting~~ a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the ~~cCommunity pPreservation fFund~~ to accomplish that specific purpose or ~~may~~ recommend to set aside for later spending funds for general purposes that are consistent with community preservation.
- C. Requirement for a quorum and cost estimates. The ~~community preservation committee Community Preservation Committee~~ shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the ~~community preservation committee Community Preservation Committee~~ shall constitute a quorum. The ~~community preservation committee Community Preservation Committee~~ shall approve its actions by majority vote. Recommendations to the ~~town meeting Town Meeting~~ shall include their anticipated costs.
- D. Amendments. The ~~community preservation committee Community Preservation Committee~~ shall, from time to time, review the administration of this section, making recommendations, as needed, for changes in the section and in administrative practice to improve the operations of the ~~community preservation committee Community Preservation Committee~~. This section may be amended from time to time by a majority vote of the ~~town meeting Town Meeting~~, provided that the amendments would not be in conflict with MGL c. 44B.
- E. Severability. In case any paragraph or part of this section be for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other paragraph or part shall continue in full force and effect.
- ~~F. Effective date. Following Town Meeting approval, this section shall take effect immediately upon approval by the Attorney General of the Commonwealth and publication as required by law. Each appointing authority shall have thirty days after approval by the Attorney General to make its initial appointments.~~

#### SECTION 4-400

## OFFICERS AND EMPLOYEES

### § 4-401 ~~Town~~ aAccountant.

- A. Establishment. There shall be a town accountant~~Town Accountant~~. (See MGL c. 41, §§ 44 to 61.)
- B. Mode of appointment. The town manager~~Town Manager~~ shall appoint a town accountant~~Town Accountant~~. The town accountant~~Town Accountant~~ shall hold no other town office involving the receipt or disbursement of money.
- C. Authorities and responsibilities.
- (1) The town accountant~~Town Accountant~~ shall examine the books and accounts of all town officers and multiple-member bodies entrusted with the receipt, custody or expenditure of money, and all original bills and vouchers on which money has been or may be paid from ~~its~~ the town's treasury. The town accountant~~Town Accountant~~ shall have free access to such books, accounts, bills and vouchers for the purpose of examination; and shall examine the same at least once in each year; and shall annually report in writing to the town manager the result of such examinations. Town accountant~~The Town Accountant~~ shall, at least once a year, verify the cash balance of each town office by actual count of the cash and shall in the annual report of the town accountant~~Town Accountant~~ certify, under oath, the facts so found.
  - (2) The ~~t~~Town aAccountant shall, at least once every year, audit the accounts of the trustees of any property the principal or income of which, in whole or in part, was bequeathed or given in trust for public uses for the benefit of the town~~Town~~, or for the benefit of the inhabitants of the town~~Town~~, and shall examine and estimate the funds, securities and evidences of property held by such trustees.
  - (3) The town manager~~Town Manager~~ and all boards, committees, heads of departments and officers authorized to spend money shall approve and transmit to the town accountant~~Town Accountant~~ all bills, drafts, orders and payrolls chargeable to the respective appropriations of which they have the expenditure. The town accountant~~Town Accountant~~ shall examine all such bills, drafts, orders and payrolls, and, if they are found correct, shall draw a warrant upon the treasury for the payment of the same, and the treasurer/collector~~Treasurer~~ shall pay no money from the treasury except upon such warrant prepared by the town accountant~~Town Accountant~~ and approved by the town manager~~Town Manager~~. The town accountant~~Town Accountant~~ may disallow and refuse to approve for payment any claim as fraudulent, unlawful or excessive, and in such case the town accountant~~Town Accountant~~ shall file with the ~~Town town Treasurer treasurer/collector~~ a written statement of the reasons for such refusal.
  - (4) The town accountant~~Town Accountant~~ shall keep a complete set of books and the accounts shall be kept, so far as practicable, in conformity with the classifications and forms prescribed by the ~~d~~Director of aAccounts in accordance with MGL c. 44, § 43. The town accountant~~Town Accountant~~ shall have custody of all contracts of the town~~Town~~.
  - (5) The town accountant~~Town Accountant~~ shall immediately upon the close of the calendar year

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compile statements in tabulated form and shall forthwith furnish a copy of this compilation to the town manager and to the finance committee. The statements shall show the following:

- (a) ~~showing~~ the amounts appropriated and the amounts expended from each appropriation during the preceding fiscal year;
- (b) ~~the~~ amounts appropriated for the current fiscal year, and the amounts expended from such appropriations during the first six months of such year and the amounts estimated to be expended from such appropriations during the second six months of such year; ~~and~~
- (c) the estimates for the next ensuing fiscal year, and shall forthwith furnish a copy thereof to the ~~town manager~~Town Manager, and to the ~~finance committee~~Finance Committee.

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- (6) The ~~town accountant~~Town Accountant shall make an annual report, to be published as a town document.

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#### § 4-402 **Animal Control Officer.**

- A. Establishment. There shall be an ~~a~~Animal ~~c~~Control ~~o~~Officer who shall have all of the powers and duties of a dog officer, as provided in MGL c. 140, § 151A, and all of the powers and duties of a field driver, as provided in MGL c. 49, §§ 22 to 41.
- B. Mode of appointment; term of office. The ~~town manager~~Town Manager shall, annually, appoint an animal control officer ~~Animal Control Officer~~ and such assistants as may be required and authorized, and ~~who said officer and assistants~~ shall hold office for one year or until their successors are qualified.
- C. The animal control officer ~~Animal Control Officer~~ shall come under the control and jurisdiction of the Northbridge Police Department. [Added 10-24-2006 ATM, ~~Art.~~art. 231]
- D. Authorities and responsibilities.

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- (1) The animal control officer ~~Animal Control Officer~~ shall attend to all complaints or other matters pertaining to dogs and other animals in the ~~town~~Town.
- (2) The animal control officer ~~Animal Control Officer~~ shall be responsible for the enforcement of all laws relating to the care, custody and control of dogs (MGL c. 140, §§ 136A—174). The animal control officer ~~Animal Control Officer~~ shall be responsible for the enforcement of all laws relating to the care, custody and control of other animals found at large in the town (MGL c. 49, §§ 22—41).

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#### § 4-403 **Animals, inspector of.**

- A. Establishment. There shall be ~~an one or more~~ inspectors of ~~a~~Animals as provided in MGL c. 129, §§ 15 to 25.
- B. Mode of appointment; term of office. The ~~town manager~~Town Manager shall annually, in March, nominate one or more inspectors of animals ~~Inspectors of Animals~~, and before April first, shall send to the ~~d~~Director of ~~a~~Animal ~~h~~Health of the commonwealth the name, address and occupation of each nominee. Such nominee shall not be appointed until approved by the ~~d~~Director of ~~a~~Animal ~~h~~Health of the commonwealth (MGL c. 129, § 15).

C. Authorities and responsibilities. Each ~~inspector of animals~~ ~~Inspector of Animals~~ shall comply with and enforce all orders and regulations directed to ~~him-them~~ by the ~~d~~Director of ~~a~~Animal ~~h~~Health (MGL c. 129, § 18). Inspectors of ~~a~~Animals shall make regular and thorough inspections of all neat cattle, sheep and swine found within the town limits. Such inspections shall be made at such times and in such manner as the ~~d~~Director of ~~a~~Animal ~~h~~Health shall from time to time order. Inspectors of ~~a~~Animals shall also from time to time make inspections of all other domestic animals within the limits of the town if they know, or have reason to suspect, that such animals are affected with or have been exposed to any contagious disease, and ~~inspectors of animals~~ shall immediately inspect all domestic animals and any place where any such animals are kept whenever directed so to do by the ~~d~~Director of ~~a~~Animal ~~h~~Health (MGL c. 129, § 19).

§ 4-404 **Appraiser, ~~p~~Principal.**

- A. Establishment. There shall be a ~~p~~Principal ~~a~~Appraiser.
- B. Mode of appointment; term of office. The ~~town manager~~ ~~Town Manager~~, after consultation with the members of the ~~board of assessors~~ ~~Board of Assessors~~ shall appoint the ~~p~~Principal ~~a~~Appraiser.
- C. Authorities and responsibilities.
- (1) The ~~principal appraiser~~ ~~Principal Appraiser~~ shall appraise real and personal property in the town; perform field measurements and inspections of residential and commercial buildings, including new buildings, additions, major alterations, demolition and partial construction; ~~also inspects~~ land and land changes resulting from map changes, deed transfers and subdivision changes, using appropriate appraisal techniques; ~~makes estimate of~~ ~~estimate the~~ market value of properties; ~~and keeps~~ appraised of all deed transfers and checks ~~deeds~~ for ownership.
  - (2) The ~~principal appraiser~~ ~~Principal Appraiser~~ maintains ~~a~~ record file system on permanent properties including collected data and calculated cost, with depreciation, current market and assessed valuation considered.
  - (3) The ~~principal appraiser~~ ~~Principal Appraiser~~ performs other related duties, as required.

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§ 4-405 **Buildings, ~~i~~Inspector of.**

- A. Establishment. There shall be a ~~building inspector~~ ~~Building Inspector~~ as provided in MGL c. 143, § 3.
- B. Mode of appointment. The ~~town manager~~ ~~Town Manager~~ shall appoint a ~~building inspector~~ ~~Building Inspector~~. The person appointed as ~~building inspector~~ ~~Building Inspector~~ shall have at least the qualifications ~~as are provided~~ ~~stated~~ in MGL c. 143, § 3.
- C. Authorities and responsibilities.
- (1) The ~~building inspector~~ ~~Building Inspector~~ shall make ~~such~~ inspections, issue such permits and enforce such regulations and by ~~laws~~ as may be required by the ~~town~~ ~~Town~~ or under the ~~s~~State ~~b~~Building ~~c~~Code and may for such purposes, at all reasonable times, enter upon premises to carry out such lawful procedures. The ~~building inspector~~ ~~Building Inspector~~ shall be responsible for the

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enforcement of the provisions of MGL c. 143 and 780 CMR within the town~~Town~~.

- (2) The building inspector~~Building Inspector~~ shall serve as the zoning~~e~~Enforcement officer as provided in MGL c. 40A, § 7.
- (3) The building inspector~~Building Inspector~~ shall serve as one of the fence~~v~~iewers. (See MGL c. 49, § 1.) [Added 10-25-2011 ATM, ~~Art.~~ art. 7]

§ 4-406 Civil~~d~~efense, director of.

- A. Establishment. There shall be a department of civil defense as provided in Chapter 639 of the Acts of 1950, as amended.
- B. Mode of appointment. The town manager~~Town Manager~~ shall appoint a director of civil defense~~Civil Defense~~.
- C. Authorities and responsibilities. The director of civil defense~~Civil Defense~~ shall be responsible for preparing and carrying out all emergency functions and services, including but not limited to police and fire-fighting services; medical and other health services; rescue engineering and air-raid warning services; evacuation of persons from stricken areas; emergency welfare services; communications; radiological, chemical and other special weapon of defense; emergency transportation; existing or property assigned functions of plant protection; temporary restoration of public utility services and other functions. The director of civil defense~~Civil Defense~~ shall have all other powers and duties given to directors of civil defense by general laws of the commonwealth and the town~~Town-by-law~~bylaws.

§ 4-407 Town~~c~~lerk.

- A. Establishment. There shall be a town clerk~~Town Clerk~~.
- B. Mode of appointment. The town manager~~Town Manager~~ shall appoint a town clerk~~Town Clerk~~.
- C. Authorities and responsibilities. The town clerk~~Town Clerk~~ shall be the keeper of vital statistics for the town~~Town~~, shall be the custodian of the town~~Town's~~Seal and of all other records of the town~~Town~~, shall administer the oath of office to all town~~Town~~-officers who are required to be sworn to their office, shall be the clerk of the town meeting~~Town Meeting~~, shall issue all such licenses and permits as are provided by law and shall be responsible for the conduct of all elections held in the town~~Town~~ and of all other matters relating to elections. The town clerk~~Town Clerk~~ shall have all of the other powers, duties and responsibilities which are given to town clerks by general laws.

§ 4-408 ~~Collector-Treasurer~~Treasurer/collector.

- A. Establishment. There shall be a town~~Town~~ collector-treasurer~~collector-treasurer~~treasurer/collector. (See MGL c. 41, §§ 35—47.)
- B. Mode of appointment. The town manager~~Town Manager~~ shall appoint a town~~Town~~ treasurer/collector~~Collector-Treasurer~~.
- C. Authorities and responsibilities. The town~~Town~~ treasurer/collector~~Collector-Treasurer~~ shall collect all



accounts due to the ~~town~~Town. The ~~treasurer/collector~~ ~~Collector-Treasurer~~ shall, upon receiving a tax list and warrant from the ~~board of assessors~~, ~~Board of Assessors~~ collect the taxes, and any interest thereon. The ~~treasurer/collector~~ ~~Collector-Treasurer~~ shall have all of the other powers, duties and responsibilities which are given to collectors of taxes by general laws. (See MGL c. 41, § 38; c. 60, generally.) The ~~treasurer/collector~~ ~~Collector-Treasurer~~ shall receive and take charge of all money belonging to the ~~Town~~town. The ~~treasurer/collector~~ ~~Collector-Treasurer~~ shall, according to the orders of the ~~town~~Town or its authorized officers, pay out and account for all disbursements ~~in-on~~ behalf of the ~~town~~Town. The ~~treasurer/collector~~ ~~Collector-Treasurer~~ shall annually render a true account of receipts and disbursements and report on all official acts. The ~~Town-town~~ ~~treasurer/collector~~ ~~Collector-Treasurer~~ shall have all ~~of~~ the other powers and duties which are given to town treasurers by general laws (MGL c. 41, §§ 35—43A).

§ 4-409 **Constables.**

- A. Establishment. There shall be one or more constables. (See MGL c. 41, §§ 91—through-95.)
- B. Mode of appointment. The ~~board of selectmen~~ ~~Board of Selectmen~~ shall appoint constables for terms of three years each.
- C. Authorities and responsibilities. Constables may serve certain civil writs and processes. They have the powers of sheriffs to require aid in the execution of their duties. Constables take due notice of and prosecute all violations of law, ~~respecting the observance of the Lord's Day, profane swearing and gaming~~. Constables also serve all processes directed to them by the ~~board of selectmen~~ ~~Board of Selectmen~~ of the ~~town~~Town, for notifying of ~~town meetings~~ ~~Town Meetings~~ and elections or for other purposes. (See MGL c. 41, §§ 61—through-95.)

§ 4-410 **Counsel, ~~t~~Town.**

- A. Establishment. There shall be a ~~town counsel~~ ~~Town Counsel~~.
- B. Mode of appointment; term of office. The ~~board of selectmen~~ ~~Board of Selectmen~~ shall, annually, appoint some qualified attorney or firm to serve as ~~town counsel~~ ~~Town Counsel~~ for the ensuing year. **[Amended 10-24-2006 ATM, Art-art. 23]**
- C. Authorities and responsibilities.
  - (1) The ~~town counsel~~ ~~Town Counsel~~ shall be responsible for the legal affairs of the ~~town~~Town and shall personally provide, or, shall personally supervise the provision by others, of, all legal services necessary for the proper and efficient conduct of the ~~town~~Town's affairs. The ~~town counsel~~ ~~Town Counsel~~ shall keep the ~~board of selectmen~~ ~~Board of Selectmen~~ fully ~~appraised~~ ~~apprised~~ of the status of all legal matters affecting the town by frequent oral and written reports either directly to it or to it through the ~~town manager~~ ~~Town Manager~~. At least monthly the ~~town counsel~~ ~~Town Counsel~~ shall file a written report summarizing activities during the preceding month. In all matters assigned for trial to outside attorneys provision shall be made requiring such Counsel to meet with the ~~board of selectmen~~ ~~Board of Selectmen~~, at such times as may be determined by the ~~board of selectmen~~ ~~Board of Selectmen~~, for pretrial conferences and status reports.

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(2) The ~~town counsel~~ Town Counsel shall devote some portion of time, to be determined by the Board of Selectmen from time to time, to consist of regular office hours at the Town Hall, for the convenience of Town agencies. The ~~Town Counsel~~ shall also be available to meet and confer with ~~town~~ Town officers and employees, department heads and multiple-member bodies at any time mutually convenient to the parties.

(3) The duties of the ~~town counsel~~ Town Counsel shall specifically include, but are not to be construed as limited to, the following matters:

- (a) ~~Title-Conduct title~~ examinations for all real estate and other property to be acquired by the ~~town~~ Town and; ~~approval of~~ deeds and other instruments in writing under which the ~~town~~ Town takes title to the same.
- (b) Draft all deeds, leases, conveyances and releases to be executed ~~in-on~~ behalf of the ~~town~~ Town and all contracts, bonds, obligations or other agreements in writing whereby the ~~town~~ Town assumes any pecuniary, contractual or other liability to be executed by any ~~town~~ Town official, board, department or committee by virtue of any special or general authorization.
- (c) Draft formal orders, notices, votes, adjudications or decrees for the layout, relocation, alteration or discontinuance of ~~town~~ Town ways and for the taking of lands or interests in lands, ~~in-on~~ behalf of the ~~town~~ Town, by purchase or eminent domain, for any municipal purpose.
- (d) Attend all ~~town meetings~~ Town Meetings and, at the request of the ~~moderator~~ Moderator thereof, advise the ~~town meeting~~ Town Meeting on questions of law relating to the subject matter of any matter before the ~~town meeting~~ Town Meeting and as to the form of proposed votes or motions or the legality of any particular action proposed to be taken by the ~~town meeting~~ Town Meeting.
- (e) Provide advice or opinion to all elective or appointive ~~town~~ Town officers, multiple-member bodies or departments as to any function of their respective offices or on any specific question of law in relation thereto.
- (f) Appear and act as attorney for the ~~town~~ Town or for any ~~town~~ Town officer in their official capacity, in any suit, action, complaint or court proceedings in which the ~~town~~ Town, or such ~~town~~ Town officer in their official capacity, is a party plaintiff or a party defendant, subject to the advice and consent of the ~~board of selectmen~~ Board of Selectmen.
- (g) Appear and act for the ~~town~~ Town and its officers, boards and committees before (i) state and county boards and officials, (ii) executive departments and (iii) committees of the legislature, in all proceedings involving the rights, duties or interests of the ~~town~~ Town, subject to the request and direction of the ~~board of selectmen~~ Board of Selectmen.
- (h) Appear for and defend any ~~town~~ Town officer against whom in person any suit or proceedings in court has been brought, founded on an official action performed in good faith relative to a

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matter in which the ~~town~~ Town in its corporate capacity has a duty to perform, a right to defend or an interest to protect, provided that the ~~board of selectmen~~ Board of Selectmen, at the request of such officer, directs the ~~town counsel~~ Town Counsel, in writing, so to do.

- (i) Advise the ~~board of selectmen~~ Board of Selectmen with respect to the question of whether or not to compromise and settle claims or suits against the ~~town~~ Town.
  - (j) Develop, organize and maintain, in current status, all ~~town~~ Town-legal files and records, including both paper and computer data information.
  - (k) Perform such other duties related to the office of ~~town counsel~~ Town Counsel as may from time to time be assigned by vote of the ~~board of selectmen~~ Board of Selectmen.
- (4) Additional counsel; special counsel. No ~~town~~ Town-agency shall, unless authorized by a vote of the ~~town~~ Town, or a vote of the ~~board of selectmen~~ Board of Selectmen, employ, advise with or consult any attorney or counselor at law, other than the ~~town counsel~~ Town Counsel, with regard to ~~its said agency's~~ its duties, or to any ~~town~~ Town-business, provided, however, that whenever a jurisdictional dispute shall arise between two or more ~~town~~ Town-agencies and the matter appears to be one which is proper for a judicial determination such authorization shall not be denied. In such cases it is recognized that the ~~town counsel~~ Town Counsel might be embarrassed or inconvenienced by a conflict of interest or by the appearance of a conflict of interest. To avoid this, separate, independent counsel shall be employed by the ~~town~~ Town. The ~~town counsel~~ Town Counsel shall decide which agency (if any) it wishes to represent.

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§ 4-411 ~~Fence~~ Viewers.

- A. Establishment. There shall be two or more ~~fence~~ viewers as provided in MGL c. 49, §§ 1-21.
- B. Mode of appointment; term of office. The ~~town manager~~ Town Manager shall annually appoint two or more ~~fence viewers~~ Fence Viewers, one of whom shall be the ~~building inspector~~ Building Inspector, to hold office for one year and until their successors are qualified. [Amended 10-25-2011 ATM, ~~Art.~~ art. 7]
- C. Authorities and responsibilities. The ~~fence viewers~~ Fence Viewers shall be responsible for the enforcement of MGL c. 49, §§ 1-21, and may determine when a partition fence is required. They shall have all of the other powers and duties given to ~~fence viewers~~ Fence Viewers by the general laws of the commonwealth.

§ 4-412 ~~Fire~~ chief and ~~fire~~ department.

- A. Establishment. There shall be a ~~fire~~ department, headed by a ~~fire~~ chief. (See MGL c. 48, §§ 42-44.)
- B. Mode of appointment. The ~~town manager~~ Town Manager shall appoint a ~~fire~~ chief who shall appoint such number of firefighters as may otherwise be authorized.
- C. Authorities and responsibilities. The ~~fire chief~~ Fire Chief shall be responsible for the organization,

training and direction of ~~f~~Fire ~~d~~Department personnel involving firefighting, fire prevention, firesafety inspection and investigation and emergency medical services. The ~~fire chief Fire-Chief~~ shall have full charge of extinguishing fires ~~and~~; shall be in immediate control of all town property used by the ~~d~~Department; and of the officers and firefighters, who shall obey his orders. The ~~fire chief Fire-Chief~~ shall have the powers, duties and responsibilities of a forest warden as provided in MGL c. 48, §§ 8 ~~through~~ 12. The ~~fire chief Fire-Chief~~ has other extensive authority; in fire prevention; pursuant to the provisions of MGL c. 148; and ~~has~~ other authority.

§ 4-413 **Forest Warden.**

- A. Establishment. There shall be a ~~forest wardenForest-Warden~~. (See MGL c. 48, § 8.)
- B. Mode of appointment. The ~~fire chief Fire-Chief~~ shall serve by virtue of office as ~~f~~Forest ~~w~~Warden.
- C. Authorities and responsibilities.
  - (1) The ~~f~~Forest ~~w~~Warden may appoint deputies to assist ~~him in his~~them in their duties and may discharge them, and ~~he or his~~the forest warden or their deputies may, if in their judgment there is any danger from a forest fire, ~~employ assistance or require~~ask any ~~male~~ person in their town between the ages of 18 and 50 to aid in the extinguishment or prevention.
  - (2) The ~~forest warden Forest-Warden~~ may arrest without warrant any person found in the act of setting, maintaining or increasing a fire in violation of MGL c. 48, § 13.

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§ 4-414 **Gas ~~p~~Piping and ~~g~~Gas ~~a~~Appliances, ~~i~~Inspector of.**

- A. Establishment. There shall be an ~~i~~Inspector of ~~g~~Gas ~~p~~Piping and ~~g~~Gas ~~a~~Appliances as provided in MGL c. 143, § 30.
- B. Mode of appointment; term of office. The ~~town manager Town-Manager~~ shall appoint an ~~i~~Inspector of ~~g~~Gas ~~p~~Piping and ~~g~~Gas ~~a~~Appliances annually, in June, who shall serve until a successor has been appointed and qualified.
- C. Authorities and responsibilities. The ~~i~~Inspector of ~~g~~Gas ~~p~~Piping and ~~g~~Gas ~~a~~Appliances is responsible for the enforcement of the rules and regulations adopted by the Gas Regulatory Board ~~of the Commonwealth of Massachusetts~~, created by MGL c. 25, § 12H. The ~~i~~Inspector of ~~g~~Gas ~~p~~Piping and ~~g~~Gas ~~a~~Appliances shall have all other powers and duties given to an ~~i~~Inspector of ~~g~~Gas ~~p~~Piping and ~~g~~Gas ~~a~~Appliances by the general laws of the commonwealth (MGL c. 143, § 30).

