2011
BYLAWS
ARTICLES I - XXXI
CIVIL DEFENSE

TOWN OF SUDBURY
MASSACHUSETTS

GENERAL BYLAWS
2011

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ARTICLE I

TOWN MEETINGS

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

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

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

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

ARTICLE II

GOVERNMENT OF TOWN MEETING

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

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

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

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

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

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

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

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

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

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

SECTION 11. No person shall speak more than twice upon any question, except to correct an error or make an explanation until all others who have not spoken upon the question and desire to do so shall have an opportunity. The initial presentation by the proponent(s) of an article may not exceed ten minutes in length, and no other speech may exceed five minutes in length unless consent is given by a majority of those present and voting.

SECTION 12. When a question is under debate, motions may be received to adjourn, to lay the matter on the table, to move the previous question, to postpone indefinitely, to postpone to a time certain, to commit, and to amend; which several motions shall have precedence in the order in which they are herein enumerated, and the first three shall be decided without debate, provided that the Moderator need not allow a vote on a motion for the previous question unless, in his opinion, there has been a reasonable opportunity for debate on the question.
SECTION 13. A motion to reconsider a matter previously acted upon at the same session shall require an affirmative vote of two-thirds of those voters present and voting. A motion to reconsider a matter after adjournment of the session at which it was acted upon shall require a unanimous vote of those present and voting unless written notice of an intention to move reconsideration of the matter, signed by fifteen voters who attended that session is given to the Town Clerk on or before noon of the next weekday (legal holidays excluded) following the session at which the matter for which reconsideration is sought was acted upon. The Town Clerk shall publish notice of such intention by advertisement or by posting in his office or elsewhere in the Town Hall. The Moderator shall at the start of the next session announce the matter on which reconsideration is sought and shall further announce that the motion for reconsideration shall be the first order of business at the next succeeding session of the Town Meeting unless all business is completed prior to 10:30 P.M. of the same session, in which case the motion for reconsideration shall be the last item of business that evening. When the matter to be reconsidered comes before the meeting, the Moderator shall recognize for the motion the person who gave notice to the Town Clerk, unless he shall defer to another. All discussion on the motion must be confined exclusively to the merits or demerits of reconsideration. Passage of a motion to reconsider shall require an affirmative vote of two-thirds of those present and voting. If notice of reconsideration is given on more than one matter, they shall be taken up in the order in which they were submitted to the Town Clerk.

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

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

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

SECTION 17. The Moderator may determine, without a count, that a two-thirds, four-fifths, or nine-tenths vote has been achieved, which determination shall satisfy the provisions of Massachusetts General Laws Chapter 39, Section 15 or any other law requiring a two-thirds, four-fifths, or nine-tenths vote, unless a count is requested in conformance with the procedural requirements set forth in Town Meeting Time.

SECTION 18. All persons speaking on any article may be recognized by the Moderator after the presentation by the proponent(s) of the article, if any, but no speaker may be recognized in accordance with any pre-arranged speaking order. Notwithstanding the foregoing, in the event there is no speaker identified as the proponent, the Moderator may recognize speakers after the motion on the floor has been seconded.

ARTICLE III

TOWN AFFAIRS

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

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

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

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

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

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

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

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

SECTION 8. If any appointed committee member is absent from five consecutive regularly scheduled meetings of his committee, except in the case of illness, his position shall be deemed vacant and shall be filled

by vote of said committee, attested copy of which shall be sent by the Secretary of said committee to the Town Clerk and to the appointing authority. The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding Annual Town Meeting and the pertinent appointing authority shall thereupon appoint his successor to complete the unexpired term of the member in whose office such vacancy originally occurred. This bylaw shall apply only to those committees whose formation is not specifically covered by the General Laws of the Commonwealth or by other existing bylaws of the Town.

SECTION 9. No person shall hold more than one elective office at any one time. The prohibition set forth herein shall not apply to member of a charter commission. In addition, charter commission members are eligible to serve on the Finance Committee and Personnel Board.

ARTICLE IV

FINANCE COMMITTEE

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

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

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

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

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

The Finance Committee shall, not later than March 31st, submit to the Selectmen their written report with their recommendations, including the amounts requested by those originating the above estimates. The Selectmen shall cause the Finance Committee's budget submittal including requested amounts, recommendations and the Finance Committee's report of reasons for differences to be printed in the warrant for the Annual Town Meeting.

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

ARTICLE V

PUBLIC SAFETY

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

a) Within fifty (50) feet of any public way.

b) Within three hundred (300) feet of any public park, playground, or other public grounds, if within view of any portion of the same.

c) Nearer than fifty (50) feet to any other such billboard, sign or other advertising device, unless said billboard, signs, or other advertising devices are placed back to back.

d) On any location at the corner of any public ways and within a radius of one hundred and fifty (150) feet from the point where the center lines of such ways intersect.

e) Nearer than one hundred (100) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight (8) feet, or height of four (4) feet.

f) Nearer than three hundred (300) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of twelve and one-half (12 1/2) feet, or a height of six (6) feet.

g) No billboard, sign or other advertising device shall be erected, displayed or maintained in any block in which one-half of the buildings on both sides of the street are used exclusively for residential purposes; except that this provision shall not apply if the written consent of the owners of a majority of the frontage on both sides of the street in such block is first obtained and is filed with the Division of Highways of the Department of Public Works, together with the application for a permit for such billboard, sign or other advertising device.

h) No billboard, sign or other advertising device shall be erected, displayed or maintained until a permit therefor has been issued by the Division of Highways of the Department of Public Works, pursuant to the following provisions:

Upon receipt from said Division of a notice that application for a permit to erect, display or maintain a

billboard, sign or other advertising devise within the limits of Sudbury has been received by it, the Selectmen shall hold a public hearing on said application in Sudbury, notice of which shall be given by posting the same in three or more public places in said town, at least one week before the date of such hearing.

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

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

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

SECTION 2. SALE OF GOODS IN HIGHWAYS. No person shall erect or maintain a stand or otherwise display or sell any articles within the limits of any highway except that the vehicles may be used in any district for the sale of ice cream products between the hours of 12:30 P.M. - 4:30 P.M., and 6:30 P.M. - dark. Violation of this section shall be subject to a penalty of $50. Each day during which a violation exists shall be deemed to be a separate violation.

SECTION 3. REGULATION OF DOGS

s. 3-1 STATEMENT OF PURPOSE

This bylaw is intended to guide those persons owning or keeping dogs in their role as responsible pet owners so as not to adversely affect the residents of the Town of Sudbury.

s. 3-2 REFERENCE TO MASSACHUSETTS GENERAL LAWS

Any reference to a “section” in this bylaw shall mean Chapter 140 of the Massachusetts General Laws, unless otherwise stated.

The provisions of Massachusetts General Law Chapter 140, s.136A through 174D inclusive, as may be amended from time to time and except as modified herein, are incorporated into this bylaw relating to the regulation of dogs.

s. 3-3 DEFINITIONS

Unless otherwise set out in this bylaw, any term defined in s.136A shall have the same meaning in this bylaw, and shall be expressly incorporated herein.

ANIMAL SHELTER - Any premises designated for the purpose of impounding and caring for animals held under authority of this bylaw.

AT LARGE - Off the premises of the owner and not under the control of the owner or authorized person either by leash, cord, chain or other means.

KENNEL - One (1) pack or collection on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes, and including any shop where dogs are on sale, and also including every pack or collection of four (4) or more dogs, six (6) months old or older, owned or kept by a person on a single premises, irrespective of the purpose for which they are maintained.

LICENSE PERIOD - From January 1st of each year to December 31st of the same year.

LIVE STOCK OR FOWL - Animals or fowl kept or propagated by the owner for food or as a means of livelihood; also deer, elk, cottontail rabbits and northern hares, pheasants, quail, partridge and other birds and quadrupeds determined by the Department of Fisheries, Wildlife and Environmental Law Enforcement to be wild and kept by, or under a permit from, said department in proper houses or suitable enclosed yards. Such phrase shall not include dogs, cats and other pets.

OWNER - Any person or persons, firm, association or corporation owning, keeping or harboring a dog within the Town.

PERSON - An individual, partnership, company or corporation.

RESTRAINT - A dog shall be deemed to be under restraint if it is on the premises of the owner accompanied by a person who shall have the dog under control, or is in a suitably enclosed area including an effective electric invisible fence, or is tied, or if outside the premises of the owner, is accompanied by a person who shall have the dog under control by holding it firmly on a leash no greater than six (6) feet in length.

s. 3-4 DOG/ANIMAL CONTROL OFFICER

The Town Manager shall appoint a Dog/Animal Control Officer under the provisions of s.151 and s.151A to carry out the provisions of this bylaw, and perform such other duties and responsibilities as may be determined. The Town Manager shall determine hours and conditions of work for the Dog/Animal Control Officer. Compensation for persons appointed under this bylaw shall be consistent with other bylaws dealing with salaries of appointed officials.

The Dog/Animal Control Officer shall seek out and notify all owners of all dogs within the Town that have not been licensed within the required time under the provisions of this bylaw; shall seek out, catch and confine any dogs within the Town that are found on public property, or on private property where said dog is trespassing and the owner or person in control of such property wants the dog removed, if said dog is in violation of any section of this bylaw.

No person shall interfere with, hinder, molest or abuse a Dog/Animal Control Officer in the exercise of such

responsibilities. The provisions of s.151 and s.151A regarding killing and/or transfer of any dogs shall apply and are expressly incorporated in this bylaw. No Dog/Animal Control Officer shall be a licensed animal dealer registered with the United States Department of Agriculture, and no Dog/Animal Control Officer, either privately or in the course of carrying out official assignments as an agent for this Town, or shall any other agent of the Town, give, sell, or turn over any animal which may come into custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture. Whoever violates the provisions of this paragraph shall be fined as provided in s.151.

It shall be the duty of the Dog/Animal Control Officer to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all dogs held in custody; a monthly telephone log of calls regarding dogs; all bite cases reported and the investigation of same.

s. 3-5 HEARING OFFICER

The Board of Selectmen shall act on all matters pertaining to the enforcement of this bylaw and the settling of any disputes between dog owner, the Town and its residents.

s. 3-6 DOG FUND

A Dog Fund is hereby created by the Town under provisions of Chapter 44, s.53E-1/2 of Massachusetts General Laws. Said fund shall be used as a depository for all moneys collected as fees, fines, charges, penalties and other like moneys imposed under this bylaw. It shall be used to make purchases necessary to administer this bylaw and to pay any expenses relating to this bylaw or for any other costs that Massachusetts General Laws require to be paid. Said fund shall be administered by the Treasurer/Collector and may also receive funds through usual municipal financing methods. Receipts allocated to this fund shall be deposited in a special account by the Treasurer.

Expenditures may be charged against this fund without prior appropriation, subject to the approval by the Town Clerk and shall be limited to purposes directly connected to the enforcement of the provisions of the dog bylaw. Said expenditures, or incurred liabilities, shall not exceed the available balance of the fund at any given time.

s. 3-7 VACCINATION REQUIREMENT

(A) Whoever is the owner of a dog six months of age or older shall cause such dog to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health. Such owner shall produce a veterinarian's certificate that such dog has been so vaccinated setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued.

(B) Unvaccinated dogs acquired or brought into the Town shall be vaccinated within thirty days after acquisition or entry into the Town or upon reaching the age of six months, whichever comes later.

(C) Unvaccinated dogs shall be re-vaccinated in accordance with rules and regulations adopted and

promulgated by the Department of Public Health.

s. 3-8 REGISTRATION, LICENSES, AND FEES

(A) Any owner of a dog which is six (6) months of age or older and is located in the Town of Sudbury shall obtain a license for that dog commencing on January 1st of each year, as required by Massachusetts General Law Chapter 140.

(B) The fee for every license shall be:

Neutered male dogs and spayed female dogs	$15.00
Unneutered male dogs and unspayed female dogs	$20.00

(C) The registering, numbering, describing and licensing of a dog shall be done by the Town Clerk on a form prescribed and supplied by the Town Clerk, and shall be subject to the condition expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing live stock, fowl, wildlife, or domesticated animals.