§ 4-415 **Lockup officer.**

- A. Establishment There shall be a ~~k~~Keeper of the ~~l~~Lockup. (See MGL c. 40, § 35.)
- B. Mode of appointment. The ~~town manager Town-Manager~~ shall, annually, after consultation with the ~~p~~Police ~~c~~Chief, appoint a ~~keeper of the lockup, who shall be the police chief by virtue of their position~~Keeper of the Lockup.
- C. Authorities and responsibilities. The ~~keeper of the lockup Keeper-of-the-Lockup~~ shall have the care and

custody of the town lockup and of all persons who are committed to the lockup, as provided in MGL c. 40, §§ 34—37, ~~inclusive~~.

§ 4-416 **Measurers of ~~w~~Wood and ~~b~~Bark.**

- A. Establishment. There shall be one or more ~~m~~Measurers of ~~w~~Wood and ~~b~~Bark. (See MGL c. 94, §§ 296—~~to~~303.)
- B. Mode of appointment. The ~~s~~Sealer of ~~w~~Weights and ~~m~~Measures shall serve by virtue of office as a ~~m~~Measurer of ~~w~~Wood and ~~b~~Bark.
- C. Authorities and responsibilities. The ~~m~~Measurers of ~~w~~Wood and ~~b~~Bark shall be responsible for the enforcement of the laws relating to the sale of wood and bark within the town as provided in MGL c. 94, ~~§~~ §§ 296—~~to~~303, ~~inclusive~~.

§ 4-417 **Parking ~~c~~Clerk.**

- A. Establishment. There shall be a ~~p~~Parking ~~c~~Clerk. (See MGL c. 90, § 20A.)
- B. Mode of appointment. The ~~town manager~~ ~~Town Manager~~ shall appoint the ~~p~~Parking ~~c~~Clerk.
- C. Authorities and responsibilities. The ~~p~~Parking ~~c~~Clerk shall report to the ~~town manager~~ ~~Town Manager~~ and shall supervise and coordinate the processing of parking notices in the town as provided in MGL c. 90, § 20A—E.

§ 4-418 **Plumbing ~~i~~nspector.**

- A. Establishment. There shall be a ~~p~~Plumbing ~~i~~nspector as provided in MGL c. 142, § 11, ~~and there shall be an assistant plumbing inspector~~.
- B. Mode of appointment. ~~The Annually, in June, the town manager~~ ~~Town Manager~~ shall appoint the ~~p~~Plumbing ~~i~~nspector ~~annually, in June~~, who shall serve until a successor has been appointed and qualified.
- C. Authorities and responsibilities. The Plumbing Inspector shall be responsible for the enforcement of all rules and regulations with regard to the construction, alteration and repair of all plumbing in the ~~town~~ ~~Town~~. (See MGL c. 142, §§ 11 - 13, and c. 142, generally).

§ 4-419 **Police ~~c~~Chief and ~~p~~Police ~~d~~Department.**

- A. Establishment. There shall be a ~~p~~Police ~~d~~Department headed by a ~~c~~Chief of ~~p~~Police, as provided in MGL c. 41, §§ 96—~~through~~99A.
- B. Mode of appointment; ~~term of office~~. The ~~town manager~~ ~~Town Manager~~ shall appoint a ~~chief of police~~ ~~Chief of Police~~ and such other officers as may otherwise be authorized.
- C. Authorities and responsibilities.
  - (1) The ~~chief of police~~ ~~Chief of Police~~ shall plan, direct and administer the activities of the ~~p~~Police ~~d~~Department in supplying the public safety services under the police, including law enforcement,

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crime prevention and traffic safety.

- (2) The ~~chief of police~~ Chief of Police shall from time to time make suitable regulations governing the ~~police department~~ Police Department and the police officers.
- (3) The ~~chief of police~~ Chief of Police shall be in immediate control of all town property used by the ~~d~~Department, and of the police officers, whom ~~he the chief~~ shall assign to their respective duties and who shall obey ~~his the chief's~~ orders.

§ 4-420 **Public wWorks, dDepartment and dDirector of.**

- A. Establishment. There shall be a department of public works~~Department of Public Works~~, headed by a dDirector of pPublic wWorks, ~~which shall be responsible for the performance of all public works related activities of the Town including operation, maintenance, repair, design, and construction of all public works.~~ [Amended 10-24-2006 ATM, ~~Art-~~ art. 23]
- B. Mode of appointment; term of office. The department of public works ~~Department of Public Works~~ shall be under the direct control and supervision of a director of public works, ~~Director of Public Works~~ who shall be appointed by and ~~who shall~~ be responsible to the town manager~~Town Manager~~. The director of public works ~~Director of Public Works~~ shall serve for an indefinite term. The town manager may enter into an employment contract with the director of public works for salary, fringe benefits and other conditions of employment, including but not limited to the following: severance pay; relocation expenses; reimbursement for expenses incurred in the performance of the director's duties or office; liability insurance; conditions of discipline, termination, dismissal and reappointment; performance standards; and leave. The director of public works~~Director of Public Works~~ shall be a person especially fitted by education, experience and training to perform the duties of the office.
- C. Authorities and responsibilities.
  - (1) The department of public works ~~Department of Public Works~~ shall assume all of the duties and responsibilities related to public works activities ~~which prior to the adoption of the Home Rule Charter were performed by or under the Tree Warden, Director of Public Works, Sewer Commissioners, Cemetery Commissioners, Playground and Recreation Commission and Board of Selectmen.~~
  - (2) The director of public works ~~Director of Public Works~~ shall be responsible for the supervision and coordination of all activities of the department of public works ~~Department of Public Works~~ in accordance with state statutes, town by-law~~bylaws~~, administrative codes and rules and regulations.
  - (3) The office of ~~t~~Free wWarden shall be continued as a division within the department of public works~~Department of Public Works~~, and an individual shall be appointed to serve in such capacity. ~~A Board of Playground and Recreation Commissioners shall continue to serve, by appointment, to plan, supervise, operate and conduct programs of sport and recreational activities, but it shall have no responsibility for the day-to-day maintenance of land or facilities.~~

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§ 4-421 **Superintendent of ~~s~~Shade ~~f~~Tree ~~m~~Management and ~~p~~Pest ~~c~~Control.**

- A. Establishment. There shall be a ~~s~~Superintendent of ~~s~~Shade ~~f~~Tree ~~m~~Management and ~~p~~Pest ~~c~~Control. (See MGL c. 132, § 13.)
- B. Mode of appointment. The ~~director of public works~~ ~~Director of Public Works~~ shall serve by virtue of office as ~~superintendent of shade tree management and pest control~~ ~~Superintendent of Shade Tree Management and Pest Control~~ (MGL c. 132, § 13).
- C. Authorities and responsibilities. The ~~superintendent of shade tree management and pest control~~ ~~Superintendent of Shade Tree Management and Pest Control~~ shall be responsible for the suppression of the public nuisances named in MGL c. 132, § 11, including ~~spongy moths (*Lymantria dispar*; formerly known as gypsy moths)~~ and brown-tailed moths, tent caterpillars, cankerworms, ~~o~~Oriental hag moths, fall webworm, Japanese beetles and other insects which destroy forest and shade tree foliage. (See MGL c. 132, § 13, ~~and~~; see c. 132, generally.)

§ 4-422 **Veterans' ~~s~~Services ~~d~~Director.**

- A. Establishment. There shall be a ~~v~~Veterans' ~~s~~Services ~~d~~Director as provided in MGL c. 115, § 10, ~~who may, with the approval of the town manager, serve in one or more municipalities besides the town of Northbridge.~~
- B. Mode of appointment; term of office. The ~~town manager~~ ~~Town Manager~~ shall appoint the ~~veterans' services director~~ ~~Veterans' Services Director~~.
- C. Authorities and responsibilities.
- (1) The ~~veterans' services director~~ ~~Veterans' Services Director~~ shall furnish information, advice and assistance to veterans relative to employment, education, medical care, pensions and other benefits to which they are or may be entitled (MGL c. 115, §§ 10—14).
  - (2) The ~~veterans' services director~~ ~~Veterans' Services Director~~ shall also serve as the veterans' graves officer ~~responsible to see and shall, as such, ensure~~ that every veteran's grave is suitably kept and cared for. (See MGL c. 115, § 9.)
  - (3) The ~~veterans' services director~~ ~~Veterans' Services Director~~ shall also serve as the veterans' burial agent ~~responsible to see and shall, as such, ensure~~ that the body of any indigent veteran, or dependent of such veteran, is property interred. (See MGL c. 115, § 8.)

§ 4-423 **Sealer of ~~w~~Weights and ~~m~~Measures.**

- A. Establishment. There shall be a ~~s~~Sealer of ~~w~~Weights and ~~m~~Measures. (See MGL c. 98, §§ 34—through 56D.)
- B. Mode of appointment; term of office. The ~~town manager~~ ~~Town Manager~~ shall ~~annually~~ appoint a ~~s~~Sealer and may appoint one or more deputies to act under the direction of the ~~sealer of weights and measures~~ ~~Sealer of Weights and Measures~~.

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- C. Authorities and responsibilities. The ~~sealer of weights and measures~~ ~~Sealer of Weights and Measures~~ shall test, adjust and seal all devices used for the weighing or measuring of commodities and be responsible for the enforcement of all laws relating to weights and measures.

§ 4-424 **Tree wWarden.**

- A. Establishment. There shall be a ~~tFree wWarden~~. (See MGL c. 87, § 2.)
- B. Mode of appointment. The ~~director of public works~~ ~~Director of Public Works~~ shall serve by virtue of office as the ~~tree warden~~ ~~Free Warden~~.
- C. Authorities and responsibilities. The ~~tree warden~~ ~~Free Warden~~ shall have the care and custody of all public shade trees, shrubs and growths in the ~~town~~ ~~Town~~, except those within a state highway ~~or under the control of the Park Commissioners~~ (MGL c. 87, § 2).

§ 4-425 **Wiring iInspector.**

- A. Establishment. There shall be a ~~wWiring iInspector~~. (See MGL c. 166, § 32.)
- B. Mode of appointment; term of office. The ~~town manager~~ ~~Town Manager~~ shall, annually ~~in June~~, appoint a ~~wiring inspector and an assistant wiring inspector, each~~ ~~Wiring Inspector~~ to hold office for one year. The ~~iInspector~~ shall be a licensed electrician.
- C. Authorities and responsibilities.
- (1) The ~~wiring inspector~~ ~~Wiring Inspector~~ shall administer and enforce the provisions of the Commonwealth of Massachusetts Electrical Code.
  - (2) The ~~wiring inspector~~ ~~Wiring Inspector~~ shall supervise every wire over or under streets or buildings and every wire within a building designed to carry ~~an electric~~ ~~light, heat or power~~ current. (See MGL c. 166, § 32).

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## Chapter 5 Financial Regulations

[HISTORY: Adopted by the ~~ATM Annual Town Meeting 10-28-1997~~, ~~Art-art~~, 26. Amendments noted where applicable.]

§ 5-101 **Purchasing and other procurements.**

The ~~town manager~~ ~~Town Manager~~ shall be the ~~cChief~~ ~~pProcurement~~ ~~oOfficer~~ of the Town of Northbridge for purposes of MGL c. 30B and, in addition, shall have all of the powers of a purchasing agent, as provided in MGL c. 41, § 103. The ~~town manager~~ ~~Town Manager~~, acting as ~~cChief~~ ~~pProcurement~~ ~~oOfficer~~ and as purchasing agent, may delegate all or any portion of the responsibility for purchases and procurements to other officers and agencies but, notwithstanding any such delegation, shall retain the authority to supervise every purchase and procurement.



§ 5-102 **Trust Funds.**

The ~~town~~ ~~Town~~ ~~Treasurer~~ ~~treasurer/collector~~ shall be the custodian of all funds given or bequeathed to the ~~town~~ ~~Town~~ for any purpose and shall manage and invest such sums in the same manner and with the same restrictions as apply to how other municipal funds are managed and invested. The ~~town~~ ~~Town~~ ~~treasurer/collector~~ ~~Treasurer~~ shall annually file a report ~~which shall be printed in the annual Town report,~~ ~~which shows~~ ~~showing~~ the beginning balance in each fund, the interest earned during the year just ended, the amount expended (and unless an account is given elsewhere, the purposes for which such funds were expended) and the ending balance in each such account. This report shall be printed in the annual town report.

§ 5-103 **Employee off-duty work details.**

All money received by the ~~town~~ ~~Town~~ as compensation for work performed by one of its employees on an off-duty work detail shall be deposited in the ~~town~~ ~~Town~~ treasury and kept in a fund separate from other municipal funds. As provided in MGL c. 44, § 53C, the funds in such account may be used, without further appropriation, to compensate the employee for such services. A surcharge of 10% shall be added to the fee charged by the municipal agency for the service ~~which and~~ shall be paid by the person requesting the service. This fee shall be to cover the cost of administering the fund. When such service is performed for the town, the surcharge shall be waived.

§ 5-104 **Disposal of surplus property.**

- A. Personal property. Subject to such regulations regarding such disposition as may be promulgated by the ~~town manager~~ ~~Town Manager~~, the disposal of surplus personal property shall be governed by the provisions of MGL c. 30B, § 15.
- B. Real property. Subject to such regulations regarding such disposition as may be promulgated by the ~~town manager~~ ~~Town Manager~~, the disposal of surplus real property shall be governed by the provisions of MGL c. 30B, § 16.

§ 5-105 **Restriction on use of municipal vehicles.**

Town-owned vehicles are to be used only for the conduct and furtherance of ~~town~~ ~~Town~~ business and for no other purpose. No ~~town~~ ~~Town~~ vehicle shall in any circumstances be used for personal purposes unless authorized in any binding employment agreement.

§ 5-106 **Town ~~g~~Clerk's fees.**

- A. The fees to be charged by ~~town clerk~~ ~~Town Clerks~~ for recording various documents and providing copies of documents and records are set out in detail in MGL c. 262, § 34. The said section authorizes towns, by ~~by-law~~ ~~by law~~, to charge fees different than those established in the said c. 262, § 34. The Town of Northbridge does hereby adopt the following schedule of fees to apply in the office of its ~~town~~ ~~clerk~~ ~~Town Clerk~~.
- B. The following fees are hereby established and shall be collected by the ~~town clerk~~ ~~Town Clerk~~ in lieu of the fees otherwise provided: [**Amended 10-24-2006 ATM, Art. art. 23**]

Service	Fee
(+) For filing and indexing assignment for benefit of creditors	\$10.00

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Service	Fee
<del>(11)</del>	<del>For entering amendment of a record of the birth of child born out of wedlock subsequently legitimized</del> \$10.00
(12)	For correcting errors in a record of birth \$10.00
(13)	For furnishing certificate of a birth \$10.00
(13A)	For furnishing an abstract copy of a record \$10.00
(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 \$25.00
(21)	For filing, by a person conducting business under any title other than <del>his</del> <u>their</u> real name, of <del>(a)</del> a statement of change of <del>his</del> <u>his</u> residence or <del>(b)</del> <u>a statement</u> of <del>his</del> <u>their</u> discontinuance of, <del>their</del> retirement or withdrawal from, or <del>of</del> a change of location of such business No charge
(22)	For furnishing a certified copy of a certificate of a person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business \$5.00
<del>(24)</del>	<del>For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth</del> \$25.00
(25)	For correcting errors in a record of death \$10.00
(30)	For furnishing a certificate of death \$10.00
(30A)	For furnishing an abstract copy of a record of death \$10.00
<del>(37)</del>	<del>For issuing and recording licenses to keepers of intelligence offices</del> \$25.00
(38A)	For issuing and recording <u>a</u> licenses to <u>a</u> junk collectors \$50.00
(39)	For issuing and recording <u>a</u> pawnbroker's license \$100.00
(42)	For entering <u>a</u> notice of intention of marriage and issuing <u>a</u> certificates thereof \$20.00
(43)	For entering <u>a</u> certificate of marriage filed by persons married out of the commonwealth \$5.00
(44)	For issuing a certificate of marriage \$10.00
(44A)	For furnishing an abstract copy of a record of marriage \$10.00
(45)	For correcting errors in a record of marriage \$10.00
<del>(54)</del>	<del>For recording power of attorney</del> \$10.00
<del>(57)</del>	<del>For recording a certificate of registration granted to a person to engage in the practice of optometry or issuing a certified copy thereof</del> \$25.00
<del>(58)</del>	<del>For recording the name of the owner of a certificate</del> \$25.00

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Service	Fee
(62)	<p><del>of registration as a physician or osteopath in the commonwealth</del></p> <p>For recording an order granting locations of poles, piers, abutments or conduits; alterations or transfers thereof; and an increase in number of wires and cable or attachments under the provisions of MGL c. 166, § 22</p> <p><del>For A</del>additional streets <u>included in the order granting location</u></p>
(66)	<p>For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than \$5</p>
(67)	<p>For copying any manuscript or record pertaining to a birth, marriage or death (per page) \$5.00</p>
<del>(69)</del>	<p><del>For receiving and filing of a complete inventory of all items to be included in a closing-out sale, etc. (first page) \$10.00</del></p> <p><del>For each additional page \$2.00</del></p>
(75)	<p>For filing a copy of a written instrument or declaration of trust by the trustees of an association or trust or any amendment thereof as provided by MGL c. 182§ 2 \$20.00</p>
(78)	<p>For recording a deed of lot or plot in a public burial <u>place</u> or cemetery (first page) \$10.00</p>
(79)	<p><del>For R</del>ecording any other documents (first page) \$10.00</p> <p><del>For E</del>ach additional page \$2.00</p>

C.— ~~Additional fees to be charged by Town Clerk: [Added 10-24-2006 ATM, Art. 23]~~

~~Notarization and associated services fee, per document: \$1.25~~

§ 5-107 Fees and charges by municipal agencies.

A. Any municipal agency which is otherwise authorized to issue a license, certificate or permit; or to render a service or to perform work for a person or class of persons; may from time to time fix a reasonable fee for issuing the license, certificate or; permit or ~~for~~ rendering the service or ~~for~~ performing the work in the manner provided in MGL c. 40, § 22F.

B. No municipal agency shall establish a fee or charge pursuant to this section without the prior review and consent of the town manager, Town Manager and if the agency is appointed by the board of selectmen Board of Selectmen or by the school committee, then the agency shall not establish a fee or charge pursuant to this section ~~School Committee~~ without the consent of its appointing authority.

§ 5-108 Licenses and permits of delinquent taxpayers.

The ~~town~~ Town may deny any application for, ~~or~~ revoke or suspend a building permit or any local license or permit, including renewals and transfers issued by any board, officer, or department when the said permit or

~~license is applied for or held by~~ any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, including amounts assessed under the provisions of MGL c. 40, § 21-D. ~~The town may also deny any application for, revoke or suspend any local license or permit;~~ or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

A. Notice to ~~town~~ ~~Town~~ agencies of tax delinquency. The ~~treasurer/collector~~ ~~Treasurer/Collector~~ or other municipal officials responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "~~treasurer/collector~~~~Treasurer/Collector~~," shall annually furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, ~~the following~~ ~~documentation:~~

(1) a list of any persons, corporations or business enterprises—~~each such entity to be referred to;~~ hereinafter ~~referred to~~ as the "party," —that ~~has have~~ neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a ~~twelve~~12-month period and

(2) an affirmation that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the ~~state a~~Appellate ~~Fax b~~Board.

B. Written notice to be given before suspension or revocation takes effect. 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 ~~treasurer/collector~~ ~~Treasurer/Collector~~ or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the ~~treasurer/collector~~~~Treasurer/Collector~~; provided, however, that written notice is given to the party and the ~~treasurer/collector~~~~Treasurer/Collector~~, as required by applicable provisions of law, and ~~provided that~~ the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party.

C. Hearing. The ~~treasurer/collector~~ ~~Treasurer/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 purpose of such proceedings and shall not be relevant to or introduced in any 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 ~~treasurer/collector~~ ~~Treasurer/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 ~~town~~ ~~Town~~ as of the date of issuance of said certificate.

D. Payment agreement. Any party shall be given an opportunity to enter into a payment agreement, thereby

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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.

- E. Waiver. The ~~board of selectmen~~ 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 by members of ~~his~~ the property owner's immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.
- F. Exceptions. This section shall not apply to the following licenses and permits granted under the Massachusetts General Laws: open burning (c. 48, § 13); bicycle permits (c. 85, § 11A); sales of articles for charitable purposes (c. 101, § 33); children's work permits (c. 149, § 69); clubs and; associations dispensing food or beverages licenses (c. 140, § 21E); dog licenses (c. 140, § 137); fishing, hunting, trapping licenses (c. 131, § 12); marriage licenses (c. 207, § 28); and theatrical events and; public exhibition permits (c. 140, § 181).

**§ 5-109 Due dates for payments to town, interest on unpaid balances.**

- A. Unless some other provision is made by law which permits a longer time for payment, all bills for the payment of any sum due to the Town of Northbridge, for whatever purpose, shall be due on the 31st day following the date such bill has been issued.
- B. Interest shall be added to any balance which remains unpaid after such 31st day at the same rate as is provided in MGL c. 59, § 57.

**§ 5-110 Acceptance of gifts, grants, bequests, etc.**

- A. Any municipal agency may accept grants, gifts or bequests of funds from any other level or unit of government, from a charitable entity, from a private corporation, or from an individual or group of individuals when such funds are to be expended for purposes within the jurisdiction of the said municipal agency.
- B. All such funds so received shall be deposited with the ~~town~~ ~~Town-treasurer/collector~~ ~~Treasurer-~~ ~~Collector~~, held as a separate account and invested and reinvested by such officer in the manner provided for other municipal funds. The interest earned on such accounts shall remain with the funds so established and may be expended for the purposes for which the fund was established by the terms of the gift, grant, bequest or otherwise.
- C. The municipal agency may expend the funds in such accounts, with the approval of the board of selectmen ~~Board of Selectmen~~, for the purposes as specified in the gift or grant or bequest.
- D. The ~~treasurer/collector~~ ~~Treasurer-Collector~~ shall keep a list of all such funds as may be established pursuant to this section, ~~which and the said list~~ shall be kept in a place ~~for~~ convenient for public examination during regular office hours. A summary of the receipts and disbursements in each account so established shall be published annually in the ~~town~~ ~~Town-r~~Report.

E. This section is designed to implement and apply the provisions of MGL c. 44, § 53A.

§ 5-111 **Budget Calendar.**

[Amended 10-24-2006 ATM, ~~Art.~~ art. 23]

- A. In order to enable the ~~town manager Town Manager~~ to prepare the ~~townTown~~'s operating budget as required by ~~charterCharter~~, the ~~school committee School Committee~~ and all other municipal departments shall annually submit their proposed budgets for the ensuing fiscal year to the ~~town manager Town Manager~~ not later than ~~October-January~~ 31.
- B. The ~~town manager Town Manager~~ shall annually submit a draft of ~~his-their~~ proposed budget for the ensuing fiscal year to the ~~board of selectmen Board of Selectmen~~ and the ~~finance committee Finance Committee~~ not later than ~~December 31~~February 28.
- C. Not later than ~~February 15, or~~ 14 days after the ~~g~~Governor submits ~~his-a~~ proposed budget to the legislature pursuant to MGL c. 29 § 7H, ~~whichever occurs later~~, the ~~school committee School Committee~~ shall submit to the ~~town manager~~ any proposed revisions to its proposed budget for the ensuing year ~~to the Town Manager~~.
- D. The ~~town manager Town Manager~~ shall submit the final draft of ~~his-their~~ proposed operating budget to the ~~finance committee Board of Selectmen~~ not later than ~~February 28~~March 31.
- E. The ~~finance committee Board of Selectmen~~ shall review and approve the proposed budget, and the ~~town manager Town Manager~~ shall forward the approved budget to the ~~board of selectmen Finance Committee~~ not later than ~~March 15~~April 30.

§ 5-112 **Betterments.**

- A. Whenever the ~~town Town~~ shall construct or improve a public work, in the nature of a public utility, including but not limited to a sanitary sewer, ~~or-a~~ waterline, a private way or other improvement which provides a benefit to a particular class or group of persons and not to the public generally, the costs of such installation shall be apportioned as nearly as possible on the following basis:
- (1) ~~Seventy-five percent~~75% to the benefiting landowners;
  - (2) ~~Twenty-five~~25% percent to the ~~townTown~~.
- B. Such allocation of costs shall be made after all state and federal reimbursements have been deducted from the total cost of the work.
- C. The provisions of MGL c. 80 shall govern the implementation of this section.

§ 5-113 **Revolving funds.**

[Added 5-2-2017 ATM, ~~Art.~~ art. 8]

- A. There are hereby established in the Town of Northbridge, pursuant to the provisions of MGL c. 44, § 53E 1/2, the following revolving funds:

Program or Purpose	Representative or Board Authorized to Spend	Department Receipts
Playgrounds and recreation — field maintenance and improvements, equipment rental, support facilities	<del>p</del> Playground and <del>r</del> Recreation <del>c</del> Commission	Grants, donations, program user fees, fundraising proceeds
Food health and safety — inspections, plan reviews, supplies, and administrative costs	<del>b</del> Board of <del>h</del> Health	Food-related permit fees, plan review fees, noncompliance fees
Compost site — monitoring/monitor's salary, supplies, administrative costs	<del>b</del> Board of <del>h</del> Health	Fees from compost site stickers

B. Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by ~~town meeting~~ ~~Town Meeting~~ or any increase therein as may be authorized in accordance with MGL c. 44, § 53E 1/2.

~~C. The FY2020 spending limits for such revolving funds are set as follows: [Amended 5-7-2019 ATM, Art. 8]~~

<del>Program or Purpose</del>	<del>FY 2020 Spending Limit</del>
<del>Playgrounds and recreation</del>	<del>\$20,000</del>
<del>Food health and safety</del>	<del>\$20,000</del>
<del>Compost site</del>	<del>\$10,000</del>

## Chapter 6

# Use of Streets, Sidewalks and Other Public Places

[HISTORY: Adopted by the ~~Annual ATM Town Meeting 10-28-1997, Art. art. 26~~. Amendments noted where applicable.]

### ~~§ SECTION 6-100~~

#### ~~REGULATIONS GOVERNING THE USE OF STREETS, SIDEWALKS AND OTHER PUBLIC PLACES~~

~~§ 6-101 Definition of street.~~ The term *street* shall include any land located within the layout of the public roadway whether it is within the paved portion of the roadway or sidewalk or not.

~~§ 6-102 Enforcement.~~ Unless otherwise specified in this section, all regulations in this section shall be enforced by the director of public works or their designee.

#### ~~§ 6-103 Temporary closing of streets.~~ ~~Temporary closing of streets.~~

A. Director of ~~p~~Public ~~w~~Works. The ~~director of public works~~ ~~Director of Public Works~~ is hereby authorized to temporarily close any street or sidewalk if, in the opinion of the ~~director of public~~

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~~works~~Director of Public Works, public necessity, convenience or safety so requires. [Amended 10-24-2006 ATM, Art-art. 23]

- B. Police ~~c~~Chief. The ~~chief~~ Chief of ~~p~~Police is hereby authorized to temporarily close any street or sidewalk in an impending or existing emergency or for any lawful assemblage, demonstration or procession, provided that there is reasonable justification for the closing. [Amended 10-24-2006 ATM, Art-art. 23]
- C. Fire ~~c~~Chief. The ~~chief~~ Chief of the ~~f~~Fire ~~d~~Department is hereby authorized to temporarily close any street or sidewalk in an impending or existing emergency, provided that there is reasonable justification for the closing. [Amended 10-24-2006 ATM, Art-art. 23]
- D. Vehicles parked in places where parking is temporarily prohibited may be removed under the direction of a police officer to some convenient place by an independent contractor selected by the Chief of Police, and the owner of any vehicle so moved shall be liable for the cost of removal and storage. [Amended 10-24-2006 ATM, Art-art. 23; 10-25-2011 ATM, Art-art. 7]
- E. This section shall not apply to a vehicle legally parked prior to an impending or existing emergency insofar as the cost of removal and storage is concerned.

§ 6-10~~4~~<sup>1</sup> Permit required to obstruct streets or sidewalks.  
[Amended 5-1-2018 ATM, Art-art. 24]

- A. No person shall place, permit or cause to be placed in any street or sidewalk any merchandise, signs, furniture, tree, post, fence, curbstone, dirt, rubbish, wood, timber, snow, ice or material of any kind tending to obstruct or create a hazardous condition on a street or sidewalk without first obtaining a written permit from the ~~director of public works~~Director of Public Works.
- B. Every owner or person in control of a building abutting or adjacent to a street or sidewalk shall erect and maintain suitable barriers or take other suitable measures to prevent the falling of snow, ice or water from such building upon said street or sidewalk.

§ 6-10~~5~~<sup>2</sup> Permit required to excavate streets.  
[Amended 10-24-2006 ATM, Art-art. 23; 5-1-2018 ATM, Art-art. 24]

No person shall break or dig up the ground in any street or sidewalk or set up any post, fence, tree, curbstone or other obstruction in any street or sidewalk without first obtaining a written permit from the ~~director of public works~~Director of Public Works. ~~The term "street" shall include any land located within the layout of the public roadway whether it is within the paved portion of the roadway or sidewalk or not.~~

§ 6-10~~3~~<sup>6</sup> Use of streets by animals is restricted.  
[Amended 10-24-2006 ATM, Art-art. 23]

No person shall permit horses, cattle, sheep, or other animals upon any street unless the same are securely fastened to some safe hitching place or in the charge of a suitable keeper, and no horse shall be ridden on any sidewalk. (~~See Regarding restraint of dogs, see § 8-102 relating to dogs.~~)



§ 6-1074 **Permit required to place objects over streets and sidewalks.**

No person, unless required by law so to do, shall, without a written permit from the ~~board of selectmen~~Board of Selectmen, post, display, place or affix in any manner any sign, banner, placard, shade or awning on or over any street or sidewalk.

§ 6-1085 **Metal treads on vehicles prohibited.**

[Amended 10-24-2006 ATM, ~~Art.~~art. 23]

No person shall operate a vehicle having metal treads in any public street, unless otherwise authorized in writing by the ~~Director of the public works~~Department of Public Works. Any person who does so operate a vehicle on a public street shall be responsible to cover the cost of repairing any consequent damage to said public street.

§ 6-1096 **Discharges into streets and sewers restricted.**

[Amended 10-24-2006 ATM, ~~Art.~~art. 23]

No person shall discharge or cause or allow to be discharged into any storm drain, drain, street, sewer, sewer inlet, manhole or catch basin any water, ice, matter or anything which may tend to cause an obstruction or hazard therein or any injury thereto. Direct or indirect discharges from sump pumps ~~or from~~, perimeter, foundation ~~and or~~ area drains into the street are prohibited.

§ 6-1107 **Gates and doors not to open onto streets and sidewalks.**

No person shall allow any gate or door belonging to the premises under ~~his~~their control and adjoining any street or sidewalk to swing on, over or onto said street or sidewalk so as to interfere in any way with the use of the sidewalk or street.

§ 6-1108 **Tampering with warning signals and lights.**

No person shall extinguish any streetlight or extinguish or remove any light, warning signal or flare placed to denote an obstruction, construction or defect in any street or sidewalk without permission from the ~~director of public works~~Director of Public Works.

§ 6-1129 **Authority of police to move property from streets.**

Any fixture, structure or property which has been erected, placed or left in any street or sidewalk without a permit may be moved by or under the direction of a police officer and at the owner's expense.

§ 6-1130 **Authority to require indemnification.**

The board or officer issuing permits for the use of streets or sidewalks may, in ~~its~~their discretion, demand a suitable cash deposit, surety bond or insurance indemnity policy, to save the ~~town~~Town harmless from all liability of any nature whatsoever caused directly, or indirectly by such use of the streets or sidewalks.

§ 6-1141 **Entering closed streets or sidewalks prohibited.**

No person shall enter upon the surface of any street or sidewalk or section thereof when, by reason of construction, surface treatment, maintenance or the like or because of some unprotected hazard, such surface is closed to travel and one or more signs, lights or signals have been erected to indicate that the street or sidewalk is not to be used or when so advised by a police officer, watchman, public works employee or other representative of the ~~town~~Town, either audibly or by signals.

§ 6-1152 **Authority to order repair of private drains.**

The ~~board of health~~Board of Health may require the owner or occupant of an estate which drains into a private drain in a public or private way to put such drain in good repair and condition. Such person must comply with said order within 10 days after notice thereof. This section is adopted under the authority of

MGL c. 83, § 12, and enforcement shall be in conformity with such chapter.

§ 6-11~~63~~ **General street specifications.**  
[Amended 10-24-2006 ATM, ~~Art-~~art. 23]

~~All streets~~Every street hereinafter laid out or proposed to be accepted by the ~~town~~ Town as a public way shall be at least 40 feet in width and shall not be accepted unless a plan showing in detail the location and grade of such way is placed on file with the ~~town clerk~~ Town Clerk at least 14 days before the date of the ~~town meeting~~ Town Meeting at which layout or acceptance of such way as a public way is requested and unless the cross section of such way has been constructed at least to the same specifications as are required for street construction in the subdivision rules and regulations promulgated by the ~~p~~Planning ~~b~~Board. This section applies when the Subdivision Control Law of the Commonwealth of Massachusetts is not applicable.

§ 6-11~~74~~ **Maintenance and repair of private ways.**

A. Permitted maintenance and repairs.

- (1) When required by public necessity and/or in the interest of public safety, the following types of maintenance and repairs may be performed on approved private ways at a time and in a manner determined by the ~~director of public works~~ Director of Public Works or ~~his~~their designee:
  - (a) Grading, including the furnishing of gravel, fill or other materials as required to properly repair the roadway surface.
  - (b) Maintenance, repair or replacement of drainage systems, including piping, culverts, catch basins and other drainage structures.
  - (c) Patching of potholes and heaved areas.
  - (d) Crack sealing as required to preserve the integrity of the roadway surface.
- (2) In addition, such maintenance and repairs may be undertaken upon receipt of a petition signed by a minimum of 51% of the number of abutters to the private way. Upon completion of any such maintenance and repairs, the costs shall be apportioned in accordance with § 5-112 of these by-laws.

B. Annual expenditure of ~~town~~ Town funds; cash deposit; liability.

- (1) The annual expenditure of ~~town~~ Town funds on any individual private way for the above-listed maintenance and repairs shall not exceed ~~\$500-1,000~~ per mile or portion thereof for labor and materials; provided, however, that the ~~town meeting~~ Town Meeting may vote to waive this requirement by voting a specific sum of money for a specific repair or repairs to a specifically named and described private way.

~~(2) A cash deposit shall not be required prior to undertaking these maintenance and repairs.~~
- (~~2~~3) Neither the ~~town~~ Town nor its officers or employees shall be liable on account of any damages resulting from such maintenance and repairs.

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C. List of approved private ways. A complete list of all private ways to which this section applies shall be kept by the ~~town clerk~~Town-Clerk. The ~~director of public works~~Director of Public Works shall, annually, submit a list of additions or deletions to said list to be approved by the ~~board of selectmen~~Board of Selectmen at least 90 calendar days before the start of the fiscal year. All of the approved private ways shall be posted with an appropriate sign stating "Dangerous Private Way" at the points where they enter upon or unite with an existing public way.

§ 6-11~~85~~ **Traffic signs, signals and other devices.**

A. Authority to place and maintain signs and markings. The ~~board of selectmen~~Board of Selectmen is hereby authorized to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All official traffic signs, signals, markings and other devices shall conform to the requirements of the latest edition of the Manual on Uniform Traffic Control Devices as maintained by the United States Department of Transportation and any supplements thereto issued by the Department of Transportation of the Commonwealth of Massachusetts. **[Amended 10-24-2006 ATM, ~~Art.~~art. 23]**

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B. Authority to designate bus stops. The location of all bus stops shall be specified by the ~~board of selectmen~~Board of Selectmen, and said ~~b~~Board shall designate who may use them as such.

~~C. Signs and markings to conform to state standards. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Highway Department of the Commonwealth of Massachusetts.~~

~~CD.~~ Unlawful signs; removal. It shall be unlawful for any person to place or maintain or display upon or in view of any street any unofficial sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic signal or sign. The police and department of public works are hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed without notice.

~~DE.~~ Tampering with signs. No person shall deface, injure, move, obstruct or interfere with any official traffic sign, signal or marking.

§ 6-11~~96~~ **Permit required to conduct parade.**

No person shall form or conduct any parade in any street or sidewalk without a written permit from the ~~board of selectmen~~Board of Selectmen, and no person shall take part in any such parade that is not authorized by such permit.

§ 6-1~~2017~~ **Snow and ice removal.**

No person shall move snow or ice from private property to any street or sidewalk or move snow or ice from any street or sidewalk to some other place on said street or sidewalk without a written permit from the ~~director of public works~~Director of Public Works.

§ 6-1~~2148~~ **Noncriminal penalties.**

The provisions of this chapter may be enforced pursuant to the provisions of MGL C. 40, § 21D and § 1-109(A) of this ~~code~~Code of ~~by-laws~~bylaws. The penalty for the first offense shall be a warning, the penalty for the second and all subsequent offenses in the same calendar year shall be \$~~25~~300. Each day a violation

continues shall constitute a separate offense.

§ 6-12219 Whitinsville Social Library.  
[Added 10-27-2015 ATM, Art-art. 11]

The building located at 17 Church Street in the Village of Whitinsville shown on the Assessor’s Map 15A, parcel 135, shall be known only as the “Whitinsville Social Library,” which is the public library of the Town of Northbridge.

~~§~~ SECTION 6-200  
SCENIC ROADS  
[Added 10-25-2005 ATM, Art-art. 12]

§ 6-201 Definitions.

In the absence of contrary meaning established through legislative or judicial action pursuant to MGL, Chapter c. 40, § Section 15C, the following terms used in this by-law bylaw shall be defined as follows:

- A. ~~cCutting or rRemoval of tTrees~~ — ~~Shall mean~~ Means the removal of one or more trees and/or the removal of tree limbs having a diameter greater than four inches.
- B. ~~rRepair, mMaintenance, rReconstruction, or pPaving wWork~~ — ~~Means Shall mean~~ any work done within the right-of-way of a road by any person, or any public or private agency. This definition includes the construction of new driveways or alteration of existing driveways that takes place within the right-of-way.
- C. ~~rRoad~~ — ~~Means Shall mean~~ any way used and maintained as a public way including the vehicular traveled way plus necessary appurtenances within the right-of-way such as bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks. When the boundary of the road is in question, the trees and stone walls shall be presumed to be within the way until the contrary is shown.
- D. ~~tTearing dDown or dDestruction of sStone wWalls~~ — ~~Means Shall mean~~ the destruction of more than 15 linear feet of stone wall involving more than one cubic foot of wall material per linear foot above existing grade. Tearing down or destruction of stone walls shall not be construed to include temporary removal and replacement of walls at the same location with the same materials. Reconstructed portions of stone walls shall match the existing wall.
- E. ~~tTrees~~ — ~~Shall~~ Includes any living tree whose trunk has a diameter of four inches or more as measured one foot above the ground level.

§ 6-202 Purpose.

The purpose of this by-law bylaw is to protect the scenic quality and character of certain town Town roads by establishing controls on alterations that can take place within public rights-of-way.

§ 6-203 Scenic roads.

The following roads are designated as scenic roads in the town Town of Northbridge: Castle Hill Road, a portion of Fletcher Street (from the point 1,000 feet easterly of the most easterly line at Elm Street and the westerly line of Keeler Road), Hill Street, Cooper Road, Kelly Road, and ~~Old the portion of~~ Quaker Street located between the westerly end of Mendon Road and the easterly termination of Quaker Street at Mendon

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Road. The ~~town Town~~ may from time-to-time designate additional roads as scenic roads.

§ 6-204 **Control.** ~~In cases where a threat to public safety does not allow sufficient time to obtain approvals outlined in this section, the planning board must be notified within five business days of any action which, had the threat not existed, would be a violation of this by-law.~~

- A. Control by the ~~Tree w~~Warden. Within the public right-of-way of designated scenic roads, the ~~Tree w~~Warden or ~~his-their~~ designee may approve the cutting or removal of up to three trees per 200 contiguous linear feet of right-of-way. The ~~Tree w~~Warden shall not approve the cutting or removal of trees with diameters greater than 12 inches. ~~Any dead tree or any tree which presents a safety hazard in the opinion of the tree warden may be removed regardless of diameter or location.~~
- B. Control by the ~~planning board~~Planning Board. Within the public right-of-way of designated scenic roads, the following activities shall require written approval of the ~~planning board~~ Planning Board in accordance with the provisions of this ~~by-law~~bylaw:

~~(1)a:~~ The tearing down, painting or destruction of stone walls;

~~(2)b:~~ The cutting or removal of trees the scope of which is outside the responsibility of the ~~Tree w~~Warden, as defined above; ~~and~~

~~(3)e:~~ Repair, maintenance, reconstruction or paving work, including the construction of new driveways or alteration of existing ones, insofar as they affect stone walls or trees within the public right-of-way;

~~In cases where a threat to public safety does not allow sufficient time to obtain approvals from the Tree Warden or the Planning Board, the Planning Board must be notified within five business days of any action which, had the threat not existed, would be a violation of this bylaw.~~

- C. Hearings. The ~~planning board~~ Planning Board shall hold a public hearing within 30 days of receipt of an application, with notice given in accordance with MGL, ~~Chapter c. 40, § Section~~-15C, and shall approve, conditionally approve or deny an application within 60 days of receipt. In making its decision, the ~~planning board~~ Planning Board shall consider the following criteria and shall not grant approval if the proposed action will be in violation of one or more of them:

~~(1)a:~~ Preservation of historic values;

~~(2)b:~~ Preservation of scenic and aesthetic quality of the area;

~~(3)e:~~ Protection of natural resource and environmental systems; ~~and~~

~~(4)d:~~ Public safety;

- D. Compensatory actions. The ~~planning board~~ Planning Board may impose conditions on the approval of an application such as the planting of new trees or the reconstruction of stone walls. If the overall effect of the proposed alteration, including compensatory action, is to maintain or improve the scenic quality and character of the road, the ~~b~~Board may grant approval even if the proposed action would be in violation of one or more of the criteria set forth above.

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§ 6-205 **Public Shade Tree Act**~~Law~~.

~~Whenever feasible~~When required by MGL c. 87, or other law, notice shall be given, and ~~Planning Board~~ hearings shall be held ~~jointly by the planning board and the tree warden~~; in conjunction with the hearings held by the tree warden acting under MGL, ~~Chapter c.~~ 87. The consent of the ~~planning board~~ ~~Planning Board~~ to a proposed action shall not be regarded as implying consent by the ~~(Tree w~~Warden, or vice versa. The ~~planning board~~ ~~Planning Board~~ decision shall contain a condition that no work should be done until all applicable provisions of the Public Shade Tree Law, MGL, ~~c.~~ ~~Chapter~~ 87, have been complied with.

§ 6-206 **Enforcement.**

The ~~building inspector~~~~Building Inspector~~, ~~(Tree w~~Warden, or others designated by the ~~town manager~~ ~~Town Manager~~ may issue a citation for violation of this ~~by-law~~~~bylaw~~. ~~Violations shall be subject to a penalty of \$100. Major violations shall be subject to a penalty of \$300. Each day that a major violation continues shall constitute a separate offense.~~ A failure to respond to properly issued citations, or the issuance of three or more citations in a twelve-month period, or failure to take responsible compensatory action shall be construed as a major violation. Violations shall be subject to a penalty of \$100. Each day that a violation continues shall constitute a separate offense. ~~Any one of the following constitutes a major violation:~~

~~A. Failure to respond to properly issued citations~~

~~B. The issuance of three or more citations in a 12-month period~~

~~C. Failure to take responsible compensatory action~~

§ 6-207 **Designations of scenic roads.**

The ~~planning board~~~~Planning Board~~, ~~conservation commission~~~~Conservation Commission~~, and the ~~h~~Historical ~~c~~Commission may submit ~~to the board of selectmen~~ recommendations for additions or deletions to the list of scenic roads. Recommendation for “scenic road” designation must be accompanied by a written description of the characteristics of the road that require the protection afforded by this ~~by-law~~~~bylaw~~.

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## Chapter 7

# Regulations Governing the Use of Private Property

[HISTORY: Adopted by the ~~Annual ATM Town Meeting 10-28-1997~~, ~~Art.~~ ~~art.~~ 26. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See ~~Ch.~~ ~~ch.~~ 173.

Subdivision of land — See ~~Ch.~~ ~~ch.~~ 222.

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### SECTION 7-100

#### NUMBERING OF BUILDINGS

§ 7-101 **Establishment of street names.**

The ~~board of selectmen~~ ~~Board of Selectmen~~ shall establish the names of all streets and ways, but no name once established shall be changed except by vote of the ~~town~~~~Town~~.

§ 7-102 **Establishment of lot numbers.**  
[Amended 10-24-2006 ATM, Art-art. 23]

The ~~a~~Assessor ~~may give~~shall assign numbers of regular series to lots on public streets and establish for the purpose of such numbering the standard for the width of such lots.

§ 7-103 **Numbers required.**

Street numbers shall be ~~provided~~assigned for each dwelling, business, industry and other building in the ~~town~~ Town of Northbridge.

§ 7-104 **Construction; visibility of numbers.**

- A. Street numbers shall be made of permanent weatherproof materials, shall be at least three inches in height and shall be clearly visible from the street or roadway upon which the structure fronts.
- B. Any structure that is not visible from the street or roadway shall have the assigned number posted on a suitable support at the entrance to the driveway that services such structure.

§ 7-105 **Assignment of numbers.**  
[Amended 10-24-2006 ATM, Art-art. 23]

The number posted shall be that assigned to each structure by the ~~a~~Assessor or by a person assigned by the ~~a~~Assessor to assign numbers to all property owners who have not been assigned a number. Property owners may be notified in writing, in person or by United States Mail using tax addresses.

§ 7-106 **Display of numbers.**

It shall be the responsibility of each property owner in the ~~town~~ Town to obtain and display the assigned street number within 90 days' notice to the owner referred to in § 7-102 hereof.

§ 7-107 **Enforcement; fine.**

This chapter shall be enforced by the ~~town manager~~ Town Manager or by persons designated by the ~~town manager~~ Town Manager. Failure to comply with this chapter shall subject property owners to a fine of not more than \$20.

## SECTION 7-200 EARTH REMOVAL

§ 7-201 **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

A. BOARD-board –

~~The~~Means the ~~e~~Earth ~~r~~Removal ~~b~~Board, consisting of one member of the ~~board of selectmen~~Board of ~~Selectmen~~, one member of the ~~planning board~~Planning Board, one member of the ~~conservation commission~~Conservation Commission, one member of the ~~board of health~~Board of Health and the ~~director of public works~~Director of Public Works. The members ~~of the earth removal board who are drawn~~ from ~~-~~ multiple-member bodies shall be designated annually by the body they represent.

B. EARTH-earth – Means

~~includes~~soil, loam, sand, ~~and~~gravel, ~~stone, rock and other, similar natural materials.-~~

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**§ 7-202 Pits to be registered (reserved).**

~~Within 30 days after this chapter has been approved by the Attorney General and duly published by the Town Clerk, all active pits must be registered with the Board of Assessors, Selectmen or authorized agent thereof as to:~~

~~A. Their location.~~

~~B. Lot number.~~

~~C. Texture of earth.~~

**§ 7-203 Permit required.**

No earth shall be removed from any parcel of land in the ~~town~~ Town without a written permit from the ~~b~~Board, except as hereinafter provided.