D) The owner of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable material, to which shall be securely attached a tag on a form prescribed by and issued by the Town Clerk when a license is issued. Such tag shall state the following information: (a) Town of Sudbury; (b) year of issue; and (c) tag number. The Town Clerk shall maintain a record of the identifying numbers.

(E) If any such tag shall be lost, the owner of such dog shall forthwith secure a substitute tag from the Town Clerk. The fee for a duplicate tag shall be one dollar ($1.00).

(F) The Town Clerk shall not grant such license for any dog unless the owner thereof provides the Town Clerk with either a veterinarian's certification that such dog has been vaccinated in accordance with the provisions of s.145B or has been certified exempt from such provision as outlined in s.137 or s.137A, or a notarized letter from a veterinarian that a certification was issued.

s. 3-9 KENNEL REGISTRATION, LICENSES, AND FEES

(A) Any person maintaining a kennel shall have a kennel license. (See s.3-3 for definition of what constitutes a kennel.) The fee for kennel licenses shall be:

Four (4) dogs	$ 60.00
Five (5) to six (6) dogs	$ 90.00
Seven (7) to ten (10) dogs	$150.00
Eleven (11) dogs or more	$175.00

(B) Any person who meets all requirements of the Town of Sudbury Zoning Bylaw and s.137A may apply for a kennel license from the Town Clerk and for a fee as set out in this bylaw. The Town Clerk shall, upon application, issue without charge a kennel license to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals.

(C) The provisions of s.138 and s.138A shall be expressly incorporated herewith and shall henceforth apply under this bylaw.

(D) The Dog/Animal Control Officer may at any time inspect or cause to be inspected any kennel and if, in her or his judgment the same is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, shall file with the Town Manager a petition setting forth the facts, and the Town Manager shall upon this petition, or upon a petition of twenty-five citizens, setting forth that they are aggrieved, or annoyed to an unreasonable extent, by one or more dogs at a kennel maintained in Town, because of excessive barking or vicious disposition of said dogs or other conditions connected with such kennel constituting a public nuisance, the Town Manager, within seven days after a filing of such petition, shall give notice to all parties in interest of a public hearing to be held within fourteen days after the date of such notice. Within seven days after such public hearing the Board of Selectmen shall make an order either revoking or suspending such kennel license or otherwise regulating said kennel, or dismissing said petition. Within ten days after such order the holder of such license may bring a petition in the district court as outlined in s.137C. Any person maintaining a kennel after the license therefor has been so revoked, or while such license is so suspended, shall be fined as set forth in Section 3-24(A) of this bylaw. The Board of Selectmen may, in the case of any suspension, reinstate such license.

s. 3-10 KENNEL REGULATIONS

The Town Clerk shall not issue a kennel permit pursuant to the provisions of s.137A, unless:

(A) A written report from the Dog/Animal Control Officer has been received certifying as follows:

1. That the premises where the applicant's kennel is located has been inspected.

That the premises proposed are appropriate for use as a kennel and that such use will have no significant adverse effect on the peace and quiet of the neighborhood or on the sanitary conditions there.

(B) The applicant for a kennel permit has first obtained a Special Permit from the Board of Appeals pursuant to Section V, H of the Zoning Bylaw of the Town of Sudbury.

s. 3-11 FAILURE TO LICENSE

All owners or keepers of dogs kept in the Town of Sudbury during the preceding six (6) months and who, on the first day of April of each year, have not licensed said dog or dogs, as prescribed by Section 137, Chapter

140 of the General Laws, shall be subject to a penalty of $25 payable to the Town, in addition to the license fee, for each dog so unlicensed.

s. 3-12 CONTROL OF DOGS

(A) All dogs in the Town of Sudbury shall be restrained, kept on a leash or under the direct and complete control of a responsible person at all times. The owner or keeper of a dog who violates this bylaw shall be subject to a penalty as set forth in Section 3-24(A) of this bylaw.

(B) Any dog whose actions result in a complaint filed with the Dog/Animal Control Officer shall be restrained during the entire twenty-four hour period after the third complaint, if in the opinion of the Dog/Animal Control Officer such complaints are warranted and constitute a violation of any provision of this bylaw.

(C) The Dog/Animal Control Officer, may, subject to Section 3-6 of Article V of these bylaws, receive payment of the foregoing fine prior to seeking a complaint therefor under General Laws Chapter 140, Section 173A.

s. 3-13 NUISANCE ABATEMENT

The keeping or harboring of any dog, whether licensed or not, which by habitual, consistent and persistent howling, yelping, barking, or other noise disturbs or annoys any persons residing in the neighborhood is unlawful and is hereby declared to be a public nuisance and each day shall constitute a separate offense. Dogs shall be kept in such a manner that no nuisance is produced regarding sanitary conditions, housing, food, shelter, water, or other factors which may cause a nuisance. Upon determination by the Dog/Animal Control Officer, based on evidence, that a dog is causing a nuisance, the owner of such dog shall be subject to a penalty as set forth in Section 3-24(B) of this bylaw.

Every female dog in heat shall be confined in a building or secured enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding. The owner of any unspayed and unleashed female dog found by the Dog/Animal Control Officer roaming in season (heat) off the premises of the owner shall be subject to a penalty as set forth in Section 3-24(B) of this bylaw.

When the owner of a male dog is notified by the Dog/Animal Control Officer that the dog is a nuisance to residents while attracted to the residence of a female dog in heat, the owner of the male dog shall be required to keep the male dog restrained.

The definition of nuisance dogs includes but is not limited to dogs whose owners repeatedly allow them to:

- Bark excessively;
- Trespass on private property;
- Damage property;
- Molest passersby;
- Chase persons walking, jogging, or riding bicycles;
- Chase vehicles; and/or

- Disturb the peace in any way at any time.

s. 3-14 DOG WASTE DISPOSAL

Each person who owns, possesses or controls a dog walking in any area within the Town other than their own private property is responsible for the removal and disposal of any feces left by the dog. Persons walking dogs must carry with them a device designed to dispose of dog feces. Such devices include but are not limited to plastic bags or "pooper-scoopers." Exempt from the requirements of this bylaw are assistance dogs in the service of their handlers. The owner or keeper of a dog that violates this section shall be subject to a penalty as set forth in Section 3-24(B) of this bylaw.

s. 3-15 QUARANTINE OF DOG THAT BITES

The dog owner shall immediately and within twenty-four (24) hours, notify the animal inspector, agent for the Board of Health, if the dog bites a person. For biting a person, the dog must be quarantined subject to Massachusetts General Law c. 129, s.21. Any and all violations of a quarantine order will be subject to general penalties under Massachusetts General Law ch. 129, s.30.

s. 3-16 VICIOUS DOGS

Vicious dogs are defined as dogs who unprovoked have attacked or bitten a human being or animal, or have a known propensity, tendency or disposition to attack unprovoked, to cause injury or to endanger the safety of human beings or animals.

Potentially vicious dogs are defined as dogs who, when unprovoked, in a vicious or terrorizing manner approach any person or animal in an apparent attitude of attack.

No dog shall be declared vicious or potentially vicious if injury or damage is sustained by a person who was willfully trespassing or committing or attempting to commit a crime or committing other tort upon the premises occupied by the owner of a dog. Also exempted are dogs who were teased, tormented, abused or assaulted by the injured person or animal prior to attacking or biting. No dog shall be declared vicious if the dog was protecting or defending a human being in its immediate vicinity from attack or assault. For purposes of this definition, no child under the age of seven shall be deemed a trespasser.

Dogs who have violated any of the above conditions can be declared to be a nuisance, vicious or potentially vicious by the Board of Selectmen upon written complaint of a citizen, the Dog/Animal Control Officer, Police Department or other public safety agent.

s. 3-17 EMERGENCY TREATMENT

Any veterinarian registered under the provisions of s.55 or s.56A of Chapter 112 who renders emergency care or treatment to, or disposes of any dog or cat injured on any way in the Town shall receive payment of reasonable costs from the owner of such dog or cat, if known, or if not known, shall receive a fair and reasonable sum [not to exceed fifty dollars ($50) without the approval of the Board of Selectmen] from the

Town's Dog Fund provided under this bylaw for such care, treatment and/or disposal; provided, however, such emergency care, treatment and/or disposal shall be for the purpose of maintaining life, stabilizing the animal or alleviating pain or suffering until the owner of such dog or cat is identified, or for a period of twenty-four hours, whichever is sooner. Any veterinarian, who renders such emergency care or treatment to, or euthanizes or disposes of such dog or cat, shall notify the Dog/Animal Control Officer, and upon notification, the Dog/Animal Control Officer shall assume control of any such dog. The Dog/Animal Control Officer shall not assume control of any such cat.

s 3-18 CONFINEMENT OF DOGS

The Dog/Animal Control Officer shall seek out, catch and confine any dog which he/she finds, after a complaint from an identified person or through his/her own observation, has:

Bitten or threatened the safety of any person;
Killed or maimed any domesticated or farm animal or wildlife excepting small rodents;
Chased any motor, recreational, or pedal vehicle, or any animal carrying or drawing a person;
Damaged property;
Committed any act which places its owner in violation of a Section of this bylaw.

Any violation shall be fined as set forth in Section 3-24(A) of this bylaw.

s. 3-19 DISPOSITION OF DOGS; STORAGE FEES

A. Any dog confined by the Dog/Animal Control Officer, unless picked up by the owners, shall be kept for at least ten (10) days.

B. A storage fee for the boarding of impounded dogs shall be charged at a rate based on contractual agreements between the Town and the contractor.

C. Any dog confined by the Dog/Animal Control Officer shall not be released to the owner until the owner produces evidence of a current dog license and pays all fines and storage fees.

s. 3-20 DAMAGE CAUSED BY DOGS

Whoever suffers loss in a manner described in s.161 shall inform the Dog/Animal Control Officer of such loss, who shall investigate the circumstances of said loss. In the event it is found that the damage was caused by a dog and the estimate of damages by the Dog/Animal Control Officer is less than fifty ($50.00) dollars, he/she shall submit a report to the Board of Selectmen. If the estimate is over fifty ($50.00) dollars, he/she shall have the damage appraised on oath by three persons, one person appointed by the Dog/Animal Control Officer, one appointed by the person alleged to be damaged, and one appointed by the other two. Said appraisers shall act as outlined in s.161 and turn in said appraisal to the Town Manager/Board of Selectmen, who may authorize payment or make such independent investigation as they think proper, and shall issue an order upon the Town Treasurer for any amount they decide to be just and shall notify all interested parties of their decision. The appraisers shall receive payment from the Town in a manner as is authorized in s.161.

All funds expended under this section shall come from the Dog Fund provided under this bylaw.

If the Board of Selectmen determine, after notice to parties interested of a hearing, the person who is the owner of any dog which is found to have worried, maimed or killed live stock, fowl, or domesticated animals, thereby causing damages for which their owner may become entitled to compensation from the Dog Fund under this bylaw, they shall serve upon the owner of such dog a notice directing him/her within twenty-four hours to kill or confine the dog. A person who owns or keeps a dog, and who has received such notice and does not within twenty-four hours kill such dog or thereafter keep it on his/her premises or under the immediate restraint and control of some person, shall be fined as set forth in Section 3-24(A) of this bylaw.

s. 3-21 LIABILITY FOR DOGS

The owner of a dog which has done damage to live stock, fowl, or domesticated animals shall be liable in tort to the Town for all damages so done in which the Town has been requested to pay as provided by Massachusetts General Laws Chapter 140 or by this bylaw. Such action may be brought by the Board of Selectmen or by the Dog/Animal Control Officer.

s. 3-22 INFORMAL DISPOSITION PROCESS

The owner of a dog that receives a citation under this bylaw may, within twenty-one days, confess to the offense charged by delivering personally or through a duly authorized agent or by mailing to the Town Clerk said citation along with payment in the amount as authorized under the penalty provisions of the bylaw. The payment to the Town Clerk shall operate as a final disposition of the case.

If such person, when issued a citation, desires to contest the violation through the informal disposition process, he/she may, within twenty-one days of said issuance, request a hearing with the Board of Selectmen, and may present, either in person or by counsel, any evidence he/she may have to refute the allegation contained in the citation. At such hearing, the Board of Selectmen shall make a determination as to the facts, and said determination shall be final regarding the informal disposition process.

s. 3-23 NON-CRIMINAL DISPOSITION OF VIOLATION

If any person so notified by citation desires to contest the violation alleged in the citation notice without availing him/herself of the provisions of the informal process, or desires to contest the decision of the Dog/Animal Control Officer or Board of Selectmen, he/she may avail him/herself of the procedures established in this bylaw. In either of the above cases, or if the owner of a dog fails to respond to a citation within twenty-one days, the Town Clerk shall forward a copy of the citation to the District Court where it shall be handled under the provisions of c. 40, s.21D, Massachusetts General Laws.

s. 3-24 VIOLATIONS

(A) With the exception of Sections 3-13 and 3-14, [see paragraph (B) below], a violation of any other section of this bylaw shall be punishable by a fine of fifty dollars for each offense.

(B) A violation of Sections 3-13 and 3-14 of this bylaw shall be punishable by a warning for the first offense in any calendar year; a twenty-five dollar fine for the second offense; and a fifty-dollar fine for each subsequent offense.

(C) Any person authorized to enforce provisions of this bylaw shall issue a citation to the owner of any dog violating the provisions of this bylaw. Any such citation shall include, in addition to the violation charge, the name and address of the owner of the dog, the date and location of the alleged offense, and, if not a warning, the amount of the penalty due. Said citation shall be on a form prescribed by and furnished by the Dog/Animal Control Officer.

s. 3-25 SEVERABILITY CLAUSE

If any part, section or provision of the bylaw is found to be invalid, the remains of this bylaw shall not be affected thereby. No provision or interpretation of a provision of this bylaw is intended to be either in conflict with or an attempt to change any statutory provision in Chapter 140, Massachusetts General Laws, pertaining to dogs.

SECTION 4. No person shall tie or fasten any horse, cattle or team to any of the trees in the public ways of the Town, nor drive into the same any neither nails, spikes, hooks or clasps, nor affix any boards or signs thereto. Violation of this section shall be subject to a penalty of $50. Each day during which a violation exists shall be deemed to be a separate violation.

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

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

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

SECTION 8. No person shall fire or discharge any machine gun, cannon, pistol or revolver, rifle, air rifle or BB gun, shot gun or explosives of any kind on private property except with the written consent of the owner or legal occupant thereof or within the limits of any Town-owned public property except that, in accordance with recommended wildlife management practices, the Conservation Commission, subject to any conditions it may

impose, may grant permission to hunt on specific public property over which said Conservation Commission has jurisdiction. Nothing in this bylaw shall be construed is such a way as to prohibit the lawful use of any of the above named guns in the defense of life or property or on any range as defined in Section 9 or in any other manner in accordance with the General Laws of the Commonwealth. Violation of this section shall be subject to a penalty of $50.

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

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

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

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

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

SECTION 14.

(a) No person shall, within the Town of Sudbury, upon any publicly owned property or upon any privately owned property dedicated to a public use or to which the public has usual access:

i) Loiter in such a manner as to obstruct the free passage of any other person either within or without a building, or

ii) Accost or address another person with indecent, profane or obscene language, or

iii) Remain thereon, except with the permission of the owner or other person in charge thereof, in

the case of privately owned property, after being ordered to depart therefrom by any constable or police officer because of being present where a violation of this section occurs.

(b) Violation of this section shall be subject to a penalty of $50.

(c) Any police officer may arrest without a warrant any person who commits willful violation of this section, and keep such person in custody until he can be taken before a court having jurisdiction of the offense.

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

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

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

SECTION 18. Any person excavating land or any person in charge of such excavation and the owner of land which has been excavated, shall within two days after such person has been notified in writing by the Selectmen or the Inspector of Buildings that in the opinion of the Selectmen or the Inspector of Buildings such excavation constitutes a hazard to public safety, erect barriers or take other suitable measures to eliminate such hazard.

Violation of this section shall be subject to a penalty of $50 per day for every day such person is in violation of such notice, commencing with the fourth day after receipt of such notice.

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

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

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

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

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

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

SECTION 25. STORAGE OF INFLAMMABLE FLUIDS. Applications for a license under M.G.L. Chap. V 148, s. 13, for the storage of petroleum products or any articles named in section 9 of said Chapter shall be

accompanied by an application fee determined from time to time by the Board of Selectmen to cover the cost of the publication and mailing of notice for the public hearing on the application. In addition, the following fees shall apply to such license:

License	$100.00
Annual Registration	25.00

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

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

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

SECTION 27. HANDICAPPED PARKING.

(a) Any person or body who has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, apartment or housing complexes, or of any other place where the public has a right of access as invitees or licensees shall reserve and locate parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by M.G.L. c.90 §2, in accordance with the Rules and Regulations of the Architectural Access Board set forth in 521 CMR 1:00, et seq.

(b) Parking spaces designated as reserved under the provisions of Paragraph (a) shall be sized, located, identified, and otherwise conform to the requirements set forth in the Rules and Regulations of the Architectural Access Board, 521 CMR 1:00, et seq.

(c) It shall be unlawful to park any unauthorized vehicle within parking spaces designated and identified by sign as reserved for vehicles owned and operated by disabled veterans or handicapped persons; or to leave any vehicle parked in such a manner as to obstruct a curb ramp designed for use by handicapped persons unless such vehicle is stopped for the temporary purpose of picking up or dropping off a handicapped person.

(d) Paragraph (c) of this section shall be enforced by the Police Department of the Town of Sudbury in accordance with M.G.L. c.90, §20A 1/2 and subsequent amendments thereof. The penalty for violation of paragraph (c) of this section shall be one hundred dollars for each offense.

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

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

SECTION 29. DOOR-TO-DOOR SALESMEN.

(a) Purpose: This Bylaw, adopted pursuant to G.L.c. 43B, s. 13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements for all persons intending to engage in door-to-door canvassing or solicitation in the Town of Sudbury in order to (1) protect its citizens from disruption of peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and (2) to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

(b) Definitions: The following terms shall have the meanings set forth in G.L.c. 101, s. 1 et seq., and are summarized for the purposes of these regulations as follows:

(1) "Transient Vendor", "Transient Business": A transient vendor is a person who conducts a transient business for profit. A transient business (temporary business) is any exhibition and sale of goods, wares or merchandise which is carried on in any structure (such as a building, tent, or booth) unless such place is open for business during usual business hours for a period of at least 12 consecutive months.

(2) "Hawkers and Peddlers": Any person who goes from place to place within the Town selling goods for profit, whether on foot or in a vehicle, is a hawker or peddler.

(3) "Door-to-Door Solicitation": Any person who travels from door to door within the Town soliciting something for any corporate or non-corporate charitable, political, or religious

organization that enjoys federal or state constitutional protections. This definition of door-to-door solicitation does not require the actual selling of a product.

(4) "Person": For purposes of these regulations, the persons being regulated herein are those persons over the age of 16 who are engaging in the activities regulated herein for or on behalf of for profit organizations.

(c) Scope: These regulations shall apply to all persons conducting the foregoing activities within the Town.

(d) Compliance Requirements: Each person engaging in the foregoing activities shall be subject to, responsible for and fully in compliance at all times with the following requirements:

(1) Registration Requirements:

i. Persons not registered (licensed) by the State shall make application for a Town of Sudbury registration card to the Chief of Police, on a form containing the following information: the applicant's name, signature, home address; at least one (1) form of photo identification issued by a State or Federal agency; the name, address, and phone number of the owner or parties in whose interest the business is to be conducted, and their business address; a brief description of the business to be conducted within the Town; identification of vehicles that will be utilized for this purpose; the applicant's social security number; whether the applicant has ever been convicted of a felony or any of the following misdemeanors:

- Assault or assault and battery
- Breaking and entering a building or ship with the intent to commit a misdemeanor
- Any form of larceny or fraud
- Buying, receiving or concealing stolen goods
- Deceptive advertising or violation of consumer protection laws
- Making or publishing false statements
- Trespassing on property after prohibition;

and if so convicted, the disposition; and whether there are any outstanding criminal proceedings. The application shall be made under oath and will be rejected unless complete. The applicant shall be photographed, and his or her fingerprints taken for the purpose of identification. The Chief of Police shall approve the application within five (5) days of its filing unless he determines that the application is incomplete, the applicant is a convicted felon, has been convicted of any of the above listed misdemeanors, or is a fugitive from justice. If the application is approved, the Chief shall cause to have a registration card issued within three (3) business days. The registration card shall be in the form of an identification card, containing the name, signature and photograph of the licensee. Such card shall be non-transferable and valid only for the person identified therein and only for

the purpose as shown on the license. The card shall be valid for a period of thirty (30) days from the date of issuance (or if the expiration date is not a business day, the expiration date will be on the next business day following). Any such registration card shall be void upon its surrender or revocation, or upon the filing of a report of loss or theft with the Police Department. If the application is denied, the applicant may within ten (10) days appeal to the Board of Selectmen.

ii. Persons registered (licensed) by the State shall not be subject to the foregoing paragraph, but shall report to the Chief prior to conducting his or her business within the Town and shall provide the Chief of Police with a copy of his or her State registration or license.

iii. Registration card or license to be carried on the person of licensee. Such State or local registration card or license shall be carried on the person of licensee while the business activity is being conducted, and shall be provided to any police officer upon request or command. In the case of a transient business, the license shall be displayed visibly within the structure where such business is being conducted. Such registration card or license, if issued locally, shall be the property of the Town of Sudbury and shall be surrendered to the Chief of Police upon its expiration.

iv. Registration card (license) fee. The filing of a State license as required shall not be subject to a fee; the fee for a local registration card (license) shall be $25.00.

(2) Restrictions on activity: No activity governed by these regulations shall be conducted upon public or private premises which have been duly posted "No Solicitation", or words of similar meaning, or when the owners of said property have registered with the Police Department and requested to be placed on a "No Soliciting" list. The residents on this list have contacted the Sudbury Police Department to record the fact that there is to be no soliciting on their property. It is the responsibility of each solicitation group to provide a current copy of this list to each member to their group to be carried on his or her person while the business activity is being conducted. Violation of the "No Soliciting" list is cause for penalty to solicitors up to and including arrest for trespassing after notice.

(3) Duties of solicitors: Immediately upon entering any premises, the solicitor or canvasser must present his registration card for inspection by the occupant, request that he or she read the registration card and inform the occupant in clear language the nature and purposes of his or her business and, if he or she is representing an organization, the name and nature of that organization. Any solicitor or canvasser who has entered any premises shall immediately, and peacefully, depart from the premises when requested to do so by the occupant. It shall be the duty of every organization employing solicitors or canvassers to notify the Police Department daily as to the area(s) of Town in which they will be operating.

(e) Penalties: Any person or organization who violates any provision of this bylaw shall be subject to a fine of $50 for the first offense and $100 for each subsequent offense within any one twelve-month

period, each subsequent offense constituting a separate offense. Any person or organization who knowingly provides false information on the registration application shall have his or her registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified Mail at the address set forth in the application.

(f) Appeals: Any person or organization who is denied registration, or whose registration has been revoked, may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within ten (10) days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear and determine the appeal within thirty (30) days after the filing of the written notice of appeal.

(g) Exemptions: These regulations shall not apply to any person(s) conducting a temporary sale of items upon his or her property commonly known as a “garage sale” or “yard sale”, or to organizations engaged in the foregoing activities for or on behalf of any corporate or non-corporate charitable, political, or religious organization that enjoys federal or state constitutional protections.

(h) Severability: Invalidity of any individual provisions of this bylaw shall not affect the validity of the bylaw as a whole.

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

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

SECTION 31. WATER POLLUTION EMERGENCIES.

(a) No person shall pollute, corrupt, injure or obstruct the water source or water supply serving the Town through the water distribution system of the Sudbury Water District.