**§ 7-204 Removal from ~~town~~ Town restricted.**

The removal of earth for sale, gift or delivery beyond the ~~town~~ Town limits shall be allowed only under special permission of the ~~Earth Removal~~ bBoard and under such conditions as the ~~Earth Removal~~ bBoard shall impose in the permit.

**§ 7-205 Application to remove from ~~town~~ Town.**

Any person wishing to remove earth from property in the ~~Town~~ town shall file a written application with the ~~b~~Board, ~~a complete copy of which shall be submitted to the Northbridge Conservation Commission for their review and comment, which~~ The application shall include the following specific information and supporting documentation:

- A. The location of the proposed excavation.
- B. The legal name and address of the owner or owners of the property involved.
- C. The legal name and address of the petitioner.
- D. Names and addresses of all abutting property owners, including those across any abutting streets, as appearing on the records of the Northbridge ~~a~~Assessors.
- E. A plan of the land showing ~~general~~ the topography of the proposed excavation site extending within 100 feet beyond ~~of~~ the proposed excavation or to the property line. The plan shall

(1) include the number of trees with a diameter of four inches or greater measured four feet above the ground which will be removed by the excavation;

(2) include the number of new trees to be planted on the site after the excavation is complete, which shall be equal to or greater than the number of trees removed;

(3) include a listing of trees by species; and

(4) delineate any wetland areas, resource areas, and endangered species habitat within 200 feet of any area to be disturbed.

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F. A plan of the land showing ~~the contours of the site will have as of when~~ the proposed ~~completion of the excavation project is complete.~~

G. The proposed form of bond to be used.

**§ 7-206 Annual record required.**

A. A record must be submitted annually to the ~~Earth Removal b~~Board as to:

(1) ~~The amount-number~~ of cubic yards removed that year ~~and~~.

(2) ~~To~~ whom ~~the material was~~ sold or delivered to.

B. Records, ~~if requested,~~ must be available at all times ~~so that they can be provided if requested.~~

**§ 7-207 Hearing.**

No permit for the removal of earth shall be issued by the ~~b~~Board until

~~A. the board has held~~ a public hearing ~~has been held by the Board,~~ notice of which shall have been given at least 10 days in advance in a ~~local news~~paper ~~commonly used for such notices in the community, and by the mailing of copies thereof of that notice~~ to the abutters and

~~B. a favorable finding has been rendered by said the b~~Board.

**§ 7-208 Expiration of permit.**

Any permit issued hereunder shall automatically expire upon the completion of the earth removal project for which it was issued or at such other time as may be specified in said permit, but in no case for a period of more than one year.

**§ 7-209 RemovalsRenewals.**

Approval of the renewal of a permit for a period not in excess of one year may be made by the ~~b~~Board without hearing if the ~~b~~Board finds that all conditions have been complied with and that the work has been carried on continuously and in good faith.

**§ 7-210 Change of ownership.**

A change of ownership of any active pit (in entirety or in part) shall call for ~~the registration and~~ application for a new permit.

**§ 7-211 Exemptions.**

No permit shall be required for the moving of earth on an individual parcel under the following circumstances:

A. Where necessary in the construction of a building being built in accordance with a permit issued by the proper ~~town Town~~ authority;

B. Where necessary as part of the construction of a road within the ~~townTown~~, whether public or private;

C. Where necessary as part of a landfill dump, ~~a farm, a garden, or~~ landscaping activities or in the operation of a cemetery;

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§ 7-212 ~~Existing activities~~**Reserved.**

~~Earth removal activities in lawful operation on any parcel of land at the time this chapter is effective may continue unless and until abandoned for more than 12 consecutive months. However, unless specifically authorized by a new permit issued hereunder:~~

- ~~A. The depth of excavation shall not be increased below the grade of the lowest point excavated on the effective date of this chapter.~~
- ~~B. The total area of excavation within the parcel shall not be increased by more than 50% over such daily averages for the 12 consecutive months preceding said effective date (or for the actual period of operation if less than 12 months).~~

§ 7-213 **Required cover of topsoil.**

No permit for the removal of earth shall be approved by the ~~b~~Board except upon condition that a cover of topsoil of not less than four inches in depth shall be replaced or allowed to remain, except where, due to construction of roads, buildings or other permanent physical features, such provision is impractical.

§ 7-214 **Prohibited nuisances.**

No permit shall be issued for the removal of earth in any location if such removal:

- A. ~~w~~Will endanger the public health or safety or constitute a nuisance;:-
- B. will ~~Will~~ produce noise, dust or other effects observable at the lot lines in amounts ~~seriously objectionable or detrimental to the reasonable and -detrimental to the~~ normal use of adjacent property or otherwise offensive to the owner thereof:-
- C. will ~~Will~~ result in the transportation of materials in such a manner as to cause traffic congestion or hazards, particularly on residential streets;:-
- D. will ~~Will~~ result in the transportation of earth over ways which will be unduly injured thereby; or:-
- E. will ~~Will~~ result in a change in topography and cover which will be disadvantageous to the most appropriate use of the land.

§ 7-215 **Proximity to buildings and ways.**

No permit for the removal of earth shall be approved by the ~~b~~Board if the work extends to within 300 feet of a way open to public use, whether public or private, or within 250 feet of a building or structure unless the Board is satisfied that such removal will not undermine the way or structure.

§ 7-216 **Permit conditions.**

In approving the issuance of a permit, the ~~b~~Board shall impose reasonable conditions, which shall accompany and shall constitute part of the permit, including but not limited to:

- A. ~~t~~The finished leveling and grading. Leveling and grading must be done annually;:-
- B. ~~the~~ The placing of topsoil and planting necessary to restore the area to usable condition, including the planting of trees and the annual sowing of grass seed. ~~Seeding must be done annually~~ no later than September 15 of the operating year;:-
- C. ~~the~~ The duration of the removal operation--;:-

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- D. ~~the~~ ~~The~~ construction of necessary fencing and other protections against nuisances;
- E. ~~m~~Method of removal;
- F. ~~t~~Temporary structures;
- G. ~~days and h~~Hours of operation;
- H. ~~r~~Routes of transportation of material;
- I. ~~c~~Control of temporary and permanent drainage, ~~which must ensure that:~~ ~~A~~all existing brooks, ponds and waterways ~~shall will~~ remain free and clear of pollution and obstructions; ~~and-~~
- J. ~~d~~Disposition of boulders, tree stumps and felled trees.

**§ 7-217 Removal from land unsuited for agricultural use.**

Earth may be removed from any ~~portion of a parcel of land within such parcel~~ determined by the ~~b~~Board to be unsuited to agricultural use, and the board may issue a permit for such removal; provided, however, that the board shall, in making such decision, obtain the recommendations of the appropriate ~~s~~Soil ~~d~~District ~~s~~Supervisor and the ~~c~~County ~~e~~Extension ~~d~~Director or ~~a~~Agent or their successors, and their recommendations shall be made part of the records of the ~~b~~Board. In issuing a permit, the board shall impose reasonable conditions as to the reestablishment of ground levels and grades.

**§ 7-218 Required bond or security.**

The Board shall require a bond or other security to enforce performance of conditions imposed by this chapter.

**§ 7-219 Inspection of work.**

The ~~b~~Board or duly authorized persons may enter upon the premises involved from time to time to inspect and ensure conduct of the work.

**§ 7-220 Reissuance or modification of permits.**

Upon petition of the owner, permit holder or abutters, the ~~b~~Board may hold a new hearing and reissue or modify the permit, subject to any regulations not in conflict with this chapter.

**§ 7-221 Authority to revoke or suspend permit.**

The ~~b~~Board may order the revocation ~~of~~ or suspension of a permit if the conditions established hereunder are not complied with, but the holder in such situation shall not be relieved of ~~his-their~~ obligations thereunder.

**§ 7-222 Inspection of pits.**

The ~~b~~Board or duly authorized persons shall ~~make periodic inspection of~~ periodically inspect all active pits.

**§ 7-223 Notice of violation and cessation of activities.**

The ~~b~~Board, if it concludes that there has been a violation of this chapter, shall so notify the alleged offender, at the address stated on the initial application; and, if applicable, shall include a notice ordering cessation of the improper activities. If the alleged offender holds a permit issued under this chapter, such permit may be revoked.

~~§ 7-224~~ **Revocation of permit**~~Reserved.~~

~~If the alleged offender holds a permit issued under this chapter, such permit may be revoked.~~

§ 7-225 **Authority to establish fees.**

The ~~b~~Board ~~may~~ shall establish fees for permits. ~~The fee shall be the product of the number of acres multiplied by a rate per acre set by the board.~~

§ 7-226 **Disposition of fees.**

Any fees received hereunder shall be transmitted to the ~~town~~ ~~Town~~ ~~treasurer/collector~~ ~~Treasurer~~.

SECTION 7-300  
(RESERVED)

SECTION 7-400  
(RESERVED)

SECTION 7-500  
**REGULATION OF SOLICITORS AND PEDDLERS**

§ 7-501 **Definitions.**

The following words, terms and phrases; and their derivations, when used in this ~~§ 7-500~~ ~~section~~, shall have the meanings ascribed to them ~~in this section~~ ~~below~~, except where the context clearly indicates a different meaning:

~~A. CHARITABLE~~ *charitable* –

Means and includes the words *patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural, ~~or fraternal and religious,~~* either actual or purported.

~~B. CONTRIBUTIONS~~ *contributions* –

Means and includes the words *alms, money, subscription, property* or any donations under the guise of a loan or money or property.

~~C. DEPARTMENT~~ *department* –

Means the ~~p~~Police ~~d~~Department.

~~D. PEDDLER~~ *peddler* –

Means any person who goes upon the premises of any private residence in the ~~town~~ ~~Town~~, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of ~~the a~~ scheme to evade the provisions of this ~~by-law~~ ~~by law~~.

~~E. PEDDLING~~ *peddling* –

Includes all activities ordinarily performed by a peddler as indicated under the definition of *“peddler”* in this

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section.

**F. ~~PERSON~~ *person* –**

Means ~~s~~ a natural person or any firm, corporation, association, club, society or other organization.

**G. ~~POLICE CHIEF~~ *police chief* –**

Means the ~~c~~Chief of ~~p~~Police.

**H. ~~SOLICITOR~~ *solicitor* –**

Means ~~any~~ person who goes upon the premises of any private residence in the ~~town~~~~Town~~, not having been invited by the occupant thereof, for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares or other personal property of any nature for future delivery; ~~or to take orders~~ for services to be performed in the future. This definition also includes any person who, without invitation, goes upon private property to request contribution of funds or anything of value; ~~or to~~ sell goods or services for political, charitable, religious or other noncommercial purposes.

**I. ~~SOLICITATION~~ *solicitation* –**

Includes ~~all~~ activities ordinarily performed by a solicitor as indicated under the definition of ~~“solicitor.”~~ in this section.

**§ 7-502 Permit requirements and exemptions.**

It shall be unlawful for any ~~natural~~ person 18 years of age or older to engage in peddling or solicitation activities within the ~~town~~~~Town~~ of Northbridge without first obtaining a permit issued by the ~~p~~Police ~~d~~Department; ~~;~~ provided, however, that the following are exempted from the provisions of this section:

- A. ~~a~~Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;
- B. ~~a~~Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;
- C. ~~a~~Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable ~~person~~~~organization~~; or
- D. ~~a~~Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary.

**§ 7-503 Permit for sponsoring juvenile peddlers.**

- A. No person under the age of 18 shall be permitted to engage in peddling except as provided in this section. ~~In this subsection, the word person shall in all cases refer to a natural person.~~
- B. A permit shall be obtained by a sponsoring person, company or organization (~~hereafter “the sponsor”~~) for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one or more persons under 18 years of age.

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- C. The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.
- D. The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification which identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling or soliciting.

§ 7-504 **Permit application.**

- A. Every ~~person-individual who is or represents an applicant and is therefore~~ subject to the provisions of this ~~by-law~~ ~~bylaw~~ shall file with the ~~pPolice~~ ~~cChief~~ an application in writing on a form to be furnished by the ~~pPolice~~ ~~dDepartment~~, which shall provide the following information:
  - (1) ~~pProof~~ of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors) or other legally recognized form of identification;
  - (2) ~~a~~A brief description of the business or activity to be conducted;
  - (3) ~~t~~The hours and location for which the right to peddle or solicit is desired;
  - (4) ~~If employed,~~ the name, address and telephone number of the employer if the applicant is employed, or, or if the applicant is acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;
  - (5) ~~a~~A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ~~by-law~~ ~~bylaw~~-violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred and other pertinent details thereof;
  - (6) ~~p~~Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this ~~by-law~~ ~~bylaw~~; and
  - (7) ~~t~~Two photographs of the applicant which shall have been taken within 60 days immediately prior to the date of filing of the application. The photographs shall measure two inches by two inches and show the head and shoulders of the applicant in a clear and distinguishing manner.
- B. The ~~pPolice~~ ~~cChief~~ may, in ~~his~~ ~~their~~ discretion, waive strict compliance with the provisions of this section when the sponsoring organization is a recognized local youth organization, including but not limited to Boy Scouts, Girl Scouts, Bluebirds, Little League (baseball), Pop Warner (football), etc.

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§ 7-505 Fees.

At the time the application is filed with the ~~p~~Police ~~d~~Department, the applicant shall pay a fee to cover the cost to the ~~town~~ ~~Town~~ of processing the application and investigating the facts stated therein. The permit fee shall be \$10 for each solicitor or peddler.

§ 7-506 Application review and permit issuance.

- A. Upon receipt of an application, the ~~p~~Police ~~c~~Chief, or authorized representative, shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.
- B. If the ~~p~~Police ~~c~~Chief finds the application to be satisfactory, the ~~p~~Police ~~c~~Chief shall endorse ~~his~~~~their~~ approval on the application and shall, upon payment of the prescribed fee, ~~deliver~~~~issue~~ the required permit to the applicant.
- C. The permit shall show the name ~~and~~; address ~~and~~~~photograph~~ of the permittee, the class of permit issued, the kind of goods or services to be sold or delivered, the date of issuance and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued. The permit shall also show a photograph of the permittee's agent who is responsible for the permittee's compliance with the terms of the permit.
- D. A record of all permits issued shall be maintained by the ~~p~~Police ~~d~~Department for a period of two years.

§ 7-507 Denial of permit.

- A. Upon the ~~p~~Police ~~c~~Chief review of the application, the ~~p~~Police ~~c~~Chief may refuse to issue a permit to the applicant under this ~~by-law~~ ~~bylaw~~ for any of the following reasons:
  - (1) ~~t~~The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;
  - (2) ~~a~~An investigation reveals that the applicant falsified information on the application;
  - (3) ~~The~~~~the~~ applicant has been convicted of a felony, misdemeanor or ~~by-law~~ ~~bylaw~~ violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five years preceding the date of application;
  - (4) ~~the~~ ~~The~~ applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five years immediately preceding the date of application;
  - (5) ~~t~~There is no proof as to the authority of the applicant to serve as an agent to the principal; or
  - (6) ~~the~~ ~~The~~ applicant has been denied a permit under this ~~by-law~~ ~~bylaw~~ within the immediate past year, unless the applicant can and does show to the satisfaction of the ~~p~~Police ~~c~~Chief that the reasons for such earlier denial no longer exist.

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B. The ~~p~~Police ~~c~~Chief's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

**§ 7-508 Permit expiration.**

All permits issued under the provisions of this ~~by-law~~ ~~bylaw~~ shall expire one year from the date of issuance, unless an earlier expiration date is noted on the permit.

**§ 7-509 Identification badges.**

At the same time the permit is issued, the ~~p~~Police ~~c~~Chief shall issue to each permittee a badge, which shall be worn by the permittee in such a way as to be conspicuous at all times while the permittee is soliciting or peddling in the ~~town~~ ~~Town~~.

**§ 7-510 Permit exhibition.**

Every person required to obtain a permit under the provisions of this ~~by-law~~ ~~bylaw~~ shall exhibit the permit when requested to do so by any prospective customer or police officer.

**§ 7-511 Transfer prohibited.**

It shall be unlawful for any person other than the permittee to use or wear any permit or badge issued under the provisions of this ~~by-law~~ ~~bylaw~~.

**§ 7-512 Entry upon signed premises unlawful.**

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler or solicitor, to enter upon any residential premises in the ~~town~~ ~~Town~~ where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import.

**§ 7-513 Hours of solicitation.**

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 7:00 p.m. and 10:00 a.m.

**§ 7-514 Permit revocation.**

Any permit issued under this ~~by-law~~ ~~bylaw~~ may be revoked or suspended by the ~~p~~Police ~~c~~Chief, after notice and hearing, for any of the following reasons:

- A. ~~f~~Fraud, misrepresentation or false statement contained in the application for a permit;
- B. ~~f~~Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;
- C. ~~c~~Conducting peddling or solicitation activities contrary to the provisions contained in the permit;
- D. ~~c~~Conviction for any crime involving moral turpitude; or
- E. ~~c~~Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.



**§ 7-515 Notice and hearing.**

Notice of a hearing for revocation of a permit issued under this ~~by-law~~ ~~bylaw~~ shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

**§ 7-516 Appeals.**

- A. Any person aggrieved by the action or decision of the ~~pPolice~~ ~~cChief~~ to deny, suspend or revoke a permit applied for under the provisions of this ~~by-law~~ ~~bylaw~~ shall have the right to appeal such action or decision to the ~~town manager~~ ~~Town-Manager~~ within 15 days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to ~~his-the person's~~ last known address.
- B. An appeal shall be taken by filing with the ~~police chief~~ ~~Police-Chief~~ a written statement setting forth the grounds for the appeal.
- C. The ~~police chief~~ ~~Police-Chief~~ shall transmit the written statement to the ~~town manager~~ ~~Town-Manager~~ within 10 days of its receipt and the ~~town manager~~ ~~Town-Manager~~ shall set a time and place for a hearing on the appeal.
- D. A hearing shall be set not later than 20 days from the date of receipt of the appellant's written statement.
- E. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- F. The decision of the ~~town manager~~ ~~Town-Manager~~ on the appeal shall be final and binding on all parties concerned.

**§ 7-517 Claims of exemption.**

Any person claiming to be legally exempt from the regulations set forth in this ~~by-law~~ ~~bylaw~~, or from the payment of a permit fee, shall cite to the ~~police chief~~ ~~Police-Chief~~ the statute or other legal authority under which exemption is claimed and shall present to the ~~police chief~~ ~~Police-Chief~~ proof of qualification for such exemption.

**§ 7-518 Violations and penalty.**

- A. Violation of any of the provisions of this ~~by-law~~ ~~bylaw~~ shall be punishable as set forth in § 1-109A and B of this ~~code~~ ~~Code~~ of ~~Bylaws~~ ~~by-laws~~. In addition to any criminal enforcement, the ~~town~~ ~~Town~~ or any individual may pursue any available civil remedies deemed appropriate and necessary.
- B. If a violation of any provision of § 7-500 is enforced through the procedures of MGL ~~cC~~. 40, § 21D, and § 1-109A of this ~~code~~ ~~Code~~ of ~~Bylaws~~ ~~by-laws~~, the penalty shall be \$25 for the first offense in any calendar year, \$50 for the second offense and \$100 for the third and each subsequent offense in the same calendar year.

**§ 7-519 Severability.**

[Amended 10-24-2006 ATM, ~~Art-~~ ~~art.~~ 23]

The provisions of § 7-500 are severable. If any section, sentence, clause or phrase of the ~~by-law~~ ~~bylaw~~ shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ~~by-law~~~~bylaw~~, but they shall remain in effect; it being the legislative intent that this ~~by-law~~ ~~bylaw~~ shall remain in effect notwithstanding the invalidity of any part.

## SECTION 7-600 LICENSING OF JUNK DEALERS AND COLLECTORS

### § 7-601 **Selectmen to license.**

The ~~board of selectmen~~ ~~Board of Selectmen~~ may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or secondhand articles, in the ~~town~~~~Town~~. The ~~board of selectmen~~ ~~Board of Selectmen~~ may also license suitable persons as junk collectors, to collect, by purchase or otherwise, junk, old metals and secondhand articles from place to place in the ~~town~~~~Town~~.

### § 7-602 **Non-licensed operation prohibited.**

No person shall be a dealer in; or buy, sell or barter; junk, old metals or secondhand articles; in the ~~town~~~~Town~~ of Northbridge; unless the person so buying, selling or bartering has a license duly issued under this section of the ~~town~~ ~~Town~~ ~~by-laws~~~~bylaws~~.

### § 7-603 **Identification; records to be kept; records to be open; owner's name to be displayed; holding period; certified scale.**

[Amended 5-1-2018 ATM, ~~Art.~~ ~~art.~~ 24]

- A. The secondhand dealer must require one of the following forms of identification from any person selling, bartering, consigning or exchanging personal property or articles:
- (1) A valid Massachusetts motor vehicle driver's license,
  - (2) a Massachusetts liquor identification card,
  - (3) a United States military identification card, or
  - (4) a United States passport that includes the date of birth, matching photograph, and physical description of the person offering the identification.
- B. Every keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles; within the limits of the ~~town~~ ~~Town~~ of Northbridge; shall keep a book in which shall be written at the time of every such purchase of any such article; a description thereof; the full name, current address, date of birth and identification number from and acceptable form of identification of the person from whom purchased; and; the day and hour when such purchase was made. Such book shall be open at all times to the inspection of the ~~board of selectmen~~~~Board of Selectmen~~, any person specifically authorized to make such inspections or any police officer.
- C. Every keeper of such shop shall put up, in a suitable and conspicuous place in such shop, a sign having ~~his~~~~their~~ name and occupation legibly inscribed thereon in large letters. Such shop and all articles of merchandise therein may at all times be examined by the ~~s~~~~Selectmen~~; or any person authorized by them to make such examinations. No keeper of such shop or any dealer in such articles shall directly or indirectly either purchase or receive by way of barter or exchange any of the articles aforesaid ~~of from~~ a minor or apprentice; ~~knowing or having if the said keeper or dealer knows or has~~ reason to believe ~~him~~.

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~~that the person offering such articles for sale, barter or exchange is a minor or apprentice to be such.~~

- D. Holding period for personal property and articles; ~~articles to remain on the premises of the secondhand dealer.~~ All secondhand personal property or articles shall be maintained on the secondhand business premises for ~~thirty~~(30) days after the date of purchase, barter, or exchange. No secondhand personal property or articles shall be sold, encumbered by sales contract, transferred, altered in its appearance, or otherwise, or otherwise disposed of, within the said ~~thirty~~30-day period.
- E. Certified scales. All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the ~~s~~Sealer of ~~w~~Weights and ~~m~~Measures for the Town of Northbridge.

**§ 7-604 Display of license.**

Every person licensed under § 7-601 shall post the license in some suitable and conspicuous place upon the licensed premises.

**§ 7-605 Restrictions on operation: hours; location.**

No person keeping a shop for the purchase, sale or barter of junk, old metals or secondhand articles shall purchase or receive, either directly or indirectly, any of the aforesaid articles or have a shop open for the transaction of business except between the hours of 8:00 ~~o'clock in the morning a.m.~~ and 8:00 ~~o'clock in the evening p.m.~~ No such licensee shall directly or indirectly purchase or receive any such articles at any place other than the address displayed on the license unless specifically invited into the residence of a potential customer or at a bona fide trade show.

**§ 7-606 Use of true names.**

No person offering any article for sale shall give a wrong or false name or address or fictitious information pertaining to ~~his/her~~their identity. No person holding a license under § 7-601 shall knowingly write a wrong or false name or address of a person thus offering an article for sale, or ~~shall~~ knowingly permit the entry of such wrong or false name or address in the bound book as defined in § 7-603. Any police officer taking cognizance of any such violation may request the offender to state ~~his/her~~their true name and address.