(b) Provided that the Board of Water Commissioners of the Sudbury Water District has declared a water emergency, the Board of Selectmen shall then be authorized to declare water emergencies from time to time as authorized by Massachusetts General Laws Chapter 21G,

sections 15, 16 and 17 or through a determination pursuant to Chapter 100 of the Acts of the General Court of Massachusetts of 1934 that a threat of pollution, corruption, injury or obstruction to the water supply exists. The purpose of such a declaration is to conserve and minimize use of water. Following declaration or determination and during such emergency, all outside external use of water from the public water system as supplied by the Sudbury Water District shall be prohibited. Watering lawns, gardens and shrubbery and other landscape watering shall be prohibited. Washing of vehicles shall be prohibited.

Violators of this bylaw shall be subject to the following fines:

(1) Fifty dollars ($50) for first offense;

(2) One hundred dollars ($100) for second offense;

(3) One hundred and fifty dollars ($150) for each additional offense.

This section only pertains to residences, commercial property and industry served by the distribution system to the Town through the Sudbury Water District.

SECTION 32. SUDBURY RIVER BOATING REGULATIONS

A. Operation of motor boats.

No motor boat shall be operated upon any portion of the Sudbury River or its tributaries within the Town of Sudbury in a manner which endangers the safety of the public or is detrimental or injurious to the neighborhood or to the value of property thereon.

B. Evidence of violation.

It shall be *prima facie* evidence of the violation of this Bylaw if such boat is operated:

a. By a motor not having an underwater exhaust;
b. In a noisy or obnoxious manner;
c. At any unreasonable rate of speed;
d. Without slowing down and exercising due caution while approaching and passing persons or any other watercraft; or
e. At any speed in excess of 10 miles per hour.

C. Enforcement; cooperation with other towns and/or agencies

The Town may join with any other town through which said Sudbury River or any of its tributaries flows, or a government agency, in the enforcement of this Bylaw or a similar bylaw adopted by such other town,

insofar as such bylaws relate to said river or its tributaries, and may appropriate money for the enforcement in whole or in part of any and all such bylaws.

SECTION 33. TRENCH EXCAVATING PERMIT

The Town Manager shall appoint, in accordance with M.G.L. Chapter 82A, section 2, the individual officer to issue permits, and establish the fees therefor for the excavation of trenches within the Town of Sudbury, as set forth in M.G.L. Chapter 82A.

ARTICLE V (A)

REMOVAL OF EARTH

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

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

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

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

SECTION 5. An application for an Earth Removal Permit shall be in writing and, among other things as required by the Earth Removal Board, shall contain an accurate description of the portion of land from which earth is to be removed, shall state fully the purposes for the removal thereof, and shall include plans of the land involved in such form as the Board may require. The Board may charge reasonable fees for making an application for earth removal. Upon receipt of an application for a Removal Permit for removal of earth from any land, the Board shall appoint a time and place for a public hearing notice of which shall be mailed to the

applicant and abutters and published in a newspaper having a circulation in the town at least twenty-one (21) days before such hearing.

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

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

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

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

permittee of his obligations thereunder except at the discretion of the Board.

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

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

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

ARTICLE V (B)

RULES AND REGULATIONS FOR BURGLAR ALARMS

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

A. "Police Alarm System" or the term "Alarm System" means an assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110-volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Systems which monitor any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of these Rules and Regulations except as specifically noted below.

B. The term "Police Alarm User" or "User" means any person on whose premises the alarm system is maintained within the Town except for alarm systems on motor vehicles or proprietary systems. Excluded from this definition and from the coverage of this bylaw are persons who use alarm systems to alert or signal others within the premises in which the alarm system is located of an attempted unauthorized intrusion, or holdup attempt. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of "Police Alarm System", as that term is used in the bylaw and shall be subject to this bylaw.

C. The term "Automatic Dialing Device" refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

D. The term "Central Station" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise circuits or where guards are maintained continuously to investigate signals.

E. The term "Town" means the Town of Sudbury.

F. The term "Communications Console" means the instrumentation on an alarm console at the receiving terminal of a signal line which, through either visual or audible signals, indicates

activation of an alarm system at a particular location, or which indicates line trouble.

G. The term "Direct Connect" means an alarm system which has the capability of transmitting system signals to and receiving them at the Sudbury Police Department.

H. The term "False Alarm" means:

(1) The activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or of his employees or agents.

(2) Any signal or oral communications transmitted to the Police Department requesting, or requiring, or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusions or attempted unauthorized intrusion into a premise and no attempted robbery or burglary at a premise. Excluded from this definition are activations of alarms systems caused by utility company power outages, communications console problems, electrical storms or other acts of nature beyond the control of the Police Alarm user.

I. The term "Interconnect" means to connect an alarm system to a voice-grade telephone line either directly or through a mechanical device that utilizes a standard telephone for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

J. The term "Chief of Police" means the Chief of Police of the Town of Sudbury or his designated representative.

K. The term "Police" or "Police Department" shall mean the Town of Sudbury Police Department or any authorized agent thereof.

L. The term "Disturbance of the Peace" shall mean any interruption of the peace, quiet, and good order of a neighborhood or community, particularly by unnecessary and distracting noises.

M. The term "Public Nuisance" shall mean anything which annoys, injures or endangers the comfort, repose, health or safety of any considerable number of persons or of any community or neighborhood.

SECTION 2. ADMINISTRATIVE RULES.

A. The Chief of Police may promulgate such rules as may be necessary for the implementation of this bylaw.

B. Alarms signaling the presence of medical emergencies may, with prior written approval of the Chief of Police, be connected to the alarm console or received over the special telephone lines

provided by the alarm console contractor.

SECTION 3. DIRECT CONNECTION TO THE POLICE DEPARTMENT.

A. Police alarm systems may be connected at the Police Department in compliance with the following:

(1) Prospective police alarm users who want to connect a police alarm system to the Sudbury Police Station shall apply in writing to the Chief of Police for such permission.

(2) At such time as these Rules and Regulations become effective Police Alarm users who wish to continue the connection of their Police Alarm Systems to the Sudbury Police Station, shall apply in writing to the Chief of Police for such permission within three months after such effective date.

(3) New owners or occupants of premises having a Police Alarm System connected to the Sudbury Police Station, and who wish to continue the connection, shall apply in writing to the Chief of Police for such permission within one month of taking ownership or occupancy.

(4) The Chief of Police may deny an application to connect a Police Alarm System to the Sudbury Police Station for the following reasons:

a. The system or user fail to comply with these rules and regulations.

b. Other reasonable cause, affecting adversely the functioning of the total system or any of its parts.

(5) The following information shall be provided to the Police Department regarding each Police Alarm System connected to the Sudbury Police Department.

a. Names, addresses and telephone number of the applicant Police Alarm user.

b. Type of Alarm System.

c. Names, addresses and telephone numbers (home and business) of at least two persons who can be reached at any time, day or night, and who are able to enter the premises where the alarm is located, either to turn off the alarm or to reset it.

d. Name, address and telephone number of installing alarm company.

(6) Alarm systems may be connected to the communications console in the Sudbury Police Station by interfacing through the one company maintaining the alarm console device at the Sudbury Police Station.

B. The alarm user or his alarm company representative must arrange for the necessary tie-in arrangements directly with the contractor who is responsible for the privately owned console and special telephone line in the Police Station.

C. All fees and charges related to services rendered to users by alarm companies or the police console contractor shall be set forth in the form of a written agreement between the alarm user and the parties providing the service. All such fees and charges shall be without cost to the Town of Sudbury.

D. Any alarm user may contract with any alarm company of his choice for the sale, installation, maintenance, and/or servicing of the alarm system to be installed on his premises.

E. No alarm system designed to transmit emergency messages directly to the Police Station shall be worked on, tested, or demonstrated without obtaining permission of the Chief, or his delegated representative. An unauthorized test constitutes a false alarm.

F. Tests of any system may be conducted with the express permission of the Chief, or his delegated representative, having first been applied for and received.

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

SECTION 4. AUTOMATIC DIALING DEVICES.

A. Any person using an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

(1) A central station

(2) An answering service

(3) Any privately owned or privately operated facility or terminal

B. No automatic dialing device shall be connected to the Police Department telephone lines after the effective date of this bylaw.

C. Within three (3) months of the effective date of this bylaw all automatic dialing devices now interconnected to any Police Department telephone lines, shall be disconnected therefrom. The user of each such device shall be responsible for having the device disconnected upon notification by the Chief of Police.

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

A. Control

(1) Every alarm user shall submit to the Chief of Police the names and telephone numbers of at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the system is installed.

(2) All alarm systems shall be equipped with a device which will give at least a ten second audible signal prior to alarm system activation in order to warn the alarm user of an open alarm circuit.

(3) Within six (6) months from the effective date of these regulations, all alarm systems which use an audible horn or bell shall be equipped with a device which will shut off such horn or bell fifteen (15) minutes after activation of the alarm system.

(4) All alarm systems installed after the effective date of these regulations which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within fifteen (15) minutes after activation of the alarm system.

(5) Any alarm system emitting a continuous uninterrupted signal for more than one (1) hour which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (1) of this section, and which interrupts the peace, comfort or repose of a neighborhood or of inhabitants of the area where the alarm system is located shall constitute a disturbance of the peace. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Chief of Police shall endeavor to contact the alarm user, or members of the alarm user's family or those persons designated by the alarm users under paragraph (1) of this section in an effort to abate the disturbance. The Chief of Police shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

B. Curtailment

(1) In the event that the Chief of Police is unable to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph (1) of section A of this article, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system, and if the Chief of Police is otherwise unable to abate the nuisance, he may direct a police officer or a qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.

(2) If entry upon property outside the home or building in which the alarm system is located is made in accordance with this section, the person so entering upon such property 1)

shall not conduct, engage in, or undertake any search, seizure, inspection or investigation while he is upon the property; 2) shall not cause any unnecessary damage to the alarm system or to any part of the home or building and 3) shall leave the property immediately after the audible signal has ceased. After an entry upon property has been made in accordance with this section, the Chief of Police shall have the property secured, if necessary. The reasonable costs and expense of abating a disturbance in accordance with this section may be assessed to the alarm user. In addition to reasonable costs and expenses, the alarm user shall be subject to a penalty of $50.

(3) Within ten (10) days after abatement of a disturbance in accordance with this section, the alarm user may request a hearing before the Board of Selectmen and may present evidence showing that the signal emitted by his alarm system did not constitute a disturbance of the peace at the time of abatement; that unnecessary damage was caused to his property in the course of the abatement; that the costs of the abatement should not be assessed to him, or that the requirements of this section were not fulfilled. The Board of Selectmen shall hear all interested parties and may in its discretion, reimburse the alarm user for the repairs to his property necessitated by the abatement, or excuse the alarm user from paying the costs of the abatement.

C. Testing of Equipment

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

SECTION 6. FALSE ALARMS, COST ASSESSMENT SCHEDULE.

A. After the police department has recorded three (3) separate false alarms within a twelve (12) month period from an alarm system, the Chief of Police shall notify the alarm user, in writing and by certified mail, of such fact and require the said user to submit, within fifteen (15) days after receipt of such notice, a report describing efforts to discover and eliminate the cause or causes of the false alarms. If the said user, because of absence from the Town, or on any other reasonable basis, requests an extension of the time for filing the report, the Chief of Police may extend the fifteen (15) days for a reasonable period. If the said user fails to submit such a report within fifteen (15) days or within any such extended period, the Chief of Police shall order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the Chief of Police's order.

B. In the event that the Chief of Police determines that a report submitted is unsatisfactory, or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the Chief of Police shall order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Chief of Police's order.

C. Any user of an alarm system which transmits false alarms shall be assessed a fine of twenty dollars ($20.00) for a third false alarm occurring within a calendar year, thirty-five dollars ($35.00) for a fourth false alarm occurring within a calendar year, and fifty ($50.00) for a fifth and all subsequent false alarms occurring during a calendar year. All fines assessed hereunder shall be paid to the Town Treasurer for deposit in the General Fund. Upon failure of the user of an alarm system to pay two (2) consecutive fines assessed hereunder within sixty (60) days of assessment, the Police Chief shall order that the user discontinue use of the alarm system. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

D. Any user of an alarm system who has, in accordance with this section, been ordered by the Police Chief to discontinue use of an alarm system may appeal the order of discontinuance to the Board of Selectmen. Notice of an appeal shall be filed with the Board of Selectmen within ten (10) days of the date of the order of discontinuance. Thereafter the Board of Selectmen shall consider the merits of the appeal, and in connection therewith shall hear evidence presented by all interested person. After hearing such evidence the Board of Selectmen may affirm, vacate or modify the order of discontinuance.

SECTION 7. PENALTIES.

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

A. Failure to obey an order of the Police Chief to discontinue use of an alarm system, after exhaustion of the right appeal.

B. Failure to disconnect an automatic dialing device from any telephone numbers at the Police Department within six (6) months after the effective date of this bylaw.

C. Interconnection of an automatic dialing device to any numbers at the Police Department after the effective date of this bylaw.

D. Failure to pay two (2) consecutive fines assessed under this bylaw within sixty (60) days from the date of assessment.

E. Failure to comply with the requirements of Section 5 entitled "Control and Curtailment of Signals Emitted by Alarm Systems".

ARTICLE V (C)

SMOKING PROHIBITION

(a) It is hereby declared that smoking in public places is a public nuisance, dangerous and hazardous to the public health, and violative of the right of non-smokers to breathe air which is free of smoke contamination.

(b) As used herein, 'smoking' shall include carrying a lighted cigarette, cigar, pipe or other tobacco product.

(c) No person shall smoke in any elevator accessible to the public.

(d) No person shall smoke in any room to which the public is invited or in which the public is permitted, including by not limited to, any health care facility, classroom, lecture hall, theater, motion picture theater, opera house, concert hall, library, auditorium, school, retail store, reception area, restroom or lavatory, waiting room, or public area of a bank, but not including any private residence, nor any restaurant or other place mentioned in subsection (e), nor any party, beano game, social reception, or fraternal or veteran's organization.

(e) No person shall smoke in any restaurant or public eating establishment except in specifically designated smoking areas. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and not by the proprietor or person in charge of the restaurant.

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

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

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

(1) posting appropriate signs;

(2) arranging seating to provide a smoke-free area;

(3) asking smokers to refrain from smoking upon request of a client, patron or employee suffering discomfort from the smoke; or

(4) any other means which may be appropriate.

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

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

(f) (1) Except as provided in paragraph (2) of this subsection (f), no person shall smoke in any room under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference rooms, and hallways, but not including any private residence unless it is used as a child care or health care facility, nor any dining area of a restaurant or other place mentioned in subsection (e).

(2) At the written request of one or more employees, an employer may (but is not required to) designate the area in the immediate vicinity of the employee's usual work station as a smoking area, if the employer finds that such a smoking area will not allow non-smoking employees or the public to breathe any significant amount of smoke. Upon the same request and finding, an employer may also make other reasonable accommodation to smoking employees, including provision of a separate employee lounge for smoking, no larger in floor area or seating capacity than the employee lounge for non-smokers. Upon request in writing, an employer shall provide a copy in writing of its smoking policy under this paragraph, including any designated smoking areas or other accommodation for smoking employees, to any employee, prospective employee, and the Sudbury Board of Health. Any employee aggrieved by an employer's smoking policy or any portion thereof may appeal in writing to the Sudbury Board of Health, who may modify it in any manner to carry out the purposes of this section. In any dispute arising from such a smoking policy, the health concerns of non-smokers shall be given precedence.

(g) Every person having control of premises upon which smoking is prohibited by this article or his

or her agent or designee, shall conspicuously display upon the premises a sign reading "Smoking Prohibited by Law".

(h) It shall be unlawful for any person having control of any premises or place in which smoking is prohibited by this article to knowingly permit a violation of this article. A person shall be held to have knowingly permitted a violation of this article if a visitor to his or her premises observes one or more people smoking (other than is properly designated smoking areas) on three successive visits. Any licenses issued by the Town to such a person shall be subject to suspension for up to fifteen (15) days for a single violation of this article, and shall be subject to suspension for up to one year, or to revocation, for any successive violation.

(i) Any person who knowingly violates any provision of this article, or who smokes in an area in which a "Smoking Prohibited by Law" notice is conspicuously posted as required by subsection (g) of this article, shall be subject to a penalty of $25.00. Each day during which a violation exists shall be deemed to be a separate violation.

(j) The Sudbury Board of Health shall enforce the provision of this article, and for this purpose shall have the assistance of the Town Executive Secretary, Town Counsel, and the Police and Building Departments. In addition to the remedies provided by subsections (h) and (i), the Sudbury Board of Health or any person aggrieved by any violation of this article may apply for injunctive relief to enforce said provisions in any court of competent jurisdiction.

(k) If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE V (D)

FIRE ALARM SYSTEMS

SECTION 1. DEFINITIONS.

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

A. "Central station operating company": A company equipped to receive a fire alarm signal from each of its customers and which then transmits to the Sudbury Fire Department (SFD) the location of any such alarm it receives.

B. "Fire alarm system": Any heat-activated, smoke-activated, flame-energy-activated or other such automatic device capable of transmitting a fire alarm signal to either a central station operating company or directly to the SFD by way of a master box.

C. "Fire alarm malfunction": The transmittal of a fire alarm to a central station operating company or directly to the SFD by way of master box which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reason that causes a fire alarm to sound even though there is no actual fire or situation that reasonably could evolve into a fire.

D. "Fire alarm system owner": An individual or entity which owns the title to and/or has on his business or residential premises a fire alarm system equipped to send a fire alarm signal to a central station operating company or directly to the SFD by way of a master box.

E. "Fire Chief": The Chief of the Sudbury Fire Department.

F. "Master box owner": An individual or entity who has on his business or residential premises a fire alarm system equipped to send a fire alarm signal directly to the SFD by way of a master box.

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

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

Annual Fee for Churches and Non-Profit Organizations	$ 75.00

Annual Fee for all others	$ 200.00

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

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

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

1. The name, address, and home and work telephone numbers of the master box owner and other persons or businesses protected.

2. The street address where the master box is located.

3. The names, address and home and work telephone numbers of at least two persons other than the owner who can be contacted twenty-four hours a day, who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located.

4. The insurance carrier (with a copy of the insurance policy) for the building.

5. Such other information as the Fire Chief may require.

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

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

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

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

Permit Fee	$ 20.00
Connection Fee	$100.00

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

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

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

2. The names, addresses and home and work telephone numbers of a least two persons who can be contacted twenty-four hours a day, who are authorized by the central station operating company to respond to an alarm signal and who have access to the premises emitting the alarm signal to the central station operating company.

3. The name, address, home and work telephone numbers, and location of the premises of each customer of the central station operating company who has a fire alarm system equipped to send a fire alarm signal to the central station operating company.

4. The insurance carrier (with a copy of the insurance policy) for the company.

5. Such other information as the Fire Chief may require.

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

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

SECTION 4. UPDATING INFORMATION.

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

SECTION 5. FIRE ALARM SYSTEMS MALFUNCTIONS - PENALTIES.

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

FIRST THROUGH THIRD MALFUNCTION.....No Charge
Upon recording of the third false alarm by the SFD, the Fire Chief shall notify the owner of the building, in writing and by certified mail, of such fact, and at this time inform the owner of the Department's policy with regard to charging for false alarms.

FOURTH THROUGH SIXTH MALFUNCTION.....$100.00
SEVENTH THROUGH ELEVENTH MALFUNCTION $200.00
EACH MALFUNCTION AFTER THE ELEVENTH.....$300.00

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

C. Any false fire alarm which is the result of the failure of the property owner, occupant or its agents to notify the Sudbury Fire Department of repair, maintenance or testing of an internal fire alarm system within the protected premises, shall cause a penalty to be assessed in accordance with the schedule of penalties set forth in Paragraph A of this section.

D. For the purposes of this bylaw, a false fire alarm shall be defined as follows:

1. The operation of a faulty smoke or heat detection device.
2. Faulty control panel or associated equipment. .....
3. A water pressure surge in automatic sprinkler equipment.
4. Accidental operation of an automatic sprinkler system.
5. An action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or the occupant, causing accidental activation of an internal fire alarm system.

E. Property owners will be billed once a month for the malfunction activity occurring during the previous month.

F. If any bill is not paid within thirty (30) days of issuance, written notice will be sent; if the bill is not paid after a second thirty (30) day period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and his insurance company notified.

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

Except as otherwise authorized by the Fire Chief, no fire alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm message to any telephone lines of the SFD. If, upon adoption of this bylaw, a fire alarm system is equipped with such a tape dialer or similar automatic telephone device without authorization, the fire alarm system owner shall have sixty (60) days from adoption of this bylaw to disconnect such tape dialer or similar automatic telephone device. If a fire alarm system owner fails to comply with this section, the Fire Chief may assess a penalty of fifty dollars ($50.00) for each day of non-compliance.

SECTION 7. SECURED KEY ACCESS.

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

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

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

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

SECTION 8. APPEAL PROCEDURE.

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

hearing.

SECTION 9. REGULATIONS AND ENFORCEMENT.

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

SECTION 10. DEPOSIT OF FEES AND FINES.

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

SECTION 11. SEVERABILITY.

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

UNDERGROUND STORAGE TANKS V (E)

SECTION 1. AUTHORITY AND PURPOSE

A. This bylaw is adopted by the Town of Sudbury under its Home Rule powers, its police powers to protect the public health and welfare, its authorization under Massachusetts General Laws, Chapter 40, Section 21, and Chapter 148, Section 9, and other provisions of law.

B. The purpose of this bylaw is to control the use and maintenance of underground tanks for the storage of hazardous substances that are generally exempt from State and Federal regulation, to protect groundwater and surface water from contamination because of leakage, and to prevent damage to persons or property because of fire. The purpose of the bylaw is also to protect the owners of these tanks and the Town of Sudbury from the potentially devastating financial and environmental consequences of contamination of wells or groundwater due to leakage arising from tank corrosion, improper installation or other causes.

SECTION 2. DEFINITIONS

A. Abandoned - in the case of underground storage tanks shall mean out of service for a continuous period in excess of six months where a license from the local licensing authority is required under the provisions of Massachusetts General Laws, Chapter 148, Section 13, and for a period in excess of twenty-four (24) months in the case of any other underground storage facility or an aboveground tank of 10,000 gallons capacity or less; and in the case of aboveground storage of any fluid other than water, where a permit is required from the commissioner under provisions of Massachusetts General Laws, Chapter 148, Section 37, it shall mean out of service for a continuous period in excess of sixty (60) months and it has been deemed to be unsafe and a threat to the public safety by the head of the Fire Department and by the Department of Public Safety Division of Inspectional Services.

B. Doubled-Walled Tank - means a container with two complete shells which provide both primary and secondary containment. The container shall have a continuous 360 degree interstitial space between the primary and secondary shell. The interstitial space shall be designed so that an approved interstitial space monitor is able to continuously monitor this space. All double-walled tanks shall be UL-listed.

C. Fuel Oil - means oil of grades 1, 2, 4, 5 and 6, established in accordance with Massachusetts General Laws, Chapter 94, Section 249H.

D. Fire Chief - means the Fire Chief of the Town of Sudbury.

E. Hazardous Substance - means any liquid hydrocarbon product, including but not limited to gasoline, heating oil and diesel oil, and any other substance controlled as being toxic or hazardous under Massachusetts General Laws, Chapter 21E.

F. Owner - with respect to a tank means the owner of the land on which an underground tank is located.

G. Petroleum Products - means fuel oil, waste oil and gasoline.

H. Underground Tanks - means any containment system (including associated piping) used to contain a hazardous substance ten percent or more of the volume of which is beneath the surface of the ground, but excluding:

(1) A tank of over 1,100 gallons capacity for storing motor fuel.
(2) A tank for storing motor fuel for commercial and governmental purposes.
(3) A tank for storing heating oil other than for consumptive use on the premises where stored.
(4) A septic tank used to contain sewage.
(5) A pipeline facility regulated under State or Federal law.
(6) A tank situated upon or above the surface of the floor in an underground area, such as the basement of a home.

I. Code - means the Board of Fire Prevention Regulations Governing Tanks and Containers as set forth at 527 CMR 9.00 and following.