**§ 7-607 Severability.**

The provisions of this ~~by-law~~ ~~bylaw~~ are severable, and, if any of its provisions shall be held invalid by any court of competent jurisdiction the decision of said court shall not affect or impair any of the remaining sections.

**§ 7-608 Penalty.**

Any violation of any provision of this ~~by-law~~ ~~bylaw~~ may be punished pursuant to the provisions of § 1-109A or B. ~~If~~ the noncriminal method of citation provided in MGL c. 40, § 21D, and § 1-109A of this ~~code~~ ~~Code~~ of ~~by-laws~~ ~~Bylaws~~ is used, the offense shall be punished by a fine of \$50 for a first offense and \$100 for a subsequent offense.

SECTION 7-700  
**WETLANDS PROTECTION ~~BYLAW~~**

[Amended 5-5-1998 ATM, ~~Art. art. 21~~; 5-5-1998 ATM, ~~Art. art. 22~~; 5-6-2008 ATM, ~~Art. art. 21~~]

**§ 7-701 Purpose.**

The purpose of this chapter is to protect the wetlands, water resources, flood-prone areas and adjoining

upland areas in the ~~town Town~~ of Northbridge by controlling activities deemed by the Northbridge Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention, water quality, prevention and control of pollution, fisheries, wildlife habitat, rare species habitat including rare plant and animal species, recreation, agriculture and aquaculture value (collectively, the “wetland values protected by this chapter”).

This ~~by-law bylaw~~ is intended to utilize the ~~hHome rRule~~ authority of Northbridge so as to protect the resource areas under the Wetlands Protection Act (MGL c. 131, § 40; ~~the Act~~) to a greater degree, to protect additional resource areas beyond the ~~Wetlands Protection~~ Act recognized by the ~~town Town~~ as significant, to protect all resource areas for their additional values beyond those recognized in the ~~Wetlands Protection~~ Act, and to impose in local regulations and permits additional standards and procedures stricter than those of the ~~Wetlands Protection~~ Act and regulations thereunder (310 CMR 10.00), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the ~~cCommonwealth~~ and other relevant ~~by-laws bylaws~~ of the Town of Northbridge.

**§ 7-702 Jurisdiction.**

**[Amended 10-23-2018 ATM, ~~Art. art.~~ 4]**

Except as permitted by the ~~conservation commission (hereafter “the commission”)~~ ~~Conservation Commission~~ or as provided in this chapter, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, springs, banks, beaches, reservoirs, lakes, ponds of any size, and lands under water bodies; intermittent streams, brooks and creeks; ~~and the area~~ adjoining these resource areas out to a distance of 100 feet, known as the buffer zone; perennial rivers, streams, brooks and creeks; lands adjoining these resource areas out to a distance of 200 feet, known as the riverfront area; and lands subject to flooding or inundation by groundwater or surface water; (collectively the “resource areas protected by this chapter”). Said resource areas shall be protected whether or not they border surface waters. The jurisdiction of this ~~by-law bylaw~~ shall not extend to uses and structures of agriculture that enjoy the rights and privileges of laws and regulations of the ~~cCommonwealth~~ governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined by the Wetlands Protection Act regulations, found at 310 CMR 10.04. The jurisdiction of this ~~by-law bylaw~~ does extend to the cutting and removal of trees for the purpose of selling the trees or products derived therefrom.

**§ 7-703 Exemptions and exceptions.**

- A. The permit and application required by this chapter shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that the structure or facility is not substantially changed or enlarged, provided that written notice has been given to the ~~cCommission~~ prior to commencement of the work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the ~~cCommission~~.
- B. The application and permit required by this chapter shall not apply 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 ~~cCommonwealth~~ or a political subdivision thereof;

provided that advance notice, oral or written, has been given to the ~~c~~Commission prior to commencement of work or within 24 hours after commencement; provided that the ~~conservation commission Conservation 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 ~~conservation commission Conservation 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 ~~c~~Commission for review as provided by this chapter. Upon failure to meet these and other requirements of the ~~c~~Commission, the ~~c~~Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

- C. The application and permit required by this chapter shall not be required for work performed for normal maintenance or improvement of land in agricultural use as defined by the Wetlands Protection Act ~~r~~Regulations at 310 CMR 10.04, but shall be required for cutting and removal of trees for the purpose of selling the trees. [Amended 10-23-2018 ATM, ~~Art-~~art. 4]
- D. The application and permit required by this chapter shall not be required for single-family home lots in existence prior to the adoption of this chapter.
- E. Other than stated in this section, the exceptions provided in the Wetlands Protection Act (MGL c. 131 § 40) and ~~r~~Regulations thereunder (310 CMR 10.00) shall not apply under this chapter.

**§ 7-704 Permit applications; requests for determination.**

- A. Written application shall be filed with the ~~c~~Commission to perform activities affecting resource areas protected by this chapter. The application shall include such information and plans as are deemed necessary by the ~~c~~Commission to describe proposed activities and their effects on the resource areas protected by this chapter. No activities shall commence ~~without receiving and complying unless the party wishing to perform such activities has received and complies~~ with a permit issued pursuant to this chapter.
- B. The ~~commission Commission~~ in an appropriate case may accept as the application and plans under this chapter the ~~n~~Notice of ~~i~~ntent and ~~y~~ application and plans filed under the Wetlands Protection Act (MGL c. 131, § 40) and ~~r~~Regulations (310 CMR 10.00), but the ~~commission Commission~~ is not obliged to do so.
- C. Any person desiring to know whether or not a proposed activity or an area is subject to this chapter may, in writing, request a determination from the ~~commission Commission~~. Such a ~~r~~Request for ~~d~~Determination of ~~a~~Applicability (hereafter RDA) or ~~a~~Abbreviated ~~n~~Notice of ~~r~~Resource ~~a~~Area ~~d~~Delineation (hereafter ANRAD) filed under the Wetlands Protection Act shall include such information and plans as are deemed necessary by the ~~commission Commission~~.
- D. At the time of an application or request the applicant shall pay a filing fee specified in regulations of the ~~commission Commission~~. This fee is in addition to that required by the Wetlands Protection Act (MGL c. 131, § 40) and ~~r~~Regulations thereunder. The ~~commission Commission~~ may waive the filing fee and costs and expenses for an application or request filed by a government agency and shall waive them for a request for determination filed by a person having no financial connection with the property which is

the subject of the request.

- E. Pursuant to MGL c. 44, § 53G and regulations promulgated by the ~~commission~~Commission, the ~~commission~~Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the ~~town Town~~ ~~treasurer/collector~~Treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services. Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the ~~commission~~Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the ~~commission~~Commission. The ~~commission~~Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five business days of the date notice is given without incurring any costs or expenses.
- F. The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within 10 business days of the request for payment shall be cause for the ~~commission~~Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The ~~commission~~Commission shall inform the applicant and ~~Department of Environmental Protection (MADEP)~~ of such a decision in writing.
- G. The applicant may appeal the selection of an outside consultant to the ~~board of selectmen~~Board of ~~Selectmen~~, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and it must be received within 10 business days of the date that ~~the~~ request for consultant fees was made by the ~~commission~~Commission. Such appeal shall extend the applicable time limits for action upon the application.

**§ 7-705 Notice and hearings.**

- A. Any person filing a permit or other application or ~~an Request for Determination of Applicability (RDA)~~ or ~~Abbreviated Notice of Resource Area Delineation (ANRAD)~~ or other request with the ~~commission~~Commission at the same time shall give written notice thereof, by certified mail (~~requesting a return receipt requested~~), and obtaining certificates of mailing or hand delivery) to all abutters according to the most recent records of the ~~board of assessors~~Board of Assessors, including owners of land directly opposite on any public or private street or those across a traveled way, and ~~also to~~ abutters to the abutters within ~~three hundred (300)~~ feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall state a brief description of the project or other proposal and the date of any ~~c~~Commission hearing or meeting date if known. The notice to abutters shall enclose a copy of the 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~~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~~Commission to the owner as well as to the person making the request. [Amended 5-1-2018 ATM, ~~Art.~~art. 24]

- B. The ~~commission~~Commission shall advertise a public hearing on any permit application, RDA or ANRAD with written notice given, at the expense of the applicant, at least five ~~(5)~~ working days prior to the hearing, in a newspaper of general circulation in the ~~town~~Town of Northbridge. [Amended 5-1-2018 ATM, ~~Art.~~art. 24]
- C. The ~~commission~~Commission shall commence the public hearing within ~~twenty-one~~(21) calendar days from receipt of a completed permit application, RDA or ANRAD. [Amended 5-1-2018 ATM, ~~Art.~~art. 24]
- D. The ~~commission~~Commission shall issue its permit, other order or determination in writing within ~~twenty-one~~(21) calendar days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant. [Amended 5-1-2018 ATM, ~~Art.~~art. 24]
- E. The ~~commission~~Commission in an appropriate case may combine its hearing under this chapter with the hearing conducted under the Wetlands Protection Act (MGL c. 131, § 40) and ~~r~~Regulations ~~thereunder~~ (310 CMR 10.00).
- F. The ~~commission~~Commission shall have the authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant ~~that are,~~ deemed necessary by the ~~commission~~Commission in its discretion, or comments and recommendations of boards and officials listed in § 7-706. In the event that the applicant objects to a continuance or postponement, the hearing shall be closed, and the ~~commission~~Commission shall take action on such information as is available.

**§ 7-706 Coordination with other boards.**  
[Amended 5-1-2018 ATM, ~~Art.~~art. 24]

Any person filing a permit application, ~~Request for Determination of Applicability~~RDA or ANRAD with the ~~conservation commission~~Conservation Commission shall provide an electronic copy thereof at the same time to the ~~conservation commission~~Conservation Commission for distribution to the ~~board of selectmen~~Board of Selectmen, ~~planning board~~Planning Board, ~~zoning b~~Board of ~~a~~Appeals, ~~board of health~~Board of Health, and ~~building inspector~~Building Inspector. An electronic copy shall be provided in the same manner to the ~~conservation commission~~Conservation Commission of the adjoining municipality; if the application or RDA pertains to property within ~~three hundred~~(300) feet of that municipality. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the ~~Northbridge Conservation Commission~~Commission. The ~~commission~~Commission shall not take final action until such boards and officials have had ~~fourteen~~(14) days from receipt of notice to file written comments and recommendations with the ~~commission~~Commission, which the ~~commission~~Commission shall take into account but which shall not be binding on the ~~commission~~Commission. The applicant shall have the right to

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

**§ 7-707 Permits, determinations and conditions.**

- A. If the ~~commission~~Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result therefrom are likely to have a significant individual or cumulative effect on the resource area values protected by this chapter, the ~~commission~~Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. The ~~commission~~Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect. The ~~commission~~Commission also shall take into account any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and shall take into account foreseeable future activities. If it issues a permit, the ~~commission~~Commission shall impose conditions which the ~~commission~~Commission deems necessary or desirable to protect said resource area values, and all activities shall be done in accordance with those conditions.
- B. Where no conditions are adequate to protect said resource area values, the ~~commission~~Commission is empowered to deny a permit for failure to meet the requirements of this chapter. It may also deny a permit: for failure to submit necessary information and plans requested by the ~~commission~~Commission; for failure to comply with the procedures, design specifications, performance standards; and other requirements in regulations of the ~~commission~~Commission; or for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this chapter. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. The ~~commission~~Commission may waive specifically identified and requested procedures, design specifications, performance standards; or other requirements set forth in its regulations; provided that: the ~~commission~~Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations; that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and that the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.
- C. In reviewing activities within the buffer zone, the ~~commission~~Commission shall presume that the buffer zone is important to the protection of other resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, 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 loss of wildlife habitat. The ~~commission~~Commission may establish, in its regulations, design specifications, performance standards; and other measures and safeguards, including setbacks, no-disturb areas, no-build areas; and other work limits for protection of such lands, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the ~~commission~~Commission that the area or part of it may be disturbed without harm to the values protected by this chapter.



- D. In reviewing activities within the riverfront area, the ~~commission~~ ~~Commission~~ shall presume ~~that~~ the riverfront area is important to all the resource area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this ~~by-law~~ ~~bylaw~~, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and ~~that~~ (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this chapter. The ~~commission~~ ~~Commission~~ shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.
- E. To prevent resource area loss, the ~~commission~~ ~~Commission~~ shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The ~~commission~~ ~~Commission~~ may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to ~~assure~~ ~~ensure~~ success, because of the high likelihood of failure of replication. The ~~commission~~ ~~Commission~~ may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless of the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the ~~commission~~ ~~Commission~~'s estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or actual or possible presence of rare plant or animal species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act regulations (310 CMR 10.60).
- F. The ~~commission~~ ~~Commission~~ shall presume that all areas meeting the definition of "~~vernal pools~~" under § 7-709.G of this chapter, including the adjacent area, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the ~~commission~~ ~~Commission~~, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations.
- G. A permit, ~~d~~Determination of ~~a~~Applicability (~~hereafter~~ DOA), or ~~o~~Order of ~~r~~Resource ~~a~~Area ~~d~~Delineation (~~hereafter~~ ORAD) shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the ~~commission~~ ~~Commission~~. Any permit may be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the ~~commission~~ ~~Commission~~ prior to expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and ~~which~~ shall apply to all present and future owners of the land.
- H. For good cause the ~~commission~~ ~~Commission~~ may revoke or modify any permit, ~~Determination of Applicability (DOA), Order of Resource Area Delineation (ORAD)~~ or any other order, determination or

other decision issued under this chapter after notice to the holder, the public, abutters, and town boards, pursuant to § 7-705 and § 7-706, and after a public hearing.

- I. Amendments to permits, DOAs or ORADs shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.
- J. The ~~commission~~Commission, in an appropriate case, may combine the decision issued under this chapter with the ~~Order of Conditions~~order of conditions, permit, DOA, ORAD or ~~c~~Certificate of ~~c~~Compliance (COC) issued under the Wetlands Protection Act and ~~r~~Regulations ~~thereunder~~.
- K. No work proposed in any application shall be undertaken until the permit or ORAD issued by the ~~commission~~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~~Commission that the document has been recorded. If the applicant fails to perform such recording, the ~~commission~~Commission may record the documents itself and require the applicant to furnish the recording fee therefor, either at the time of recording or as a condition precedent to the issuance of a COC.

§ 7-708 **Promulgation of regulations.**

- A. After public notice and public hearing, the ~~commission~~Commission shall promulgate rules and regulations to effectuate the purposes of this chapter, effective when voted and filed with the ~~town clerk~~Town Clerk. Failure by the ~~commission~~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 chapter.
- B. At a minimum, these regulations shall reiterate the terms defined in this chapter, define additional terms not inconsistent with the chapter, and impose filing and consultant fees.

§ 7-709 **Definitions.**

[Amended 5-1-2018 ATM, ~~Art.~~art. 24]

Except as otherwise provided in section 7-700 or in regulations of the commission, the definitions of terms and procedures in section 7-700 shall be as set forth in the Wetlands Protection Act (MGL c. 131, § 40) and the regulations thereunder.

A. AGRICULTURE-agriculture –

Refer to the definition provided by ~~G.L.~~MGL Ch.-c. 128, § 1A.

B. ALTER-alter –

Includes, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this chapter:

- A.-(1) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind.
- B.-(2) Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood-retention characteristics.

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- ~~(3)C:~~ Drainage, or other disturbance of water level or water table.
- ~~(4)D:~~ Dumping, discharging, or filling with any material which may degrade water quality.
- ~~(5)E:~~ Placing of fill, or removal of material, which would alter elevation.
- ~~(6)F:~~ Driving of piles or erection, expansion or repair of buildings, or structures of any kind.
- ~~(7)G:~~ Placing of obstructions or objects in water.
- ~~(8)H:~~ Destruction of plant life, including cutting or trimming of trees and shrubs.
- ~~(9)I:~~ Changing temperature, biochemical oxygen demand or other physical, biological or chemical characteristics of any waters.
- ~~(10)J:~~ Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater.
- ~~(11)K:~~ Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this chapter.

~~C. BANK~~ *bank* –

Includes 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.

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~~D. PERSON~~ *person* –

Includes 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 by-laws, administrative agency, public or quasi-public corporation or body, the Town of Northbridge and any other legal entity, its legal representatives, agents, or assigns.

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~~E. POND~~ *pond* –

Has the meaning stated in the definition of given in 310 CMR 10.04 except that the size threshold of ten thousand (10,000) square feet shall not apply.

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~~F. RARE SPECIES~~ *rare species* –

Includes, without limitation, all vertebrate and invertebrate animals and all 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 of Fisheries and Wildlife.

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~~F. VERNAL POOL~~ *vernal pool* –

Includes, in addition to scientific definitions found in the Regulations under the Wetlands Protection Act,

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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 ~~two hundred (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 Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.

~~Except as otherwise provided in this chapter or in regulations of the Conservation Commission, the definitions of terms and procedures in this chapter shall be as set forth in the Wetlands Protection Act (MGL e. 131, § 40) and Regulations (310 CMR 10.00).~~

**§ 7-710 Security.**

As part of a permit issued under this chapter, in addition to any security required by another municipal or state board, agency, or official, the ~~c~~Commission may require that the performance and observance of the conditions imposed hereunder (including conditions requiring mitigation work) be secured wholly or in part by one or ~~more~~both of the methods described below:

- A. By a proper bond or deposit of money or negotiable securities under a written third-party escrow arrangement, 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 (COC)~~ for work performed pursuant to the permit.
- B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Northbridge, whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

**§ 7-711 Enforcement.**

A. No person shall

(1) remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this chapter;~~;~~

(2) ~~or~~ cause, suffer, or allow such activity;~~;~~ ~~or~~

(3) leave in place unauthorized fill;~~;~~

(4) ~~or~~ otherwise fail to restore illegally altered land to its original condition; ~~or~~

(5) ~~or~~ fail to comply with a permit or an enforcement order issued pursuant to this chapter.

B. The Northbridge Conservation Commission, its agents, ~~its~~ officers, and ~~its~~ employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this chapter and may make or cause to be made such examinations, surveys or sampling as the ~~c~~Commission deems necessary subject to the constitutions and laws of the United States and the ~~c~~Commonwealth.

C. The ~~commission~~ Commission shall have authority to enforce this chapter, its regulations, and permits

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issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, noncriminal citations under MGL c. 40, § 21D, and civil and criminal court actions. Any person who violates the provisions of this chapter 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.

- D. Upon request of the ~~commission~~Commission, the ~~board of selectmen~~Board of Selectmen and ~~(T~~Town ~~c~~Counsel shall take legal action for enforcement under civil law. Upon request of the ~~commission~~Commission, the ~~c~~Chief of ~~p~~Police shall take legal action for enforcement under criminal law. Town of Northbridge boards and officers, including any police officer or other officer having police powers, shall have authority to assist the ~~c~~Commission in enforcement.
- E. As an alternative to criminal prosecution in a specific case, the ~~commission~~Commission may issue citations with specific penalties pursuant to the noncriminal disposition procedure set forth in MGL c. 40, § 21D, which has been adopted by the Town of Northbridge in § 1-109 of the general ~~by-~~lawsbylaws.
- F. Any person who violates any provision of this chapter, regulations thereunder or permits or administrative orders issued thereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues; or during which unauthorized fill or other alteration remains in place; shall constitute a separate offense, and each provision of the chapter, regulations, permits; or administrative orders violated shall constitute a separate offense.

**§ 7-712 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 unacceptable significant or cumulative effect upon the resource area values protected by this chapter. Failure to provide adequate evidence to the ~~commission~~Commission supporting this burden shall be sufficient cause for the ~~commission~~Commission to deny a permit or grant a permit with conditions.

**§ 7-713 Relation to Wetlands Protection Act.**

This chapter is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (MGL c. 131, § 40) and ~~the r~~Regulations ~~thereunder~~ (310 CMR 10.00)-thereunder. It is the intention of this chapter that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and ~~the~~ regulations thereunder.

**§ 7-714 Severability.**

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

**§ 7-715 Appeal.**

A decision of the ~~conservation commission~~Conservation Commission shall be reviewable in the Superior Court in accordance with MGL: c. 249, § 4.

SECTION 7-800

## STORMWATER MANAGEMENT BYLAW

[Adopted 5-6-2008 ATM, Art. 22]

§ 7-801 **Purpose.**

A. The purpose of this bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare of the Town of Northbridge by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, and promote groundwater recharge to protect surface and groundwater drinking supplies. This bylaw seeks to meet that purpose through the following objectives:

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of watersheds and preserve the health of water resources;
- (2) Require that new development, redevelopment and all land conversion activities maintain the after-development runoff characteristics that are equal to or less than the pre-development runoff characteristics in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;
- (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damage due to increases in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff; establish minimum design criteria for measures to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;
- (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- (5) Encourage the use of nonstructural stormwater management practices, stormwater better site design practices or "low-impact development practices," such as reducing impervious cover and the preservation of greenspace and other natural areas, to the maximum extent practicable;
- (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
- (7) Establish provisions to ensure there is an adequate funding mechanism, including financial security or surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this bylaw;
- (8) Establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans, and for the inspection of approved active development projects, and long-term

follow up; establish certain administrative procedures and fees for the submission, review, approval or disapproval of stormwater plans, and the inspection of approved projects.

- B. Nothing in this bylaw is intended to replace the requirements of either the Town of Northbridge Zoning Bylaw, the Town of Northbridge General Wetlands Protection Bylaw, or any other bylaw that may be adopted by the Town of Northbridge. Any activity subject to the provisions of the above-cited bylaws must comply with the specifications of each.

**§ 7-802 Definitions.**

The following definitions shall apply in the interpretation and implementation of this bylaw. Additional definitions may be adopted by separate regulation:

**ALTERATION**

Any activity that will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alteration may be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbance activities.”

**BEST MANAGEMENT PRACTICE (BMP)**

Structural, nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

**BETTER SITE DESIGN**

Site design approaches and techniques that can reduce a site’s impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for stormwater management.

**GENERAL STORMWATER MANAGEMENT PERMIT (GSMP)**

A permit issued for a development project that meets a set of predetermined standards outlined in the Regulations to be adopted by the Stormwater Authority under § 7-804 of this bylaw. By meeting these predetermined standards, the proposed project will be presumed to meet the requirements and intent of this bylaw.

**HOTSPOT**

Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

**MASSACHUSETTS STORMWATER MANAGEMENT POLICY**

The policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and the Massachusetts Clean Waters Act, MGL c. 21, §§ 23-56. The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

**NEW DEVELOPMENT**

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

**NONPOINT SOURCE POLLUTION**

Pollution from many diffuse sources as opposed to discrete conveyances caused by water, rainfall or snowmelt moving over or through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

**PERSON**

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, the Town of Northbridge, and any other legal entity, its legal representatives, agents, or assigns.

**POST-DEVELOPMENT**

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

**PRE-DEVELOPMENT**

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

**RECHARGE**

The replenishment of underground water reserves.

**REDEVELOPMENT**

Any construction, alteration, or improvement involving land disturbance of more than 5,000 square feet, where the existing land use is commercial, industrial, institutional, or multifamily residential.

**STORMWATER AUTHORITY**

The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this bylaw. The Stormwater Authority shall be the Planning Board or its authorized delegates or agents. The Planning Board shall have the authority to delegate to other Town boards and



commissions, including, but not limited to, the Board of Health and the Conservation Commission, the duties and responsibilities of the Stormwater Authority for those matters, within the regulatory jurisdiction of such other boards and commissions, as may be set forth in the Stormwater Regulations adopted under § 7-804 of this bylaw. Other boards and/or departments of the Town may participate in the review process as described in such Stormwater Regulations.

#### **STORMWATER CREDITS**

A form of incentive for developers to promote conservation of natural and open space areas that may be included in the Stormwater Regulations adopted by the Stormwater Authority and may include provisions for reductions in stormwater management requirements in recognition of the use of techniques to reduce stormwater runoff at the site.