SECTION 3. REGISTRATION OF EXISTING TANKS

A. On or before December 1, 1992, the owner of each underground tank shall file with the Fire Chief a form setting forth the size, type, age (with proof of age), contents and location of the underground tank. This form shall be made available to the public by the Fire Chief. The age of a tank is to be determined from the date when it was first installed. If the owner cannot document the age of the tank to the satisfaction of the Fire Chief, the installation date will be presumed to be January 1971. The registration tag issued by the Fire Chief shall be visibly affixed to the fill pipe by the owner on or before January 1, 1993.

B. On or after January 2, 1993, each distributor of fuel oil or other hazardous substance that is requested to fill an underground tank without a registration tag shall notify the Fire Chief within forty-eight (48) hours of such request of the existence and location of the tank. It shall not be considered a violation of any provision of this bylaw for a fuel oil distributor to fill an underground tank without a registration tag provided that the distributor duly notifies the Fire Chief in accordance with the provisions of the previous sentence.

SECTION 4. NEW TANKS

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

A. Underground storage of a flammable petroleum product with a flash point of 100 degrees Fahrenheit or less is permitted in a double-walled steel or double-walled fiberglass tank.

B. The storage of fuel oil for consumptive use on the premises is permitted in double-walled steel or double-walled fiberglass tanks limited to a maximum of 1,000 gallons for residential properties up to five units and to a maximum of 5,000 gallons for residential properties over five units.

C. The storage of fuel oil for consumptive use is permitted in double-walled steel or double-walled fiberglass tanks to a maximum of 10,000 gallons for other than residential use.

D. The storage of fuel oil for resale is permitted in double-walled steel or double-walled fiberglass tanks limited to that amount which the property is licensed for on the effective date of this regulation.

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

SECTION 5. REMOVAL OF UNDERGROUND TANKS

A. On or before December 31, 1996, the owner shall empty and remove any underground tank that was installed before December 31, 1971.

B. Any tank which is not required to be removed under paragraph A of this section shall be emptied and removed in accordance with the schedule set forth in Appendix 1 of the bylaw.

C. As required by the provisions of the Code, the owner must empty and remove any underground tank that is abandoned.

D. Removal of an underground tank shall be performed under the supervision of the Fire Chief in compliance with the removal provisions of the Code. The Fire Chief may approve decommissioning of a tank instead of removal where permitted by the Code, provided that, immediately prior to decommissioning, the tank shall be tested for leakage of a hazardous substance using a method acceptable to the Fire Chief and that no leakage shall be detected by such testing.

E. Notwithstanding Section 5.A and B, any underground tank that meets the requirement of 527 CMR 9.08(3)(a) shall be emptied and removed no later than thirty (30) years following the date of installation

SECTION 6. PROCEDURE IN CASE OF SPILL OR LEAK

A. In the event of a spill or leak, the owner, operator, or person in control shall comply with the provisions of the Board of Fire Prevention Regulations Massachusetts Comprehensive Fire Safety Code, 527 CMR 9.20, entitled "Response to Leaks", in its entirety.

B. If a leak from an underground tank is confirmed, the owner must empty and remove or decommission the tank in accordance with the Code.

SECTION 7. VARIANCES

A. The Board of Selectmen may, after receiving comment from the Fire Chief and after a public hearing, vary the application of this bylaw in accordance with the provisions of this section, when the applicant has demonstrated financial hardship. Notice of the hearing shall be given by the Selectmen, at the applicant's expense, at least ten days prior thereto, by certified mail to all abutters to the property on which the tank is located. The notice shall include a statement of the variance sought and the reasons therefor. Any grant or denial of variance shall be in writing and shall contain a brief statement of the reasons for the grant or denial.

B. In considering the variance request, the Board of Selectmen shall take into consideration factors such as the direction of the groundwater flow, soil conditions, depth to groundwater, size, shape and slope of the lot, and proximity of existing and potential water supplies. No variance shall be granted unless the Board of Selectmen finds that the variance, as granted would result in the same degree of environmental protection as required by the bylaw.

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

SECTION 8. ADMINISTRATION AND ENFORCEMENT

A. This bylaw shall be administered by the Fire Chief.

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

SECTION 9. COSTS

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

SECTION 10. SEVERABILITY

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

APPENDIX 1

Underground Storage Tank Removal Schedule

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

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

ARTICLE V (F)

STORMWATER MANAGEMENT

1.0 PURPOSE

A. The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare of the Town by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of 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, protect and enhance wildlife habitat, and promote groundwater recharge to protect surface and groundwater drinking supplies. This Bylaw seeks to meet that purpose through the following objectives:

1. Establish a mechanism by which the municipality can monitor and ensure compliance with requirements of its National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems and other applicable State and Federal mandates.
2. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources.
3. Require that new development, redevelopment and other land alteration activities maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics where appropriate 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.
4. 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 damages due to alterations in volume, velocity, frequency, duration, and peak flow rate of storm water runoff; Establish minimum design criteria for measures to eliminate or minimize to the extent feasible nonpoint source pollution from stormwater runoff which would otherwise degrade water quality.
5. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet or exceed the minimum post-development stormwater management standards.
6. Encourage the use of nonstructural stormwater management, better site design practices or “low-impact development practices”, such as reducing impervious cover, increasing site-wide infiltration,

and preserving open space and other natural areas, to the maximum extent practicable.

7. Promote water conservation through the re-use of stormwater for irrigation.
8. Establish provisions that require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities.
9. Establish provisions to ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.
10. 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 or the environment.
11. Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this Bylaw.
12. Establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans, erosion and sediment controls, and for the inspection of approved active projects, and long-term follow up; Establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, inspection of construction sites, and the inspection of approved projects.

B. Nothing in this Bylaw is intended to replace the requirements of the Town of Sudbury Zoning Bylaw, the Town of Sudbury Wetlands Administration Bylaw, the Town of Sudbury General Bylaw, any other Bylaw that may be adopted by the Town of Sudbury, or any Rules and Regulations adopted there under. Any activity subject to the provisions of the above-cited Bylaws or Rules and Regulations must comply with the specifications of each. In case of conflict, this Bylaw and any promulgated Rules and Regulations shall supersede.

2.0 DEFINITIONS

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

ALTER: Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site.

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

pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN: Site design approaches and techniques, including low-impact development (LID) that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, using natural features for stormwater management, and providing site-wide infiltration.

DEVELOPMENT: Any construction that disturbs or alters a parcel of land.

DISTURBANCE OF LAND: Any action, including removal of vegetation, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

EXEMPT USE: Any use subject to the provisions of M.G.L. chapter 40A, section 3.

GENERAL STORMWATER MANAGEMENT PERMIT (GSMP): A permit issued for an application that meets a set of pre-determined standards outlined in the Regulations adopted by the Planning Board under Section 4.0 of this Bylaw. By meeting these pre-determined standards, the proposed project will be presumed to meet the requirements and intent of this Bylaw.

IMPERVIOUS SURFACE: Any material or structure on, above or below the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, driveways), roof tops, swimming pools, and paved, gravel and compacted dirt surfaced roads.

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

LOW IMPACT DEVELOPMENT (LID): An ecosystem-based approach to land development and stormwater management that ensures that each development site is designed to protect, or restore, the natural hydrology of the site.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The latest version as may be amended from time to time of the Stormwater Management Standards and accompanying Stormwater Handbook issued by the Department of Environmental Protection pursuant to authority under the Wetlands Protection Act, M.G.L. c. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L .c. 21, §§ 26-53. The Stormwater Management Standards are incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

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

that together comprise the storm drainage system owned or operated by the Town of Sudbury.

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

PRE-DEVELOPMENT: The conditions that exist prior to the proposed disturbance activity. 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.

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

RECHARGE: The replenishment of underground water reserves.

REDEVELOPMENT: Any construction, alteration, improvement, repaving, or resurfacing on a previously-developed site.

RUNOFF: Rainfall or snowmelt water flowing over the ground surface or other source which may result in transport of pollutants.

SITE: The entire parcel of land being developed.

STORMWATER MANAGEMENT: The use of structural or non-structural practices that are designed to control or treat stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Planning Board, 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.

3.0 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, and as authorized by the residents of the Town of Sudbury at the 2009 Annual Town Meeting.

4.0 ADMINISTRATION

A. The Planning Board shall administer, implement and enforce this Bylaw. Any powers granted to or

duties imposed upon the Planning Board may be delegated in writing by the Planning Board to any Town employee, board or agent.

B. Stormwater Regulations

The Planning Board may adopt, and periodically amend, Rules and Regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Management Bylaw by majority vote of the Planning Board, after conducting a public hearing to receive comments on any proposed revisions. Failure by the Planning Board to promulgate such Rules and Regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this Bylaw.

C. Stormwater Management Standards and Handbook

The Planning Board will utilize the policy, criteria and information including specifications and standards of the most recent edition of the Massachusetts Stormwater Management Standards and Handbook for execution of the provisions of this Bylaw. Unless otherwise specified in the Town of Sudbury 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 Stormwater Management Permit

The Planning Board shall have the authority to develop a General Stormwater Management Permit (GSMP) for specific types of projects and thresholds as defined in Section 5.B. of this Bylaw. Requirements of the GSMP shall be defined and included as part of any Stormwater Regulations promulgated as a result of this Bylaw. By meeting these pre-determined standards, the proposed project will be presumed to meet the requirements and intent of this Bylaw. If the proposed project does not meet the criteria set forth in the GSMP, the applicant must apply for a Stormwater Management Permit (SMP).

E. Actions by the Planning Board

The Planning Board shall take any of the following actions as a result of an application for a Stormwater Management Permit as more specifically defined as part of Stormwater Regulations promulgated as a result of this Bylaw: Approval, Approval with Conditions, or Disapproval

F. Appeals of Action by the Planning Board

A decision of the Planning Board shall be final. Further relief of a decision by the Planning Board made under this Bylaw shall be reviewable in the Superior Court in and action filed within 60 days thereof, in accordance with M.G.L. Ch 249 § 4.

G. Alternate Stormwater Mitigation

Under certain circumstances where onsite options for stormwater mitigation are limited, or where offsite options provide better protection, the Planning Board may allow the applicant to contribute to the implementation of offsite stormwater mitigation. This may be allowed at the discretion of the Planning Board only where a net public benefit is clearly demonstrated and documented by meeting or exceeding the purpose and intent of this bylaw.

5.0 APPLICABILITY

A. This Bylaw shall be applicable to all new development and redevelopment, including, but not limited to, building permit applications, site plan applications, subdivision applications, wetland permit applications, grading applications, septic permits, Earth Removal permits, any activity that will result in a change in rate, volume, timing, or quality of stormwater runoff flowing from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to Section 5.D of this Bylaw, and no such activity shall commence until a permit under this Bylaw has been issued.

B. General Stormwater Management Permit (GSMP) Thresholds

A General Stormwater Management Permit (GSMP) shall be required from the Planning Board for the following:

1. Any residential development or associated activity and accessory structures that will disturb or alter from 5,000 square feet to 40,000 square feet of land or which is part of a common plan for development that will disturb or alter from 5,000 square feet to 40,000 square feet of land.

2. Disturbance or alteration, including paving, repaving or resurfacing, of from 500 square feet to 2,000 square feet of land in a commercial, industrial, institutional or exempt use provided there is no net increase in impervious surface, unless such use is an existing non-conforming use prohibited under section 4242 of the Town of Sudbury Zoning Bylaw (Water Resource Protection District).

3. Construction or maintenance and repair of utility lines (gas, water, electric, telephone, etc.) other than drainage lines or systems, which will alter terrain, ground cover, or drainage patterns.

4. Septic system construction or modification which will alter the existing grade by two or more feet over an area of 500 or more contiguous square feet.

5. Increased discharge of groundwater or surface water directly or indirectly into the Town of Sudbury's Municipal Separate Storm Sewer System (MS4), including but not limited to discharge of sump pumps or perimeter drains.

C. Stormwater Management Permit (SMP) Thresholds

A Stormwater Management Permit (SMP) shall be required from the Planning Board, or its designee, for the following:

1. Any activity, including clearing or removal of vegetation, that will disturb or alter greater than 40,000 square feet of land, or which is part of a common plan for development that will disturb or alter greater than 40,000 square feet of land.

2. Any activity, including clearing or removal of vegetation, that will disturb or alter 5,000 square feet or more of land in areas with 10% or greater slopes.

3. Any activity, including clearing or removal of vegetation, that will disturb or alter 2,500 square feet or more of land in areas with 15% or greater slopes.

4. Any activity, including clearing or removal of vegetation, that will disturb or alter 200 square feet or more of land in areas with 20% or greater slopes.

5. Any activity, including paving, repaving or resurfacing, on any parcel of land in a commercial, industrial, institutional or exempt use that will disturb or alter greater than 2,000 square feet of land.

6. Any development or redevelopment on a parcel of land in a commercial, industrial, institutional or exempt use that will result in a net increase in impervious surface of more than 500 square feet.

7. Any disturbance or alteration, including paving, repaving or resurfacing, on a parcel of land in a commercial or industrial use which is an existing non-conforming use prohibited under section 4242 of the Town of Sudbury Zoning Bylaw (Water Resource Protection District).

D. Exemptions

No person shall disturb or alter land within the Town of Sudbury without having obtained a Stormwater Management Permit (SMP) or General Stormwater Management Permit (GSMP) for the property with the following exceptions:

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL Chapter 40A Section 3.

2. Maintenance of existing landscaping, gardens or lawn areas.

3. Construction or maintenance and repair of utility lines (gas, water, electric, telephone, etc.) other than drainage lines or systems, which will not alter terrain, ground cover, or drainage patterns.

4. Emergency repairs to any stormwater management system or feature that poses a threat to public health or safety, or as deemed necessary by the Planning Board, Board of Health, Conservation Commission, or Department of Public Works.
5. Any work or projects for which all necessary approvals and permits, including building permits, have been issued before the effective date of this Bylaw.

6. Any activity which will disturb or alter land areas below the thresholds stipulated in B and C above.

6.0 PROCEDURES

Permit Procedures and Requirements shall be defined and included as part of any Rules and Regulations promulgated under Section 4.0 of this Bylaw.

7.0 PERFORMANCE STANDARDS

Criteria for Stormwater Management Standards shall be defined and included as part of any Rules and Regulations promulgated under Section 4.0 of this Bylaw.

8.0 ENFORCEMENT

The Planning Board, or an authorized agent of the Planning Board, shall enforce this Bylaw, Regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any Rules and Regulations promulgated under Section 4.0 of this Bylaw.

9.0 SEVERABILITY

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

ARTICLE VI

ENFORCEMENT

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

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

SECTION 3. NON-CRIMINAL DISPOSITION OF BYLAW VIOLATIONS.

(a) Scope and Authority. This bylaw provides for a non-criminal disposition of a violation of any Town bylaw or any rule or regulation of any Town officer, board or department, the violation of which is subject to a specific penalty. This bylaw is enacted in accordance with G.L. Chapter 40, section 21D, (herein called "Section 21D").

(b) Enforcing Person. "Enforcing person" as used in this bylaw shall mean any police officer, regular or special, of the Town of Sudbury with respect to any offense; the Building Inspector and any such other official as the Board of Selectmen may from time to time designate, each with respect to violations of bylaws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case any such official may be an enforcing person with respect thereto.

(c) Violation. An enforcing person taking cognizance of a violation of any bylaw, rule or regulation may, as an alternative to instituting criminal proceedings, give the offender a written notice to appear before the Clerk of the Framingham District Court for a non-criminal disposition of the Violation, in accordance with Section 21D. The provisions of Section 21D are incorporated by reference herein.

(d) Proceedings. Proceedings pursuant to this bylaw and Section 21D shall not be deemed to be criminal proceedings.

ARTICLE VII

LEGAL AFFAIRS

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

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

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

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

SECTION 5. SELECTION OF TOWN COUNSEL

(a) At least every 36 months, the Selectmen shall request proposals from legal service providers for the position of Town Counsel under the terms of Section 1, using the procedure specified herein, to either reappoint the incumbent Town Counsel or appoint a replacement. This means that a person or firm may serve as Town Counsel for a single term or series of continuous terms for more than 36 months only by participating in at least one competitive review procedure. The competitive review procedure for selecting a qualified legal service provider shall be as follows, in the sequence listed, and the Selectmen shall allow at least four months to complete the listed steps:

i. Step 1. - The Selectmen shall request proposals from a minimum of three legal services providers. The request for proposals shall state the criteria by which candidates will be judged. Criteria shall include, but not limited to, qualifications, experience, and cost for providing services.

ii. Step 2. - The Selectmen shall review all proposals in sufficient detail to judge whether they are sufficiently responsive to the selection criteria to merit a subsequent interview.

iii. Step 3. - The Selectmen shall invite at least three responsive candidates to make oral

presentations to the Selectmen in open session. Each candidate shall be allotted an equal length of time before the Selectmen.

iv. Step 4. - After interviewing the responsive candidates and deliberating the merits of each responsive proposal, the Selectmen shall choose by majority vote the most responsive candidate for the succeeding term of Town Counsel and document the basis for the selection.

v. If the Selectmen do not approve of any of the candidates for Town Counsel among those interviewed, then the preceding four steps shall be repeated. .....

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

ARTICLE VII (A)

EQUAL EMPLOYMENT OPPORTUNITY

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

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

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

A. Inclusion in all solicitations and advertisements for employees of a statement that the contractor is an "Equal Opportunity Employer";

B. Placement of solicitations and advertisements for employees in media that reach minority groups;

C. Notification in writing to all recruitment sources that the contractor solicits the referral of applicants without discrimination;

D. Direct solicitation of the support of responsible and appropriate agencies to assist in recruitment efforts;

E. Participation in, or establishment of, apprenticeship or training programs where outside programs are inadequate or unavailable to minority groups;

F. Modification of collective bargaining agreements to eliminate restrictive barriers established by dual lines of seniority, dual rates of pay or dual lines of promotion or progression which are based on discrimination;

G. Review of the employment process to eliminate all discrimination;

H. Communication of all job orders simultaneously to the sources of minority manpower, such as those sources listed by the Massachusetts Commission Against Discrimination and the Equal Employment Opportunity commission.

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

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

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

B. "Contract" includes any contract, subcontract or other agreement.

C. "Contractor" includes and is defined as any contractor, and his subcontractors, any other subcontractor or other contracting party, who employs more than six (6) persons.

D. "Bidder" includes any bidder, sub-bidder or prospective contractor and his subcontractors, any other subcontractor or other contracting party.

E. "Employment process" includes recruitment, selection, placement, promotion, training, layoff and termination of employment.

F. "Discriminatory", "Discriminate", or "Discrimination" includes all action which denies or tends to deny equal employment opportunity because of race, color, religion, sex, national origin or age, (as defined by State Statutes).

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

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

SECTION 6. The Selectmen shall enforce this bylaw.

SECTION 7. This bylaw shall apply to:

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

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

any contract, bidder or contractor.

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

ARTICLE VII (B)

TEMPORARY REPAIRS ON PRIVATE WAYS

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

ARTICLE VIII

PLANNING BOARD

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

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

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

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

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

ARTICLE VIII (A)

BOARD OF APPEALS FOR SUBDIVISIONS

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

ARTICLE VIII (B)

SCENIC ROADS

SECTION 1. ADMINISTRATION

1.1 Purpose

The purpose of this Bylaw is to protect the scenic quality and character of Town roads designated as Scenic Roads by establishing rules and regulations governing local administration of the Scenic Road Act, M.G.L. c. 40, s. 15C. The local authority and jurisdiction of the Planning Board, herein, shall be consistent with the Scenic Road Act. The Scenic Road Act governs the cutting or removal of trees, or the tearing down or destruction of stone walls during the repair, maintenance, reconstruction, paving, or other alteration of roads that have been designated as a scenic road by the Town. The Town has adopted these regulations with the following objectives:

a) To maintain the natural beauty and scenic qualities along scenic roads in the Town of Sudbury.
b) To enhance the rural character of scenic roads of the Town and encourage compatibility with existing roadside features.
c) To implement more fully the provisions of the Scenic Road Act, M.G.L. c.40, s. 15C.

1.2 Procedure to Designate a Road as a Scenic Road

The Planning Board, the Conservation Commission, the Historical Commission, or the citizens of the Town of Sudbury by petition (consistent with petition requirements to place an article on the warrant) may propose “scenic road” status for any road in the Town of Sudbury, other than a numbered route or state highway.

The Planning Board shall hold a Public Hearing on the proposal or petition, notifying the Selectmen, the Tree Warden, Director of Public Works, the Conservation Commission, the Historical Commission and the Historic Districts Commission and shall advertise the hearing twice in a newspaper of general circulation; the first advertisement at least fourteen days prior to the date of the public hearing. The Planning Board shall make a recommendation to Town Meeting on the merits of the proposed road as a scenic road. No road shall be designated a scenic road by Town Meeting unless such designation is favorably recommended by the Planning Board, Conservation Commission, or Historical Commission.

A majority vote of Town Meeting is required for designation of a road as a scenic road. Such designation shall be effective as of the date of Town Meeting action. Any work on any portion of the right-of-way of a scenic road, which was not physically commenced at the time the road was designated by Town Meeting as a scenic road, shall conform to these regulations.

1.3 Roads Subject to the Provisions of the Scenic Road Act

1.31 The following roads were designated at Scenic Roads at the 2003 Annual Town Meeting:

Brimstone Lane	Haynes Road	Pantry Road
Bowditch Road	King Philip Road	Peakham Road
Candy Hill Road	Lincoln Road	Plympton Road
Clark Road	Marlboro Road	Powers Road
Concord Road	Morse Road	Rice Road
Dakin Road	Mossman Road	Water Row
Dudley Road	Newbridge Road	Wayside Inn Road
Dutton Road	Old County Road	Weir Hill Road
French Road	Old Framingham Road	Willis Road
Goodman's Hill Road	Old Garrison Road	Woodside Road
Goodnow Road	Old Lancaster Road	

1.32 In determining which roads or portions of roads should be recommended to Town Meeting for designation as scenic roads, the following criteria should be considered:

a) The road appears on the 1830 or 1875 maps of the Town of Sudbury;
b) Overall scenic beauty and view from the roadside;
c) Contribution of stone walls to scenic beauty;
d) Age and historical significance of roads, trees and stone walls;
e) Built features such as historic buildings, structures and sites, historic monuments, historic burial grounds, agricultural buildings and fencing;
f) Location in an historic district, or use restrictions on properties in the area; and
g) Road features such as historic layout, surface, carriage width, and non-historic bridges.

SECTION 2. DEFINITIONS

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

"Cutting or removal of trees" shall mean the destruction of one or more trees having a trunk diameter of four (4) inches or more measured one (1) foot from the ground, trimming of major branches or trimming of roots sufficient in the Tree Warden's opinion to cause eventual destruction of a tree. Not included in this definition is the routine or emergency maintenance which removes only permanently diseased or damaged limbs, trunks, or roots, and dead whole trees.

"Repair, maintenance, reconstruction, or paving work" shall mean any work done within the right of way by any person or agency, public or private. Construction of new driveways or alterations of existing ones is included to the extent such work takes place within the right-of-way. Roadside clearing of trees to provide for vehicle clearance or for improvement to line-of-sight shall also be included in this definition. Construction or alteration of water, sewer,

electric, telephone, cable TV or other utilities within the right-of-way is also included.

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

"Tearing down or destruction of stone walls" shall mean the temporary or permanent destruction of more than ten (10) linear feet of stone wall involving more than one (1) cubic foot of wall material per linear foot. Temporary removal of stone walls, to be followed by replacement of the disturbed portion of the wall within a reasonable period of time, not to exceed 90 days, at the same location with the same materials and according to the original character, shall be subject to informal filing and review procedures, set forth under section 3.6.