#### **STORMWATER MANAGEMENT PERMIT (SMP)**

A permit issued by the Stormwater Authority, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

##### **§ 7-803 Authority.**

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

##### **§ 7-804 Administration.**

- A. The Stormwater Authority shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by the Stormwater Authority to its employees or agents.
- B. Stormwater Regulations. The Stormwater Authority may adopt, and periodically amend, Stormwater Regulations to effectuate the purposes of this bylaw, including terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration, by majority vote, after conducting a public hearing to receive comments on the regulations or any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven days prior to the hearing date. Failure by the Stormwater Authority to promulgate such Stormwater Regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the provisions of this bylaw.
- C. Stormwater Management Manual. The Stormwater Authority will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy, or local equivalent, for execution of the provisions of this bylaw. This policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

- D. General permit. The Stormwater Authority shall have the authority to develop a General Stormwater Management Permit (GSMP) for specific types of projects, such as, without limitation, construction of a deck, patio, retaining wall, existing driveway expansion, shed, swimming pool, tennis or basketball court. Any such General Stormwater Management Permit requirements shall be defined and included as part of any Stormwater Regulations promulgated pursuant to this bylaw.
- E. Actions by the Stormwater Authority. The Stormwater Authority may take any of the following actions on an application for a Stormwater Management Permit as may be more specifically described in the Stormwater Regulations promulgated pursuant to this bylaw: approval, approval with conditions, disapproval, or disapproval without prejudice.
- F. Appeals of action by the Stormwater Authority. A decision of the Stormwater Authority shall be final. Further relief from a decision by the Stormwater Authority made under this bylaw shall be by petition to the Superior Court in an action filed in accordance with MGL c. 249, § 4.
- G. Stormwater Credit System. The Stormwater Authority may adopt, as part of the Stormwater Regulations, a Stormwater Credit System. This credit system will allow applicants the option, if approved by the Stormwater Authority, to take credit for the use of stormwater better site design practices to reduce some of the requirements specified in the Regulations. Failure by the Stormwater Authority to promulgate such a credit system through its Stormwater Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the provisions of this bylaw.
- H. Stormwater facility charges. The Stormwater Authority may adopt, as part of the Stormwater Regulations, a system of stormwater facility charges, pursuant to MGL c. 83, § 16. The Stormwater Authority shall administer, implement and enforce the system of facility charges. Failure by the Stormwater Authority to adopt such a system of facility charges or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the provisions of this bylaw.

**§ 7-805 Applicability.**

- A. This bylaw shall be applicable to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, grading applications, land use conversion applications, any activity that will result in an increased amount of stormwater runoff or pollutants flowing from the a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to § 7-805B of this bylaw. No person shall alter land within the Town of Northbridge without having obtained a Stormwater Management Permit (SMP). All new development and redevelopment under the jurisdiction of this bylaw shall be subject to the requirement to obtain a Stormwater Management Permit.
- B. Exemptions. The following activities shall be exempt from the requirement of a Stormwater Management Permit:
  - (1) Any activity that will disturb an area less than 5,000 square feet or less than 25% of a contiguous property, whichever is less.
  - (2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection

Act regulation, 310 CMR 10.04, and MGL c. 40A, § 3.

- (3) Maintenance of existing landscaping, gardens or lawn areas, provided such maintenance does not include the alteration of drainage patterns or expansion of the disturbed area.
  - (4) Normal maintenance and repair of Town owned public land, ways and appurtenances.
  - (5) The construction of any fence that will not alter existing terrain or drainage patterns.
  - (6) Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns.
  - (7) Repairs to any stormwater management facility or practice to address an emergency that poses a threat to public health or safety, or as deemed necessary by the Stormwater Authority.
  - (8) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw.
- C. Redevelopment projects are presumed to meet the stormwater management requirements specified in the Stormwater Regulations if the total impervious cover is reduced by 40% from existing conditions. Where site conditions prevent the reduction in impervious cover, stormwater management practices shall be implemented to provide stormwater controls for at least 40% of the site's impervious area. When a combination of impervious area reduction and stormwater management practice implementation is used for redevelopment projects, the combination of impervious area reduction and the area controlled by a stormwater management practice shall equal or exceed 40%.
- D. An alteration, redevelopment, or conversion of land use to a hotspot such as, without limitation: auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas, shall require a Stormwater Management Permit.

**§ 7-806 Permit procedures.**

Permit procedures and requirements shall be as described in the Stormwater Regulations promulgated as permitted under § 7-804 of this bylaw.

**§ 7-807 Enforcement.**

The Stormwater Authority or an authorized agent of the Stormwater Authority shall enforce this bylaw, the Stormwater Regulations, orders, violation notices, and enforcement orders issued thereunder, and may pursue all civil and criminal remedies for such violations. Any person who violates any provision of this bylaw, the Stormwater Regulations or any order or permit issued thereunder shall be punished by a fine of not more than \$300. Each day during which a violation exists shall constitute a separate offense. As an alternative to criminal prosecution in a specific case, the Stormwater Authority may issue citations pursuant to the noncriminal disposition procedure set forth in MGL c. 40, § 21D, as adopted under § 1-109 of the Code of the Town of Northbridge. For purposes of noncriminal disposition, the penalty for a first offense shall be \$100, for a second offense \$200, and for a third and subsequent offenses \$300. Enforcement shall be further described in the Stormwater Regulations promulgated under § 7-804 of this bylaw.

§ 7-808 **Severability.**

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

SECTION 7-900  
**STRETCH ENERGY CODE**

[Added 10-25-2016 ATM, ~~Art-art.~~ 6]

§ 7-901 **Definitions.**

~~A. *INTERNATIONAL ENERGY CONSERVATION CODE (IECC)*~~*International Energy Conservation Code* (IECC) – Refers to-

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

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~~B. *STRETCH ENERGY CODE*~~*Stretch Energy Code* --

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

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§ 7-902 **Purpose.**

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

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§ 7-903 **Applicability.**

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

§ 7-904 **Stretch Code.**

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future additions, amendments or modifications, is hereby made a part of the Town of Northbridge General By-laws. The Stretch Code is enforceable by the building i~~nspector of Buildings~~.

## Chapter 8 Regulation of Animals

[HISTORY: Adopted by the ~~Annual Town Meeting~~ ATM 10-28-1997, ~~Art-art.~~ 26. Amendments noted

where applicable.]

~~Article~~ **SECTION 8-100**  
**DOGS**

**§ 8-101 Definitions.**

The following words and phrases, as used in this section, unless the context requires otherwise, shall have the following meanings:

**A. ~~HUNTING OR SPORTING DOG~~ *hunting or sporting dog* --**

**Means** **A**an animal under the control and direction of its owner or keeper while used in training or actual hunting. It also includes animals used in events or trials participating under sanctioned competitions.

**B. ~~KEEPER~~ *keeper* --**

**Means** **A**any person, other than the owner, harboring in ~~his~~**their** possession any animal. The keeper shall be held liable for the action of the animal.

**C. ~~KENNEL~~ *kennel* --**

**Means** **A**a pack or collection of dogs on a single premises, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel, as defined in MGL c. 140, § 136A.

~~Amended 10-25-2011 ATM, **Art. art. 7**; 10-22-2013 ATM, **Art. art. 8**~~

**D. ~~OWNER~~ *owner* --**

Includes corporations, societies, associations, partnerships and individuals, provided that they show ownership of an animal by possession of a current and valid license or other satisfactory proof of ownership.

**E. ~~WORKING DOG~~ *working dog* --**

**Means** **A**an animal used in the performance of a particular set of tasks. The animal must be engaged in such tasks to be exempt from § 8-102. Examples include guard dogs, ~~s~~Seeing ~~e~~Eye dogs and dogs used to control a farmer's flock or herd.

**§ 8-102 Restraint; exceptions.**

No person shall permit a dog owned or kept by ~~him~~**them to go** beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash. The length of a leash shall not exceed six feet when ~~the dog is~~ off the property of the owner or keeper. An owner or keeper may use a leash of greater length to restrain a dog on the property of the owner or keeper, provided that the dog is securely confined to the premises of the owner or keeper. Exceptions are ~~animals, which are classified as~~ hunting or sporting dogs, as well as working dogs, while used in such capacity.

**§ 8-103 Prima facie evidence of violation.**

The unauthorized presence of any animal on public lands or on the land of any person other than the owner

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or keeper of such animal when such animal is not restrained as ~~above-mentioned~~ above shall be prima facie evidence of a violation of the provisions of this section.

**§ 8-104 Violations and penalties.**

**[Amended 10-25-2011 ATM, ~~Art-art.~~ 7]**

- A. This dog regulation ~~by-law~~ bylaw may be enforced pursuant to the provisions of MGL c. 40, § 21D, and pursuant to § 1-109A of this ~~code~~ Code of ~~by-laws~~ Bylaws.
- B. Except as otherwise provided, the penalty for the first offense in a calendar year shall be \$10; the penalty for the second offense shall be \$25, and the penalty for the third and each subsequent offense in the same calendar year shall be \$50.

**§ 8-105 Licensing requirements.**

A. Any owner or keeper of a dog six months of age or older in the ~~town~~ Town of Northbridge shall cause that dog to be licensed as required by MGL c. 140 within the stipulated time. An owner or keeper of fewer than four dogs over three months of age may elect to secure a kennel license in lieu of licensing the dogs individually as provided by MGL c. 140, § 137A. **[Amended 10-22-2013 ATM, ~~Art-art.~~ 8]**

B. Fees.

- (1) The annual fee for every dog license, except as otherwise provided for by law, shall be \$10, unless the town clerk has been shown a certificate of a registered veterinarian who performed the operation that ~~such altered the dog has been altered~~ and ~~has~~ thereby ~~been~~ deprived ~~it~~ of the power of breeding or producing offspring ~~has been shown to the Town Clerk~~, in which case the fee shall be \$6. If the ~~town clerk~~ Town Clerk is satisfied that the certification by the veterinarian who altered the dog cannot be obtained, the town clerk he/she may accept in lieu thereof a statement, under the penalties of perjury, by a registered veterinarian describing the dog and stating that he has examined the dog and, in his opinion, the dog is not capable of breeding or producing offspring by reason of spaying or neutering. Until the veterinarian has examined the dog in question, the license fee for the licensing period shall be at the rate of \$10. When applying for a license, the applicant must also show proof by a veterinarian's certificate that the dog has been vaccinated against rabies, as required by MGL c. 140. **[Amended 10-24-2006 ATM, ~~Art-art.~~ 23; 10-25-2011 ATM, ~~Art-art.~~ 7]**
- (2) No fee shall be charged for a license for a dog specifically trained to lead or serve a blind person or a deaf person, provided that the Division of the Blind or Deaf certified that such dog is so trained and actually in the services of a blind or deaf person. Nor shall a fee be charged for a license for any other kind of certified service dog or for a dog owned by a person who was 70 years old as of January 1 of the year in which the owner is requesting a dog license, except if the owner has a number of dogs for which a kennel license is required, as provided in the following subsections.
- (3) Kennel fees shall be as follows:
  - (a) ~~Four~~ 4 dogs or fewer: \$40. **[Amended 10-24-2006 ATM, ~~Art-art.~~ 23]**

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(b) ~~From Ten-5 to 10 dogs or fewer:~~ \$75.

(c) ~~Twenty-five dogs or fewer~~From 11 to 25 dogs: \$100.

- C. No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the commonwealth or other disposal of the dog.
- D. Should any owner or keeper of a dog fail to license that dog before June 1, that owner or keeper shall pay a late fee of \$10 per household before obtaining said license, ~~except-unless the a~~ dog ~~was~~ brought into the ~~town Town~~ as provided in MGL c. 140, § 138. This late fee shall be applicable from the 61st day after the arrival of such dog. [Amended 10-24-2006 ATM, ~~Art-art.~~ 23; 10-25-2011 ATM, ~~Art-art.~~ 7]
- E. Any person maintaining a kennel in the ~~town Town~~ of Northbridge who fails to license as prescribed by this section and the laws of the commonwealth shall pay a late fee of \$20. ~~Such fees as are collected by the Animal Control Officer shall be accounted for and paid over to the Town Treasurer to be incorporated into the Animal Control Fund.~~ [Amended 10-24-2006 ATM, ~~Art-art.~~ 23]

**§ 8-106 Impoundment.**

[Amended 10-24-2006 ATM, ~~Art-art.~~ 23; 10-25-2011 ATM, ~~Art-art.~~ 7]

The ~~a~~Animal ~~c~~Control ~~o~~fficer can impound a dog and fine the owner or keeper of said dog pursuant to § 8-104 of this chapter for the following offenses ~~by the dog or the owner~~:

- A. Being an unlicensed dog-
- B. Being found at large when the owner or keeper is not present-
- C. Injuring or menacing a person-
- D. Injuring a domestic animal or fowl-
- E. Chasing vehicles (autos, motorcycles or trucks)-
- F. Chasing bicycles-
- G. Causing any disturbance (barking, howling or ~~otherwise~~ disturbing)-
- H. Being unmuzzled off the owner's or keeper's property while a muzzling order is in effect-
- I. Being found at large at any school yard and/or recreational area-
- J. ~~Violation of~~Violating a quarantine-

**§ 8-107 Muzzling.**

[Amended 10-24-2006 ATM, ~~Art-art.~~ 23]

A. The ~~a~~Animal ~~c~~Control ~~o~~fficer can order a dog to be muzzled for the following:

- (1) Biting or menacing a person.
- (2) Injuring a domestic animal or fowl.
- (3) Excessive barking.

B. Exceptions. Only the animal control officer ~~Animal Control Officer~~ has the power to remove a muzzle order if ~~he~~ they so desires. ~~i.e. For example,~~ an exception is feeding time.

**§ 8-108 Quarantine orders.**

For biting a person, the animal must be quarantined subject to MGL c. 129, § 21. ~~Any and all~~ violations of a quarantine order will be subject to general penalties under MGL c. 129, § 30.

**§ 8-109 Storage fees.**

- A. A storage fee of \$5 per day will be levied if ~~said~~ an animal is impounded.
- B. Impounded, unlicensed dogs will be kept for 10 days. During such time, a description of the animal will be posted at the ~~t~~Fown ~~h~~Hall. To obtain the release of an unlicensed animal, the owner must license the animal and pay all fines and storage fees. If the animal is not claimed, it will be sold to anyone paying the fines and storage of said animal. If not claimed or sold within the ten-day period, the animal shall be destroyed in a humane manner.
- C. The owner of an impounded licensed dog will be notified by registered mail of the animal's confinement. The animal shall be kept until the owner pays all fines and storage. If not claimed within 30 days, it will be destroyed in a humane manner.

**§ 8-110 Estrous cycle.**

- A. If found at large, dogs in the estrous cycle (heat) can be impounded. If complaints have been recorded, the ~~a~~Animal ~~c~~Control ~~o~~fficer may require the owner to remove the animal from the area of disturbance. If a dog is impounded, the owner shall be notified by registered mail of the animal's confinement. **[Amended 10-24-2006 ATM, Art. art. 23]**
- B. A fine of \$25 shall be levied against the owner or keeper of an unspayed female dog in heat running at large.
- C. Impounded, unlicensed dogs in heat shall be kept for 10 days. During such time a description of the animal will be posted in the ~~t~~Fown ~~h~~Hall. If the animal is not claimed, it shall be sold to anyone paying the fines and storage of said animal. If not claimed or sold within the ~~10~~ten-day period, the animal shall be destroyed in a humane manner.

**§ 8-111 Appointment of animal control officer ~~Animal Control Officer~~ and assistants.**  
**[Amended 10-24-2006 ATM, Art. art. 23]**

Subject to approval of the ~~board of selectmen~~Board of Selectmen, the ~~town manager~~ Town Manager shall appoint an ~~animal control officer~~Animal Control Officer, ~~who shall be the Dog Officer,~~ and such assistants as

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are deemed necessary to administer and enforce this ~~by-law~~ bylaw relating to dogs and the sections of MGL c. 140, as amended, relating to dogs.

§ 8-112 **Kennels.**

[Amended 10-25-2011 ATM, ~~Art.~~ art. 7]

A. Kennel license required. A kennel license shall be required for all kennels and shall be classified as a Grade One License for the keeping of ~~four~~ 4 dogs, a Grade Two License for the keeping of ~~five~~ 5 to 10 dogs, and a Grade Three License for the keeping of 11 to 25 dogs or for the keeping of greater than 25 dogs. A kennel in excess of 25 dogs shall not be permitted unless the ~~animal control officer~~ Animal Control Officer determines that such kennel in excess of 25 dogs shall board dogs primarily within a building and such building shall provide for not less than ~~one hundred~~ (100) square feet of gross floor area per dog. ~~The new kennel licensing requirements shall become effective on.~~ [Amended 5-1-2018 ATM, ~~Art.~~ art. 28]

B. Application and issuance of license and fees. A kennel license shall be issued annually by the ~~town clerk~~ Town Clerk upon written application by an owner or keeper of dogs and ~~after inspection and determination by the animal control officer~~ Animal Control Officer, or other agent as designated by the ~~town manager~~ Town Manager ~~has inspected the premises on which the dogs are to be kept and has determined,~~ that the conditions set forth in ~~s~~ Subsection D are met.

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(1) An application fee of \$100 shall be required for the initial application and for any applications to make changes to an existing kennel license.

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(2) Exception: All existing kennels licensed before January 1, 2012, shall be exempt from the requirement of a new application and be subject only to the requirement of the annual inspection and renewal fee.

C. Conditions that must be met for the issuance of a kennel license. The ~~animal control officer~~ Animal Control Officer, or other agent as designated by the ~~town manager~~ Town Manager, shall determine that:

(1) ~~shall determine that~~ The proposed licensed premises contains sufficient and suitable space for the keeping of the specific breed(s) and number(s) of dogs, including both indoor and outdoor areas;

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(2) ~~shall, upon inspection of the proposed licensed premises, determine that~~ The proposed licensed ~~said premises for a Grade One License, a Grade Two License, and a Grade Three License shall provide suitable distances from nearby residential dwellings. Suitable distances from nearby residential dwellings shall be determined by the Animal Control Officer, or other agent as designated by the Town Manager, upon inspection of the proposed licensed premises; and~~

(3) ~~shall determine that~~ The proposed licensed premises contain a suitable shelter for the dogs, which for a Grade Three License includes adequate running water and an impervious floor suitable for sanitary maintenance.

D. Kennel license conditions. All kennel licenses shall be issued annually and be subject to the following conditions:

- (1) The licensee shall maintain a certificate of health signed by a licensed veterinarian for each dog in the kennel. The certificate of health shall be updated at least annually upon review of the kennel license and the payment of the annual kennel license fee.
  - (2) The licensee shall maintain a certificate signed by a licensed veterinarian that each dog in the kennel six months of age or older has a current rabies vaccination.
  - (3) The licensee shall comply with the Town of Northbridge ~~Leash~~ By-law, § 8-102.
  - (4) The licensed premises shall be subject to unannounced, annual inspections by the animal control officer~~Animal Control Officer~~, or other agent as designated by the town manager~~Town Manager~~, regarding compliance with the conditions of the kennel license.
- E. Penalties and enforcement. The operation of a kennel without a license shall be a violation of this by-law~~bylaw~~. Any violation of the conditions of a kennel license shall be grounds for suspension, revocation, or nonrenewal of the kennel license. The provisions of this article shall be enforced by the animal control officer~~Animal Control Officer~~, or other agent as designated by the town manager~~Town Manager~~. The penalties for violating the kennel licensing provision set forth herein shall be \$50-300 for the first offense and \$75 for each subsequent~~per~~ offense, each day of the violation constituting a separate offense.
- F. Appeal and waiver.

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- (1) Should a kennel license be denied because of the applicant's inability to meet the requirements of sufficient and suitable space, suitable distance from nearby residential dwellings, and suitable shelter for the dogs, as determined upon inspection by the animal control officer~~Animal Control Officer~~, or other agent as designated by the town manager~~Town Manager~~, the applicant may appeal the town clerk~~Town Clerk~~'s denial to the board of selectmen~~Board of Selectmen~~, or their designee, within 30 days of receiving the denial.
- (2) The board of selectmen~~Board of Selectmen~~, or their designee, shall hold a hearing on said appeal within 45 days of receipt of the written notice of appeal.
- (3) Notice of the hearing shall be given by postage-prepaid first-class mail to the abutters of the proposed licensed premises and; both to the property owner and any tenants, as appearing in the board of assessors~~Board of Assessors~~' most recent list, and also shall be published in a newspaper of general circulation in the town and on the town bulletin board~~Town~~, at least 14 days prior to the date of the board of selectmen~~Board of Selectmen~~'s, or their designee's, hearing. The applicant shall pay the expenses of giving said notice.
- (4) After hearing, the board of selectmen~~Board of Selectmen~~, or their designee, may do any of the following~~:waive strict compliance with the provisions set forth in Subsection D and order the Town Clerk to issue the license if:~~
  - (a) waive strict compliance with the provisions set forth in subsection D and order the town clerk

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to issue the license if ~~the animal control officer~~Animal Control Officer, or other agent as designated by the ~~town manager~~Town Manager, recommends a waiver;

- (b) ~~waive strict compliance with the provisions set forth in subsection D and order the town clerk to issue the license if~~ the board of selectmen~~Board of Selectmen~~, or their designee, determines that there is sufficient area for the keeping of the dogs and that the health and the safety of the public is protected; ~~or~~;
- (c) ~~In granting~~grant a waiver under this section, ~~the Board of Selectmen, or their designee, may~~ but impose conditions on the waiver such that the health and the safety of the public is protected; and the board of selectmen or its designee may then order the town clerk to issue a license that states these conditions.

§ 8-113 **Waste removal.**

[Added 10-25-2011 ATM, ~~Art-~~art. 7]

- A. Duty to dispose. It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by ~~his/her~~their dog on any sidewalk, street, park or other public area.
- B. Duty to possess means of removal. No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog.
- C. Method of removal and disposal. For the purpose of this regulation, the means of removal shall be any tool, implement or other device carried for the purpose of picking up and containing such feces unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of human feces, specifically reserved for the disposal of canine feces or as otherwise designated as appropriate by the ~~board of health~~Board of Health.
- D. Fines or violation. Violation of this regulation shall be punished by a fine of \$50 for each occurrence.
- E. Exemption. This regulation shall not apply to a dog accompanying a handicapped person who, by reason of ~~his/her~~their handicap, is physically unable to comply with the requirements of this regulation.

§ 8-114 **Banned or removed dogs.**

[Added 10-25-2011 ATM, ~~Art-~~art. 7]

Dogs ~~"banned"~~ or ~~"removed"~~ from another town or municipality may not be relocated to or be permitted to be kept within the ~~town~~Town of Northbridge.

§ 8-115 **Severability.**

In the event that any provision or section of this section is deemed invalid and unenforceable, all other provisions shall remain in force and in effect.

## Chapter 9

## Certain Conduct Regulated

[HISTORY: Adopted by the ~~Annual Town Meeting~~ ATM 10-28-1997, Art. art. 26. Amendments noted where applicable.]

### SECTION 9-100 ADVERTISING AND SIGNS

§ 9-101: ~~Authorization to post handbills required.~~

No person shall post, attach or in any manner affix any poster, banner, handbill ~~or~~, advertisement of any kind or nature whatsoever to, on or in any public or private property unless authorized in writing by the owner of such property to do so. The signatures of a majority of the members of the ~~board of selectmen~~ Board of Selectmen shall be required in the case of ~~town-Town~~-owned property.

§ 9-102: ~~Political signs.~~

[~~Added 10-24-2006 ATM, Art. art. 23~~]

Political signs may be placed only on private property and only with the permission of the property owner.

§ 9-103: ~~Yard sale signs.~~

[~~Added 10-24-2006 ATM, Art. art. 23~~]

Yard sale signs shall only be placed on private property and only with the permission of the property owner. Yard sale signs shall be removed no later than two days following the date of the yard sale. Yard sale signs shall not be allowed on public property or utility poles.

§ 9-104: ~~Real estate signs.~~

[~~Added 10-24-2006 ATM, Art. art. 23~~]

Real estate signs shall not be placed on public property or utility poles.

### SECTION 9-200 PUBLIC CONSUMPTION/POSSESSION OF ALCOHOLIC BEVERAGES

§ 9-201: ~~Prohibited conduct.~~

[~~Amended 10-24-2006 ATM, Art. art. 23~~]

No person shall consume any alcoholic beverage or have within the person's possession or control any container of alcoholic beverages which is open or has seals which have been broken while the person is in or upon any public way or private way to which the public has a right of access as invitees or licensees, ~~in any~~ park, ~~on any~~ playground or ~~in any~~ other public or private place without the consent of the owner or person in control of such place.

§ 9-202: ~~Police action upon witnessing a violation.~~

Any police officer witnessing a violation of this chapter shall have the power to arrest the violator without a warrant and shall bring the violator before the next session of the District Court with jurisdiction of the violation.

§ 9-203: ~~Seizure.~~

All alcoholic beverages being consumed or in the possession or control of any person in violation of this chapter shall be seized and safely held until final adjudication of the charge against the person or persons

charged with violating this chapter, at which time they shall be delivered to the person or persons entitled thereto.

SECTION 9-300  
(RESERVED)

§ 9-301: through § 9-307: (~~Reserved~~)

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SECTION 9-400:  
DISPOSAL OF WASTE MATERIAL

§ 9-401: **Transporting waste from out of town** ~~Town~~ prohibited.  
[Amended 10-25-2011 ATM, ~~Art. art.~~ 7]

No person shall bring any trash, rubbish, refuse ~~or~~; discarded materials ~~—~~; including tires, tree roots, bottles, cans, crates and waste or materials from demolished buildings or any other material ~~—~~ whatsoever from ~~without outside~~ the ~~town~~ ~~Town~~ limits into the ~~town~~ ~~Town~~ of Northbridge for the purpose of depositing it in any area used or set aside as a public or private dump. This provision shall not apply to material delivered to a properly permitted regional recycling facility.

§ 9-402: **Prohibited refuse.**

- A. No person shall deposit in any dump, public or private, any animal carcasses or other material which shall become a breeding place for rodents, flies or vermin. Likewise, no person shall deposit in any dump, public or private, any material which, by odor, dust, putrefaction or otherwise, shall be deemed to be obnoxious material by the ~~board of health~~ ~~Board of Health~~, unless otherwise authorized to do so by the ~~board of health~~ ~~Board of Health~~.
- B. To the extent permitted by law, no new building or facility or part thereof shall be constructed or used, and no premises shall be used, and no building or facility or part thereof shall be altered, enlarged, expanded ~~or~~; reconstructed ~~or used for so that it may be used principally for~~ the purpose of processing, storing, transferring; or staging, as principal uses, of infectious waste or physically dangerous medical or biological waste, as defined by the Commonwealth of Massachusetts Department of Environmental Protection Regulation 310 CMR 16.00, 310 CMR 19.00 and the Department of Public Health, State Sanitary Code 105 CMR 480.000. [Added ~~by art. 13 at special town meeting on 1-21-2003~~ ~~STM,~~ ~~Art. 13~~]
- C. No person shall deposit within the ~~town~~ ~~Town~~ of Northbridge any hazardous wastes or contaminated soils taken from ~~without outside~~ the ~~town~~ ~~Town~~ limits, including; but not limited to; those wastes or contaminated soils as defined in ~~MADEP~~ Policy No. COMM-97-001 (Reuse and Disposal of Contaminated Soil at Massachusetts Landfills), including construction and demolition fines and/or residuals, ~~and~~ grading and shaping materials; ~~as well as~~ ~~and~~ sediments, including dredged sediments, which are subject to compliance requirements of ~~MADEP~~ ~~DEP~~ Interim Policy No. COMM-94-007 (Interim Policy for Sampling, Analysis, Handling and Tracking Requirements for Dredged Sediment Reused or Disposed at Massachusetts Permitted Landfills). [Added 10-28-2014 ATM, ~~Art. art.~~ 12]

§ 9-403: **Approval of dump sites.**

No person shall use a dumping area for the disposal of rubbish, trash or refuse, including discarded materials as set forth in § 9-401, unless the area is approved as a dumping site pursuant to provisions of MGL c. 111,

§ 150A.

§ 9-404: **(Reserved)**

§ 9-405: **Definitions.**

Words or phrases used in the foregoing sections shall be understood to carry the meanings set forth in any legal precedents defining the same and shall be subject to discretionary standards of interpretation.

§ 9-406: **Certain waste disposal prohibited.**

The disposal of solid waste or hazardous waste by means of incineration, resource recovery or any other burning method shall be prohibited within the ~~town~~ ~~Town~~ of Northbridge.

§ 9-407: **Permit required; conditions; reimbursement of charges.**

~~A.~~ —No person shall remove or transfer garbage, offal or other offensive substances without first obtaining a permit from the ~~board of health~~ ~~Board of Health~~ in accordance with MGL c. 111, § 31A.

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## SECTION 9-500 LOITERING

§ 9-501: **Prohibited behavior.**

No person shall loiter, saunter or continue to sit or stand in any street, public place, public building or any property not ~~his~~ ~~their~~ own or under ~~his~~ ~~their~~ control so as to obstruct or impede the free passage of or in any manner annoy or disturb any other person after having been directed by a police officer to move on.

## SECTION 9-600 HAWKERS AND PEDDLERS

§ 9-601: **License required.**

No person shall sell any goods, wares or merchandise by public auction or otherwise in a street or sidewalk in such manner as to assemble more than five persons together, without first obtaining a license from the ~~board of selectmen~~ ~~Board of Selectmen~~.

§ 9-602: **License fee.**

[Amended 10-25-2011 ATM, ~~Art.~~ ~~art.~~ 7]

The fee for the license required by this ~~chapter~~ ~~section~~ shall be \$50.

## SECTION 9-700 TRAILERS

[Amended 10-25-2011 ATM, ~~Art.~~ ~~art.~~ 7]

§ 9-701: **Temporary permit required for residential trailers.**

All owners or persons in control of a house trailer must obtain a temporary permit from the ~~building inspector~~ ~~Building Inspector~~ prior to said trailer being occupied by any person.

§ 9-702: **Temporary permit required for commercial trailers.**

All owners or persons in control of a commercial trailer being used for construction, food service, office or similar commercial purposes in Northbridge must obtain a temporary permit from the ~~building inspector~~ ~~Building Inspector~~ prior to said trailer being occupied by any person.

§ 9-703: **Violations and penalties.**

The penalty for violation of §§ 9-701 and 9-702 shall be \$50, ~~and each day a trailer is occupied without a temporary permit shall be a separate offense~~The building inspector shall enforce this penalty.

SECTION 9-800  
WELLS

§ 9-801: **Covering required.**

Any owner of land whereon is located an abandoned well or a well in use shall either provide a covering for said well capable of sustaining a weight of 300 pounds or fill said well to the level of the ground. The penalty for violation of this section shall be not less than \$300 nor more than \$500.

SECTION 9-900  
YARD SALES

[Added 10-24-2006 ATM, ~~Art-art.~~ 23]

§ 9-901: **Yard sale limitations.**

No property owner shall conduct or allow a yard sale on ~~his~~their property on more than four days per calendar year.

§ 9-902: **Yard sale signs.**

Yard sale signs shall only be placed on private property and only with the permission of the property owner. Yard sale signs shall be removed no later than two days following the date of the yard sale. Yard sale signs shall not be allowed on public property or utility poles.

§ 9-903: **Violations and penalties.**

The penalty for the first violation of section 9-900 is a written warning. The penalty for each other violation is \$50.

§ 9-904: **Enforcing authority.**

The enforcing authority shall be the Northbridge Police Department.

SECTION 9-1000  
CONSTRUCTION

[Added 10-24-2006 ATM, ~~Art-art.~~ 23]

§ 9-1001: **Construction hours.**

[Amended 10-25-2011 ATM, ~~Art-art.~~ 7]

No construction, demolition, paving, alteration of buildings, excavation, loading or unloading of equipment or building materials, including idling trucks, shall be conducted between the hours of 6:00 p.m. and 7:00 a.m., unless approved by the building inspector Building Inspector in advance. ~~There shall be no~~No work shall be conducted on Sundays and all holidays unless permission has been issued by the building inspector Building Inspector, and a one-day notification to the building inspector Building Inspector is required. Violation of this by-law bylaw shall be subject to a fine of \$100 for each violation. This by-law bylaw shall be enforced through noncriminal disposition by the building inspector Building Inspector or any police officer of the Town of Northbridge. This by-law bylaw shall not apply to any public safety emergency activities or to homeowners doing work on their residences. A cease and desist order is not required for the

first offense.

**§ 9-1002: Contractors' insurance certification.**

All general contractors, design firms, and ~~all~~ subcontractors shall submit to the permit granting authority a copy of their updated insurance certification before any permit shall be granted. All insurance documentation shall be held on file at said office for the duration of their work or contract and for no less than 120 days past completion of any and all work.

## Chapter 10 Public Works

[**HISTORY:** Adopted by the ~~Annual Town Meeting~~ ATM 10-28-1997, ~~Art.-art.~~ 26. Amendments noted where applicable.]

### SECTION 10-100

#### SEWERS

**§ 10-101 Permission required to connect to sewers or storm drains.**

No person shall allow ~~his-their~~ vault or house or stable drain to drain into any sewer or storm drain, until first obtaining from the proper authorities permission in writing to do so.

**§ 10-102 Sewer connections required when possible.**

The sewerage of every building shall be connected with the public sewer when such sewer is located in a street, way or other land adjacent to the lot on which the building is located; if the sewer is so located as to take the sewage therefrom. If the public sewer becomes available after a ~~residence-building that discharges~~ wastewater has been constructed and a private waste-water treatment system has been installed, the connection to the public sewer shall be made within two years, or, if sooner, at the time of any transfer of title to the property, ~~if sooner~~. The time for connection shall be extended for up to five years in cases where a new on-site septic system has been installed, provided a Title V certificate of compliance has been issued and the system remains in satisfactory condition. The ~~board of health~~ Board of Health may, after a public hearing and for good cause shown, extend the time for compliance.

**§ 10-103 Common sewers.**

[**Added 2-23-1999** ~~STM~~ at a special town meeting, Art.-art. 2]

Any sewer or drain laid in any land or way, public or private, opened or proposed to be opened for public travel, shall be a common sewer, and it shall not be laid or connected with any existing common sewer unless authorized by the ~~board of selectmen~~ Board of Selectmen or its designee. The penalty for violation of this section shall be as set forth in § 1-109 of the Northbridge Code of By-~~L~~ laws.

### SECTION 10-200

#### TREE REPLACEMENT

**§ 10-201 Tree replacement formula.**

All town-owned trees, those being all trees wholly or partially located on property owned by the Town of Northbridge or located wholly or partially within the layout of any public way, in the event of their permanent removal for any reason, shall be replaced according to the following formula: The replacement of



town-owned trees shall occur at a ratio of one tree replacement for each tree removed.

§ 10-202 **Period for replacement.**

Such replacement shall be accomplished by the ~~department of public works~~ ~~Department of Public Works~~ within a ~~ninety~~90-day period, weather permitting. Regardless of circumstances, replacement shall take no longer than 12 months.

§ 10-203 **Replacement by private parties.**

Private parties who remove town-owned trees shall replace them at their own expense according to the above formula and time frame. The ~~department of public works~~ ~~Department of Public Works~~ shall determine planting sites for the replacement trees.

§ 10-204 **Annual report.**

The ~~department of public works~~ ~~Department of Public Works~~ shall report to the ~~t~~Fown annually on the number and size of the trees which were removed and the number and size of replacement trees planted.

SECTION 10-300  
WATER USE RESTRICTIONS

[Added 6-11-2002 ATM, ~~Art.~~ art. 9]

§ 10-301 **Authority.**

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

§ 10-302 **Purpose.**

The purpose of this ~~by-law~~ ~~bylaw~~ is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a ~~state-of-water-supply~~ conservation or ~~state-of-water-supply~~ emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the ~~town~~ ~~Town~~ or by the ~~MADEP~~ ~~Department of Environmental Protection~~.

§ 10-303 **Definitions.**

As used in this ~~by-law~~ ~~bylaw~~, the following terms shall have the meanings indicated:

~~A. PERSON~~ ~~person~~ --

~~Means A~~ any individual, corporation, trust, partnership or association, or other entity.

~~B. STATE OF WATER SUPPLY EMERGENCY~~ ~~state-of-water-supply emergency~~ --

~~Means Aa~~ ~~state-of-water-supply~~ emergency declared by the ~~MADEP~~ ~~Department of Environmental Protection~~ under M.G.L. c. 21G, § 15--17.

~~C. STATE OF WATER SUPPLY CONSERVATION~~ ~~state-of-water-supply conservation~~ --

~~Means Aa~~ ~~state-of-water-supply~~ conservation declared by the ~~town~~ ~~Town~~ pursuant to § 10-304 of this ~~by-law~~ ~~bylaw~~.

~~D. WATER USERS OR WATER CONSUMERS~~ ~~water users or water consumers~~ --

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Means A All public and private users of the townTown's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

§ 10-304 **Declaration of a ~~state-of-water-supply~~ conservation.**

The townTown, through its ~~board of selectmen~~Board of Selectmen, may declare a ~~state-of-water-supply~~ conservation upon a determination by a majority vote of the ~~b~~Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a ~~state-of-water-supply~~ conservation shall be given under § 10-306 of this ~~by-law~~ bylaw before ~~it~~ the conservation may be enforced.

§ 10-305 **Restricted water uses.**

A declaration of a ~~state-of-water-supply~~ conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 10-306.

- A. ~~Odd/even-day~~ outdoor watering. Outdoor watering by water users with odd-numbered addresses is restricted to odd-numbered days. Outdoor watering by water users with even-numbered addresses is restricted to even-numbered days.
- B. Outdoor watering ban. Outdoor watering is prohibited.
- C. Outdoor watering hours. Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a ~~state-of-water-supply~~ conservation and public notice thereof.
- D. Filling swimming pools. Filling of swimming pools is prohibited.
- E. Automatic sprinkler use. The use of automatic sprinkler systems is prohibited.

§ 10-306 **Public notification of a ~~state-of-water-supply~~ conservation; notification of MADEP.**

Notification of any provision, restriction, requirement or condition imposed by the townTown as part of a ~~state-of-water-supply~~ conservation shall be published in a newspaper of general circulation within the townTown, or by such other means reasonably calculated to reach and inform all users of water of the ~~state-of-water-supply~~ state-of-water-supply conservation. Any restriction imposed under § 10-305 shall not be effective until such notification is provided. Notification of the ~~state-of-water-supply~~ state-of-water-supply conservation shall also be simultaneously provided to the ~~MADEP~~Massachusetts Department of Environmental Protection.

§ 10-307 **Termination of a ~~state-of-water-supply~~ state-of-water-supply conservation; notice.**

A ~~state-of-water-supply~~ state-of-water-supply conservation may be terminated by a majority vote of the ~~board of selectmen~~Board of Selectmen, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a ~~state-of-water-supply~~ state-of-water-supply conservation shall be given in the same manner required by § 10-306.

§ 10-308 **~~state-of-water-supply~~ State-of-water-supply emergency; compliance with MADEP orders.**

Upon notification to the public that the ~~MADEP~~Department of Environmental Protection has issued a declaration of a ~~state-of-water-supply~~ state-of-water-supply emergency, no person shall violate any provision,

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restriction, requirement, or condition of any order approved or issued by the MADEP Department intended to bring about an end to the state of emergency.

§ 10-309 **Penalties.**

~~If any person is found by the town to have violated this by-law during drought or any other restricted-use period, the town shall respond to this first offense by sending the said violator a written warning by certified mail, return receipt requested, ordering the violator to cease the violating action immediately and advising them that if at any time after service of the written warning the violator is found by the town or any agent of the town to have continued the violating action, the town will terminate water service to the violator or instruct the Whitinsville Water Company (“the company”) to terminate water service to the violator. The cost of terminating the water service shall be \$55; the cost of restoring service will be \$55 during the regular business hours of the town or the company and \$196 if the town or the company fulfills a request to restore service outside its regular business hours. The cost of both terminating and restoring service shall be borne by the violator and shall be paid to the Town of Northbridge. Any person violating this bylaw shall be liable to the Town in the amount of \$50 for the first violation and \$100 for each subsequent violation which shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by noncriminal disposition in accordance with Section 21-D of Chapter 40 of the General Laws and § 1-109 of the Code of the Town of Northbridge. Each day of violation shall constitute a separate offense.~~

§ 10-310 **Severability.**

The invalidity of any portion or provision of this by-law ~~bylaw~~ shall not invalidate any other portion or provision thereof.

SECTION 10-400  
**ILLEGAL DISCHARGES AND STORMWATER CONNECTIONS**

[Added 10-25-2005 ATM, Art-art. 10]

§ 10-401 **Purpose/intent.**

The purpose of this by-law ~~bylaw~~ is to provide for the health, safety, and general welfare of the citizens of the Town of Northbridge through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This by-law ~~bylaw~~ establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this by-law ~~bylaw~~ are:

- A. ~~To~~ regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- B. ~~To~~ prohibit illicit connections and illegal discharges to the municipal separate storm sewer system, and.
- C. ~~To~~ establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this by-law ~~bylaw~~.

§ 10-402 **Definitions.**

For the purposes of this by-law ~~bylaw~~, the following words shall ~~mean~~ have the meanings indicated. Terms used in this by-law and not specifically defined herein shall have the meaning set forth in the federal Clean Water Act.

A. AUTHORIZED ENFORCEMENT AGENCY *authorized enforcement agency --*

Means the department of public works ~~Department of Public Works~~ and its employees or agents designated by the director of public works ~~Director of Public Works~~ to enforce this by-law ~~bylaw~~.

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B. BEST MANAGEMENT PRACTICES (BMPS) *best management practices (BMPS) --*

Means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

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C. CLEAN WATER ACT *Clean Water Act --*

Means the federal Water Pollution Control Act (33 U.S.C. §-1251 et seq ~~and following~~); and any subsequent amendments thereto.

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D. CONSTRUCTION ACTIVITY *construction activity --*

Means activities subject to NPDES c ~~C~~ Construction ~~p~~ Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

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E. DISCHARGE OF POLLUTANTS *discharge of pollutants --*

Means the addition from any source of any pollutants or combination of pollutants into the municipal storm drainage system or into waters of the United States from any source.

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F. GROUNDWATER *groundwater --*

Means water beneath the surface of the ground.

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G. HAZARDOUS MATERIAL *Shazardous materials --*

Means any material, including any substance, waste; or combination thereof, which because of its quantity, concentration; or physical, chemical; or infectious characteristics may cause; or significantly contribute to; a substantial present or potential hazard to human health, safety, property; or the environment when improperly treated, stored, transported, disposed of; or otherwise managed.

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H. ILLEGAL DISCHARGE *illegal discharge --*

Means any direct or indirect non-stormwater discharge to the municipal storm drainage system, except as exempted in § 10-407 of this by-law ~~bylaw~~.

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I. ILLICIT CONNECTIONS *Illicit connections --*

An illicit connection is defined as either of the following:

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- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the municipal storm drainage system and any connections to the municipal storm drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed,

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permitted, or approved before the effective date of this ~~by-law~~ bylaw, or

(2) Any drain or conveyance connected from a commercial or industrial land use to the municipal storm drainage system; which has not been documented in plans, maps; or equivalent records and approved by an authorized enforcement agency.

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~~J. INDUSTRIAL ACTIVITY~~ industrial activity --

Means activities subject to NPDES industrial permits as defined in 40 CFR; ~~Section~~ 122.26 (b)(14).

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~~K. MUNICIPAL AUTHORITY~~ municipal authority --

Means the Northbridge ~~board of selectmen~~ Board of Selectmen.

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~~L. MUNICIPAL SEPARATE~~ municipal separate, ~~STORM SEWER SYSTEM~~ storm sewer system, (MS4) or ~~MUNICIPAL STORM DRAINAGE SYSTEM~~ municipal storm drainage system --

Means any facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs; and other drainage structures.

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~~M. NATIONAL POLLUTANT~~ national pollutant, ~~DISCHARGE ELIMINATION SYSTEM~~ discharge elimination system, (NPDES) ~~STORMWATER DISCHARGE PERMIT~~ stormwater discharge permit --

Means a system under which permits are issued by the United States Environmental Protection Agency (EPA) or jointly with the Commonwealth of Massachusetts ~~that and which~~ authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group; or general area-wide basis.

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~~N. NON STORMWATER DISCHARGE~~ nonstormwater discharge --

Means any discharge to the storm drain system that is not composed entirely of stormwater.

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~~O. PERSON~~ person --

Means any individual, association, organization, partnership, firm, corporation; or other entity recognized by law and any officer, employee or agent of such person.

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~~P. POLLUTANT~~ pollutant --

Means anything; which causes or contributes to pollution. Pollutants may include; but are not limited to: paints, varnishes; and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter; or other discarded or abandoned objects and accumulations, so that the same may cause or contribute to pollution; floatables; pesticides, herbicides; and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

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~~Q. PREMISES~~ premises --

Means any building, lot, parcel of land; or portion of land whether improved or unimproved and including adjacent sidewalks and parking strips.

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R. STORMWATER ~~stormwater~~ –

Means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

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S. STORMWATER POLLUTION PREVENTION PLAN ~~stormwater pollution prevention plan~~ –

Means a document, which describes the ~~b~~Best ~~m~~Management ~~p~~Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

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T. SURFACE WATER DISCHARGE PERMIT ~~surface water discharge permit~~ –

Means a permit issued by the ~~Massachusetts Department of Environmental Protection~~ ~~MADEP~~ pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

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U. WASTEWATER ~~wastewater~~ –

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

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V. WATERCOURSE ~~watercourse~~ –

Means a natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

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Other terms used in this ~~by-law~~ ~~bylaw~~ and not specifically defined herein shall have the meaning set forth in the Clean Water Act.

**§ 10-403 Applicability.**

This ~~by-law~~ ~~bylaw~~ shall apply to all water entering the municipal storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

**§ 10-404 Responsibility for administration.**

The Town of Northbridge Department of Public Works shall administer, implement, and enforce the provisions of this ~~by-law~~ ~~bylaw~~. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the ~~director of public works~~ ~~Director of Public Works~~ to persons or entities acting in the beneficial interest of or in the employ of the ~~d~~Department.

**§ 10-405 Severability.**

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

**§ 10-406 Ultimate responsibility.**

The standards set forth herein and promulgated pursuant to this ~~by-law~~ ~~bylaw~~ are minimum standards; therefore, this ~~by-law~~ ~~bylaw~~ does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, ~~n~~or unauthorized discharge of pollutants.

§ 10-407 **Discharge prohibitions.**

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the municipal storm drainage system or watercourses any materials—including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards—other than stormwater. The commencement, conduct, or continuance of any illegal discharge to the municipal storm drainage system is prohibited except as described as follows:

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- (1) The following discharges are exempt from discharge prohibitions established by this ~~by-law~~ bylaw: water line flushing; flow from potable water sources; landscape irrigation or lawn watering; diverted stream flows; rising groundwater; uncontaminated groundwater infiltration to storm drains or uncontaminated pumped groundwater, water from foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation; springs; non-commercial washing of vehicles; natural riparian habitat or wetland flows, swimming pools (if dechlorinated: typically less than one PPM chlorine), fire-fighting activities; and any other water source not containing pollutants.
- (2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety are exempt from discharge prohibitions established by this by-law.
- (3) Dye testing is an allowable discharge but requires an verbal notification to the authorized enforcement agency prior to the time of the test.
- (4) The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency or the ~~MADEP~~ Department of Environmental Protection, provided that the discharge is in full compliance with all the requirements of the permit, waiver or order and other applicable laws and regulations and provided that written approval has been granted for any discharge to the municipal storm drainage system.

~~No person shall discharge or cause to be discharged into the municipal storm drainage system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.~~

~~The commencement, conduct, or continuance of any illegal discharge to the municipal storm drainage system is prohibited except as described as follows:~~

B. Prohibition of illicit connections.

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- (1) The construction, use, maintenance, or continued existence of illicit connections to the municipal storm drainage system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this ~~by-law~~ bylaw if the person connects a line conveying sewage to the municipal storm drainage system; or allows such a connection to continue.

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§ 10-408 **Suspension of MS4 access.**

A. Suspension due to illegal discharges in emergency situations.

The ~~department of public works~~ ~~Department of Public Works~~ may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If a person fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as are deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

**B.** Suspension due to the detection of illegal discharge.

Any person discharging to the MS4 in violation of this ~~by-law~~ ~~bylaw~~ may have ~~his~~ ~~their~~ MS4 access terminated if such termination would abate or reduce an illegal discharge. The authorized enforcement agency will notify a violator of the proposed termination of ~~its~~ ~~their~~ MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

**C.** A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency.

**§ 10-409 Industrial or construction activity discharges.**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the ~~department of public works~~ ~~Department of Public Works~~ prior to the allowing of discharges to the MS4.

**§ 10-410 Monitoring of discharges.**

- A. Applicability. This subsection applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- B. Access to facilities.

(1) To the extent permitted by law, the ~~department of public works~~ ~~Department of Public Works~~ shall be permitted to enter and inspect facilities subject to regulation under this ~~by-law~~ ~~bylaw~~ as often as may be necessary to determine compliance with this ~~by-law~~ ~~bylaw~~. If a discharger has security measures in force, ~~which~~ ~~that~~ require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Facility operators shall allow the ~~department of public works~~ ~~Department of Public Works~~ ready access to all parts of the premises for the following purposes:

(a) ~~of~~ ~~I~~ inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater; ~~and~~

(b) ~~T~~he performance of any additional duties as defined by state and federal law.

(3) The ~~department of public works~~ ~~Department of Public Works~~ shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement

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agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

- (4) The ~~department of public works~~ ~~Department of Public Works~~ has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the ~~department of public works~~ ~~Department of Public Works~~ and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the ~~department of public works~~ ~~Department of Public Works~~ access to a permitted facility shall be a violation of a surface water discharge permit and of this ~~by-law~~ ~~bylaw~~. A person who is the operator of a facility with an NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ~~by-law~~ ~~bylaw~~.
- (7) If the ~~department of public works~~ ~~Department of Public Works~~ has been refused access to any part of the premises from which stormwater is discharged, and ~~if the department~~ is able to demonstrate probable cause to believe that there may be a violation of this ~~by-law~~ ~~bylaw~~, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ~~by-law~~ ~~bylaw~~ or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

**§ 10-411 Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.**

The ~~department of public works~~ ~~Department of Public Works~~ will adopt requirements identifying best management practices for any activity, operation, or facility, which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal storm drainage system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

§ 10-412 **Watercourse protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse; ~~so in such a way~~ that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

§ 10-413 **Notification of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the municipal storm drainage system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies (including the Northbridge Police and Fire Departments) of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the ~~department of public works~~ **Department of Public Works** within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 10-414 **Enforcement.**

A. Notice of violation. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ~~by-law~~ **bylaw**. The ~~department of public works~~ **Department of Public Works** and its employees and agents designated by the ~~director of public works~~ **Director of Public Works** shall enforce this ~~by-law~~ **bylaw**. Whenever the ~~department of public works~~ **Department of Public Works** finds that a person has violated a prohibition or failed to meet a requirement of this ~~by-law~~ **bylaw**, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation, the following:

- (1) ~~The~~ performance of monitoring, analyses, and reporting;
- (2) ~~The~~ elimination of illicit connections or discharges;
- (3) ~~That~~ violating discharges, practices, or operations shall cease and desist;
- (4) ~~The~~ abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; ~~and~~
- (5) ~~p~~Payment of a fine to cover administrative and remediation costs; and
- (6) ~~The~~ implementation of source control or treatment BMPs.

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B. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or restoration must be completed. Said notice shall further advise that, should the violator fail to abate or restore within the established deadline, the Town of Northbridge may, at its option, undertake the work and that the expense thereof shall be charged to the violator.

**§ 10-415 Appeal of notice of violation.**

Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency to the ~~Northbridge board of selectmen~~ Board of Selectmen. The notice of appeal must be received within 10 calendar days from the date of the notice of violation. A hearing on the appeal before the board of selectmen ~~Board of Selectmen~~ shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the ~~Northbridge board of selectmen~~ Board of Selectmen shall be final.

**§ 10-416 Enforcement measures after appeal.**

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation; or, in the event of an appeal, within 30 calendar days of the decision of the ~~Northbridge board of selectmen~~ Board of Selectmen upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency may, to the extent permitted by law, enter upon the subject property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person ~~or for any;~~ owner of, agent of, or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

**§ 10-417 Cost of abatement of the violation.**

Within 15 calendar days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs, which cost shall be assessed to the owner. The property owner may file with the ~~board of selectmen~~ Board of Selectmen, a written protest objecting to the amount of the assessment within 10 calendar days. If the amount due is not paid by the expiration of the time in which to file a protest or, if a protest is filed, within 10 calendar days after the decision of the board of selectmen ~~Board of Selectmen~~ upholding, in whole or in part, the amount of the cost, the cost shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. The cost shall be paid in not more than 12 equal payments. Interest at the statutory rate provided in MGL c. 59, § 57, shall be assessed on the balance beginning on the 31st day after the cost first becomes due.

**§ 10-418 Injunctive relief.**

If a person has violated or continues to violate the provisions of this ~~by-law~~ bylaw, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities; which would create further violations; or compelling the person to perform abatement or remediation of the violation.

**§ 10-419 Compensatory action.**

In lieu of enforcement proceedings, penalties; and remedies authorized by this ~~by-law~~ bylaw, the authorized enforcement agency may impose upon the violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup; etc.

**§ 10-420 Violations deemed a public nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ~~by-law~~ bylaw is deemed to be a threat to public health, safety; and welfare; and is declared and deemed a nuisance, and a civil action to abate, enjoin; or otherwise compel the

cessation of; such nuisance may be taken by the authorized enforcement agency.

**§ 10-421 Prosecution of violations.**

Any person that has violated or continues to violate this ~~by-law~~ ~~bylaw~~ shall be liable to criminal prosecution to the fullest extent of the law; and shall be subject to a penalty of \$500 per violation per day. The authorized enforcement agency may recover all attorney's fees, court costs and other expenses associated with enforcement of this ~~by-law~~~~bylaw~~, including sampling and monitoring expenses. Notwithstanding the foregoing, the ~~town~~ ~~Town~~ may choose to employ the "noncriminal" remedies detailed on § 1-109 of this ~~code~~ ~~Code~~ of ~~by-laws~~~~Bylaws~~.

**§ 10-422 Remedies not exclusive.**

The remedies listed in this ~~by-law~~ ~~bylaw~~ are not exclusive of any other remedies available under any applicable federal, state; or local law; and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

## Chapter A232

### Effect on Preexisting Actions

**Section 1**

The provisions of the 1997 Code of Bylaws, so far as they are the same as those of existing ~~by-laws~~~~bylaws~~, shall be construed as a continuation of such ~~by-laws~~ ~~bylaws~~ and not as new enactments, and references in such ~~by-laws~~ ~~bylaws~~ not repealed to provisions of law which are revised and reenacted herein shall be construed as applying to such provisions as so incorporated in the 1997 Code of Bylaws.

**Section 2**

The repeal by adoption of this vote shall not revive any ~~by-law~~ ~~bylaw~~ heretofore repealed or superseded, nor any office heretofore abolished.

**Section 3**

The repeal by adoption of this vote shall not affect any act done, or any right accrued or established, or any proceedings, doings or acts ratified or confirmed, or any suit or proceeding had or commenced in a civil case, before the repeal takes effect, but the proceedings therein shall when necessary conform with the 1997 Code of Bylaws.

**Section 4**

The repeal by adoption of this vote shall not affect any penalty or forfeiture incurred before it takes effect, under any of the ~~by-laws~~ ~~bylaws~~ repealed, except that where a punishment, penalty or forfeiture is mitigated by the 1997 Code of Bylaws, such provision may be extended and applied to any judgment pronounced after said repeal.

**Section 5**

The repeal by adoption of this vote shall not affect any suit or prosecution pending at the time of the repeal for an offense committed, or for the recovery of a penalty or forfeiture incurred, under any of the ~~by-laws~~ ~~bylaws~~ repealed, except that the proceedings therein shall when necessary conform to the provisions of the 1997 Code of Bylaws.

**Section 6**

Every person who, at the time when said repeal takes effect, holds an office under any of the ~~by-laws~~ ~~bylaws~~

repealed, shall continue to hold such office according to the tenure thereof, unless such office is abolished, or unless a different provision relative thereto is made in the 1997 Code of Bylaws.

Section 7

When a limitation or period of time prescribed in any of the ~~by-laws bylaws~~ repealed, for acquiring a right, or barring a remedy, or any other purpose, has begun to run, and the same or a similar limitation is prescribed in the 1997 Code of Bylaws, the time of limitation shall continue to run and shall have like effect as if the whole period had begun and ended under the operation of the 1997 Code of Bylaws.

Section 8

The ~~by-laws bylaws~~ and parts of ~~by-laws bylaws~~ specified in the annexed schedule shall be expressly repealed from and after the thirty-first day following the date on which the ~~a~~Attorney ~~g~~General of the ~~c~~Commonwealth acts upon this 1997 Code of Bylaws as required by Section 32 of chapter 40 of the General Laws, subject to all of the provision of section seven, above; but no implication shall be drawn from such repeal that said ~~by-laws bylaws~~ and parts of ~~by-laws bylaws~~ repealed were in force until so repealed.

**EXISTING BYLAWS TO BE RESCINDED IN THE CODE OF BYLAWS TOWN OF NORTHBRIDGE**

<b>Chapter and Section</b>	<b>Title of Chapter and Section</b>
C.8, § 4	Printing and Distribution of Town Report
C.13, § 1	Water Study Committee
C.13, § 2	School Building Committee
C.13, §§ 9-10	Master Plan Update Committee
C.13, § 13	Charter implementation Committee
C.41, § 8	Limit on Amendments to a Motion
C.18	Elsa Mason Trust Fund
C.51	Adult Entertainment
C.144, §§ 7-8	Annual Establishment of User Charge Rates
C.147	Smoking
C.151, § 1	Board of Road Commissioners
C.151, § 9	Playing Games and Throwing Objects Prohibited
C.151, § 14	Transporting of Certain Substances Restricted
C.151, § 15	Spilling or Blowing of Substances from Vehicles
C.163, § 6	General Speed Limit Restriction
C.167, § 4	Corner Lots

## Chapter A233 General Laws and Special Acts

The following is a listing of General Laws and Special Acts accepted by the Town of Northbridge:

§ A233-1 List of General Laws and Special Acts.

<b>Date Accepted</b>	<b>Statutory Reference</b>	<b>Subject</b>
2-9-1937	MGL C. 40, §§ 42A-42f	Water purchases

<b>Date Accepted</b>	<b>Statutory Reference</b>	<b>Subject</b>
6-7-1948	MGL C. 121, § 26K, as amended by <a href="#">Ch.-ch. 574</a> of the Acts of 1946	Housing Authority established
2-14-1956	MGL C. 41, § 81A	Planning Board established
2-5-1957	MGL C. 32B, § 10	Contributory group general or blanket insurance
2-5-1957	MGL C. 85, § 11A	Registration of bicycles
2-3-1959	MGL C. 41, § 38A	Collector of Taxes
2-10-1959	MGL C. 40, § 8A	Industrial Development Commission established
3-7-1961	<a href="#">Ch.-ch. 647</a> of the Acts of 1960	Pensions and retirement allowances increased
3-12-1963	<a href="#">Ch.-ch. 782</a> of the Acts of 1962	Authorizing Road Commissioners to reconstruct Benson Road
3-12-1963	MGL C. 40, §§ 42G — 42I	Water Department established
3-10-1964	<a href="#">Ch.-ch. 478</a> , Acts of 1963	Pensions and retirement allowances raised
3-2-1965	MGL C. 40, § 6C	Appropriations for ice and snow removal
3-8-1966	MGL C. 40, § 8C	Conservation Commission established
3-8-1966	MGL C. 40, § 8D	Historical Commission established
3-8-1966	MGL C. 40B	Membership in Central Massachusetts Regional Planning District
3-8-1966	MGL C. 48, § 57F	Police Chief holiday pay
3-12-1968	MGL C. 40, § 8C	Increase in Conservation Commission membership
3-12-1968	MGL C. 90, § 18a	Pedestrian traffic control
4-9-1974	MGL C. 90, § 20C	Parking violations
9-3-1974	MGL C. 40, § 8E	Youth Commission established
5-13-1975	MGL C. 40, § 8G	Mutual aid agreements for police services
5-8-1979	MGL C. 152, §§ 68 — 75	Inclusion of members of Fire and Police Departments as laborers, workmen and mechanics
5-13-1980	MGL C. 53, § 9A	Nomination papers
5-20-1980	Laws of 1980, <a href="#">Ch.-ch. 492</a>	Recall and removal elections
7-31-1980	MGL C. 32B, § 7A	Town to pay over 50% of employee life and health insurance
5-12-1981	MGL C. 71, § 71E	School Committee revolving account
10-20-1981	MGL C. 90, §§ 20A, 20C, 20D and 20E	Local enforcement of parking regulations
10-20-1981	MGL C. 83, §§ 16A — 16F	Sewer liens
5-11-1982	<a href="#">Ch.-ch. 743</a> , Acts of 1981	Real estate tax exemptions
9-21-1982	MGL C. 71, § 71F	Account established for money received from nonresident students
10-25-1983	MGL C. 60A, § 1, Paragraph 5	Motor vehicle excise tax exemption for prisoners of war
5-13-1986	MGL C. 71, § 40, as	Teacher salaries increased

<b>Date Accepted</b>	<b>Statutory Reference</b>	<b>Subject</b>
	amended by <a href="#">Ch.-ch. 188</a> of the Acts of 1985	
1-26-1988	MGL C. 40, § 4G	Bid requirements raised
5-3-1988	<a href="#">Ch.-ch. 236</a> , Acts of 1987	Expenditure of subdivision bonds or deposits without further appropriation by town
9-27-1988	MGL C. 59, § 5, Clause 17D	Real property tax exemption for surviving spouse, aged person or minor
9-27-1988	MGL C. 59, § 5, Clause 41B	Tax exemption for elderly
3-21-1989	MGL C. 140, § 147A	Authorization to retain fees collected from sale of dog licenses or received as fines
1-23-1990	MGL C. 262, § 34, Clauses 1-79	Town Clerk's fees
5-1-1990	MGL C. 40, § 15A	Transfer of land; procedure
11-27-1990	MGL C. 32, § 22D	Establishment of certain options for governmental units in the pension area
4-2-1991	<a href="#">Ch.-ch. 291</a> , Acts of 1990	Enhanced 911 service
4-2-1991	MGL C. 70A, § 5, as inserted by <a href="#">Ch.-ch. 188</a> , Acts of 1985	Northbridge School Committee to apply for and accept the Equal Education Opportunity Grant funding
4-2-1991	<a href="#">Ch.-ch. 39</a> , Acts of 1991	Tax Collector and Town Treasurer to be appointed positions
4-2-1991	<a href="#">Ch.-ch. 22</a> , Acts of 1991	Question to appear on ballot at next annual town election to accept Charter, 1989 report of Charter Commission declared optional Charter
5-7-1991	MGL C. 70A, § 5, as inserted by <a href="#">Ch.-ch. 188</a> , Acts of 1985	Northbridge School Committee to apply for and accept the Equal Education Opportunity Grant funding
5-7-1991	MGL C. 44, § 53E1/2	Revolving account for the Northbridge Recycling Committee
5-7-1991	<a href="#">Ch.-ch. 653</a> , § 41, Acts of 1989	Assess quarterly bills for real estate and personal property taxes
5-7-1991	<a href="#">Ch.-ch. 653</a> , § 40, Acts of 1989	Board of Assessors authorized to tax new construction up to June 30 instead of January 1 to become effective no later than January 1, 1992 (fiscal year 1993)
5-7-1991	<a href="#">Ch.-ch. 583</a> , § 4, Acts of 1973	Withdrawal from the Central Massachusetts Mosquito Control Project
12-10-1991	MGL C. 70A, § 5, as inserted by <a href="#">Ch.-ch. 188</a> , Acts of 1985	Blackstone Valley Vocational Regional School District Committee to accept Equal Educational Grant for fiscal year 1992
1-25-1992	MGL C. 59, § 5, Clause 41C	Board of Assessors to grant property tax exemption for property owners 70 years or older who meet certain income and asset criteria
5-5-1992	MGL C. 44, § 53F 1/2	Authorizing sanitary sewer enterprise fund for fiscal year 1993 — 1994

<b>Date Accepted</b>	<b>Statutory Reference</b>	<b>Subject</b>
5-5-1992	MGL C. 70A, § 5, inserted by <del>Ch.-ch.</del> 188, Acts of 1985	Blackstone Valley Vocational Regional School District Committee to accept Equal Educational Opportunity Grant for fiscal year 1993
5-5-1992	MGL C. 40, § 22F, as inserted by <del>Ch.-ch.</del> 138, § 123, Acts of 1991	Allows any town board or officer empowered to issue a license, permit, certificate or render a service or perform work for a person or class of persons to, from time to time, fix reasonable fees for such items or services
5-5-1992	MGL C. 44, § 53E	Permitting of appropriation for the annual ordinary costs to be offset by estimated receipts from fees
10-13-1992	MGL C. 270, § 16	Disposal of rubbish and other materials in unlawful places, with the Board of Health to be the enforcing officer
10-26-1993	MGL C. 32B, § 18	All retirees, their spouses and dependents enrolled in Medicare Part A to be covered at no cost by Medicare Health Benefits Supplement Plan
10-26-1993	MGL C. 32, § 90G 3/4, as inserted by <del>Ch.-ch.</del> 254, § 3	Members of the retirement system have the option of having salary and years of service after age 70 count toward their pension by continuing retirement deductions from their post-age-70 salary
5-3-1994	<del>Ch.-ch.</del> 481 of the Acts of 1993	Allowing a licensed victualler to also sell liquors and cordials pursuant to said license
10-18-1994	MGL C. 83, §§ 16A — 16F	Collection of sanitary sewer charges
5-2-1995	MGL C. 32B, § 9E	Allowing town to pay hospital, surgical, medical, dental and other health insurance for employees retired from service of the town
5-5-1998	MGL C. 44, § 53F 1/2	Authorizing a Water Enterprise Fund effective FY 2000
5-5-1998	MGL C. 32, § 103	Authority to grant cost-of-living adjustment to public pension retirees in Northbridge retirement system
11-10-1998	<del>Ch.-ch.</del> 194, § 288, of the Acts of 1998	Authorizes the town to pay increased retirement benefits to certain retirees retired prior to 1-12-1988
5-4-1999	MGL C. 32, § 103(h)	Relative to the authority to grant cost-of-living adjustments to noncontributory retirees
5-4-1999	MGL c. 32B, § 9D 1/2	Authorizing the town to contribute more than 50% of the premiums payable by the surviving spouse of an employee or retired employee for group general or blanket hospital, surgical, medical, dental or other health insurance
5-2-2000	MGL c. 32, § 103(i)	Cost-of-living increases in retirement allowances
6-8-2004	MGL c. 71, § 71E	Appropriations for and expenditure of receipts



<b>Date Accepted</b>	<b>Statutory Reference</b>	<b>Subject</b>
5-2-2006	MGL c. 32, § 7(e)	from adult education and continuing education programs
6-12-2007	<del>Ch.-ch.</del> 260, § 12, of the Acts of 2006	Disability retirement benefits for veterans Deferment of taxes for National Guard members or reservists while on active service outside the commonwealth and for 180 days after said service with no interest or penalties assessed for any period before the expiration of those 180 days
10-23-2007	MGL c. 59, § 5K	Allows Selectmen to establish a program whereby property owners over the age of 60 on July 1 of any year may provide volunteer service to the Town, at the state minimum wage, in exchange for a reduction in their real estate tax bills of up to \$750 per fiscal year
5-6-2008	MGL c. 43D	Approve filing of application with Interagency Permitting Board for designation of priority development site
10-27-2009	MGL c. 60, § 15	Authorizing Town to charge for each written demand issued by the Collector a fee of \$25, to be added to and collected as part of the tax.
5-4-2010	<del>Ch.-ch.</del> 137, Acts of 2003, as amended by <del>Ch.-ch.</del> 77, Acts of 2005, and by <del>Ch.-ch.</del> 182, § 77, Acts of 2008	Payment of regular base salary of eligible public employees granted a military leave of absence (effective 7-1-2010)
10-26-2010	MGL c. 32B, § 20	Other Post-Employment Benefits Liability Trust Fund
5-3-2011	MGL c. 138, § 33B	Licensing authority may authorize licensees to sell alcoholic beverages between 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and Christmas
10-23-2012	MGL c. 59, § 5, Clause 54	Allowing the Town to establish a minimum fair cash value required for personal property accounts to be taxed, and to establish the minimum amount of \$3,000, effective as of FY 2014
1-9-2013	<del>Ch.-ch.</del> 438 of the Acts of 2012	Establishing a Building Maintenance Fund in the Town of Northbridge
5-7-2013	MGL c. 59, § 5N	Authorizing the Board of Selectmen to establish a program to allow veterans to volunteer services to the Town in exchange for a reduction in real property tax obligations, and allowing an approved representative for persons physically unable to provide such services, and allowing the maximum reduction in the tax bill to be based on 125 volunteer hours in a given year

<b>Date Accepted</b>	<b>Statutory Reference</b>	<b>Subject</b>
5-5-2015	MGL c. 40, § 13D	Creating a reserve fund, to be known as the Compensated Absences Fund, for future payment of accrued liabilities for compensated absences owed to employees and full-time officers of the Town when they terminate employment
5-3-2016	MGL c. 64L, § 2	Authorizing the imposition of a local sales tax in the statutory amount of .75% on the sale of restaurant meals originating within the Town, effective 1-1-2017
5-2-2017	MGL c. 44B, §§ 3 to 7, inclusive	Approving a surcharge on real property for the purposes permitted by the Massachusetts Community Preservation Act, commencing in fiscal year 2019, and accepting an exemption from said surcharge
5-2-2017	MGL c. 40, § 8J	Establishing a Disability Commission
5-2-2017	MGL c. 40, § 22G	Allowing funds collected from handicapped parking fines to be given over to the Disability Commission to be used for the benefit of persons with disabilities
3-23-2018	<del>Ch.-ch.</del> 52 of the Acts of 2018	An Act relative to the funding of the Other Post-Employment Benefits Liability Trust Fund in the Town of Northbridge
5-1-2018	MGL c. 59, § 5K	Allows Selectmen to establish a program whereby property owners over the age of 60 on July 1 of any year may provide volunteer service to the Town, at the state minimum wage, in exchange for a reduction in their real estate tax bills of up to \$1,000 per fiscal year
10-23-2018	MGL c. 64N, § 3	Imposing a local sales tax at a rate of 3% upon the sale of recreational marijuana originating within the Town
5-7-2019	MGL c. 59, § 21A 1/2	Allowing an assessor or assistant assessor who has completed the necessary courses of study and training, and who has been awarded a certificate as a certified Massachusetts assessor, to receive, in addition to regular compensation, an amount equal to 10% of such regular compensation