SECTION 3. PROCEDURES FOR ALTERING A SCENIC ROAD

3.1 Filing

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

a) A plan showing the location and the nature of the proposed action and a description of the proposed changes to trees and stone walls (six copies). At a minimum, such plan shall be to scale (preferred scale is 1” = 40’) and shall clearly show existing trees and those to be removed, noting the species and diameter (measured one foot above ground). The plan shall indicate the width, height, character and dimensions of any stone wall, as well as the proposed methods for the repair or reconstruction of any portion of the stone wall.
b) A statement of the purpose(s) for the changes.
c) Photographs of the existing site showing the area to be affected by work and the surrounding area for a distance of at least 100 feet to either side on the scenic road in question. All photographs must be signed and dated by the applicant.
d) Any further explanatory material useful to adequately inform the Planning Board prior to the public hearing, or as required by the Planning Board.
e) Except in the case of Town agencies, a deposit sufficient for the cost of advertising and notification; and
f) A certified list of abutting property owners within one hundred (100) feet of the affected property.

3.2 Notice

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

3.3 Timing

The Planning Board shall hold a public hearing within forty-five (45) days of receipt of a properly filed request, and shall make a decision within sixty (60) days of that receipt, unless a longer time is agreed to by the applicant. The date and time of the public hearing shall be set outside of normal weekday work hours (8:00 AM - 5:00 PM, Monday - Friday) so as to encourage maximum citizen participation.

3.4 Tree Warden

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

3.5 Emergency Repair

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

3.6 Informal Filing and Review Procedures

3.61 Temporary removal of limited portions of a stone wall, to be followed by replacement of the disturbed portion within a reasonable period of time, not to exceed 90 days, at the same location with the same materials and according to the original character, shall be subject to these informal filing and review procedures. Other temporary removal shall not be entitled to these informal filing and review procedures.

3.62 The applicant shall submit a cover letter, sketch plan of the work to be done, photographs of the area for a distance of 50 feet on either side of the work site and a statement of the purpose for the temporary removal. Such purposes may include temporary removal for the purposes of utility connections or gaining temporary access, among others.

3.63 Based upon the information submitted, the Planning Board shall determine if the proposed work is of a limited and temporary nature and may vote to approve the work to be completed without further public process. The Planning Board may require sufficient bond to be posted to ensure restoration of the stone walls.

3.64 Following completion of the work and replacement of the stone wall in accordance with the Planning Board approval, the applicant shall submit a cover letter to the Planning

Board confirming completion together with dated photographs of the restored wall.

SECTION 4. DESIGN STANDARDS

4.1 Curb Cuts

Each lot fronting on a scenic road shall generally have one driveway curb cut. The paved width of a driveway for a single family home shall not exceed twelve (12) feet, or eighteen (18) feet for any multi-family dwelling. Subdivision roads and new roads for commercial properties shall be governed by the applicable Town regulations for these types of developments. The use of common driveways is encouraged to preserve and to enhance the visual appearance and rural character of scenic roads in the Town of Sudbury.

4.2 Stone Wall Removal Limitations

a) The maximum amount of stone wall to be removed shall be the width of the pavement of the driveway or new road at the location of the stone wall plus three (3) feet on either side.

b) Unless otherwise waived, removed stone shall be used to repair other sections of the wall within the scenic road, in accordance with the Planning Board approval.

c) No wall shall be cut without construction of an appropriate terminus.

d) In no case shall stones be disposed of or used for purposes other than to repair the remaining stone wall within the scenic road without the prior consent of the Planning Board.

e) Any construction of a terminus or repair of a stone wall shall match the method of the existing construction.

4.3 Tree Removal Limitations

a) No tree with a trunk exceeding eight (8) inches in diameter, one (1) foot above ground level, shall be cut for a driveway unless the curb cut cannot otherwise be safely located.

b) No cluster of trees located within six (6) feet of each other, with individual trunks exceeding six (6) inches in diameter, one (1) foot above ground level, shall be cut for a driveway unless the curb cut cannot otherwise be safely located.

c) For each tree with a trunk exceeding six (6) inches in diameter, one (1) foot above ground level, that is removed, a tree in a species, size and location, with advice from the Tree Warden and suitable to the Planning Board, shall be planted, or an equivalent payment into the town-wide tree replacement fund shall be made. This section shall not apply to projects undertaken by the Town of Sudbury.

4.4 Waivers

The Planning Board may waive the design standards, as set forth under this Section 4 herein, if it finds that the waiver is consistent with the considerations and intent of Section 5. The Planning Board shall consider public safety, sight lines, lot configuration, character of the stone wall and existing vegetation in its deliberation for the granting of a waiver.

SECTION 5. CONSIDERATIONS

In acting on applications for alterations to scenic roads, the Planning Board may take into consideration the following:

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

SECTION 6. DECISION AND REPORTING

The Planning Board shall within sixty (60) days of receipt of a properly filed request submit a written determination of consent or denial to the applicant and a copy to the Board of Selectmen, Historical Commission, Conservation Commission and the Town Clerk. A report of denial shall include an indication of what modifications, if any, would lead to consent. The Planning Board may require sufficient bond to be posted to ensure restoration of the site.

SECTION 7. ENFORCEMENT

7.1 Filing and Restoration Requirement

Cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, within the layout of a designated scenic road, without prior approval from the Planning Board and in violation of this bylaw will necessitate an immediate filing with the Planning Board, as detailed above, and the area affected shall be subject to restoration of the features, as specified by the Planning Board. This restoration shall consist of replacing/repairing the stone wall as necessary and replacing the trees cut on a square-inch per square-inch basis at locations specified by the Planning Board. A square-inch per square-inch replacement means that the combined area of the replacement trees measured 1 foot above ground level must equal the total area of the original tree trunk as measured 1 foot above ground level.

7.2 Compliance

Failure to comply with the duly issued decision of the Planning Board shall be subject to restoration as detailed above and other remedial measures the Planning Board deems necessary.

7.3 Penalty

Cutting or removal of trees or the tearing down or destruction of stone walls within the layout of the scenic road in violation of this Section may be subject to a fine of not more than three hundred dollars ($300.00), as set forth under the Scenic Road Act, MGL Ch. 40, Sec. 15C. Each day that a violation continues shall constitute a separate offense, until an application is made to the Planning Board, with continued progression toward a good faith effort for restoration. In addition, the Planning Board and Building Inspector may withhold or revoke any current or pending permit on the property associated with said violation.

7.4 Enforcement Authority

The Planning Board, the Building Inspector and the Tree Warden shall have the authority to enforce the provisions of this section, as applicable.

ARTICLE X

AMENDMENTS

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

SECTION 2. These Bylaws shall supersede all previous Bylaws.

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

ARTICLE XI

THE PERSONNEL ADMINISTRATION PLAN
TOWN OF SUDBURY, MASSACHUSETTS

Personnel Board, Classification Plan, Salary Plan and Incidental Benefits

Deleted by vote of 1997 Annual Town Meeting, Article 34.

ARTICLE XI (A)

COUNCIL ON AGING

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

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

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

SECTION 3. The Council on Aging shall cooperate with the Commonwealth of Massachusetts Office of Elderly Affairs and shall be cognizant of all State and Federal legislation concerning funding, information exchange and program planning which exists for better community programming for the elderly.

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

ARTICLE XII

TOWN PROPERTY

SECTION 1. DISPOSAL OF TOWN-OWNED PERSONAL PROPERTY. Any board or officer in charge of a department of the Town may, with the approval of the Town Manager for property having an aggregate value of less than $5,000 and with the approval of the Board of Selectmen for property having an aggregate value of $5,000 or more, transfer to another Town department or transfer by sale any personal property of the Town within the possession or control of the department which has become obsolete or is not required for further use by the department or any other Town department; provided, however, that in the case of transfer by sale of such property which has, in the opinion of the Town Manager, an aggregate value in excess of $2,000, or in the case of transfer by sale of personal property (regardless of its value) which, in the opinion of the Board of Selectmen, the Historical Commission and the Committee for the Preservation and Management of Town Documents and is contained in a list maintained by them, is historically significant to the Town, the sale shall be by public bid in a manner prescribed by said Board of Selectmen; and provided further that in the case of transfer by sale of such historically significant property the Board of Selectmen shall send advance written notice of such transfer by sale and such public bid to the Historical Commission and to the Committee for the Preservation and Management of Town Documents. For purposes of this Section 1, all personal property located in the Hosmer House shall be deemed to be historically significant to the Town.

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

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

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

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

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

ARTICLE XIII

PLUMBING BYLAW

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

ARTICLE XIV

PERPETUAL CARE OF BURIAL PLACES AND LOTS

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

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

ARTICLE XV

BUILDING CODE

This article is replaced by the State Building Code, which is incorporated herein by reference, adopted under Chapter 802 of the Acts of 1972, including 780 CMR, Appendix 120.AA "Stretch Energy Code", and the following sections: Section 1. Building Permit Fees. Fees to be paid shall be as follows:

BUILDING PERMIT FEES

Single Family Dwellings (new, alterations & additions)
$10 per $1,000 (or portion thereof) of the value of the work
$40 minimum permit fee
Double the fee if work is started without a permit.

Commercial Buildings and Multi family Dwellings:
$15 per $1,000 (or portion thereof) of the value of the work
$40 minimum permit fee
Double the fee if work is started without a permit.

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

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

ARTICLE XVI

TOWN SEAL

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

ARTICLE XVII

FEES

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

Device	Fee
Scales & Balances	
Over 10,000 lbs.	$100.00
5,000-10,000 lbs.	$60.00
1,000-5,000 lbs.	$40.00
100-1000 lbs.	$30.00
10-100 lbs.	$20.00
Under 10 lbs.	$15.00
Weights (all types)	$2.00
Measuring Devices	
Gasoline Pumps/Meters	$20.00
Vehicle Tank	$50.00
Bulk Storage	$75.00
Taxi Meters	$25.00
Fabric Measures	$20.00
Cordage Measures	$20.00
Linear Measures (yard sticks, etc.)	$10.00
Automated Retail Checkout Systems	
Less than 4 units	$75.00
4 units and not more than 11 units	$150.00
More than 11 units	$250.00
Other Devices	
Bottle/Can Redeemers	$15.00

XVII (2) 1996
XVII (3) 2001
XVII (2) 2006

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

All Units, Residential, Commercial (or Industrial)	$3 per $100 value of work
Minimum Fees	$30
Re-inspection Fee	$30
Industrial Maintenance	$200

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

SECTION 3. TOWN CLERK'S FEES. The schedule of fees to be charged by the Town Clerk in accordance with the authority of Section 34 of Chapter 262 of the General Laws shall be those established by the Town Clerk pursuant to Section 22F of Chapter 40 of the General Laws.

The fees adopted under this section shall be subject to approval by the Board of Selectmen after a public hearing. A copy of the Schedule of Fees so adopted shall be available in the office of the Town Clerk and shall be posted on the Town bulletin board.

ARTICLE XVIII

LICENSES AND PERMITS SUBJECT TO UNPAID TAXES AND FEES

SECTION 1. The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the Licensing Authority, that issue licenses or permits including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the Party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such Party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

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

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

SECTION 4. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of Chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

SECTION 5. This article shall not apply to the following licenses and permits: Open Burning, section thirteen of Chapter Forty-eight; Bicycle Permits, section Eleven A. of Chapter Eighty-five; Sales of Articles for

Charitable Purposes, section Thirty-three of Chapter One Hundred and One; Children Work Permits, section Sixty-nine of Chapter One Hundred and Forty-nine; Clubs, Associations dispensing food or beverage licenses, section Twenty-one E of Chapter One Hundred and Forty; Dog Licenses, section One Hundred and Thirty-seven of Chapter One hundred and Forty; Fishing, Hunting, Trapping Licenses, section Twelve of Chapter One Hundred and Thirty-one; Marriage Licenses, section Twenty-eight of Chapter Two Hundred and Seven; Theatrical Events, Public Exhibition Permits, section One Hundred and Eighty-one of Chapter One Hundred and Forty; and Special Permits granted by the Board of Appeals, Chapter 40A.

ARTICLE XIX

APPOINT TREE WARDEN

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

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

ARTICLE XX

PROHIBITION AND REGULATION OF OVERHEAD UTILITIES

SECTION 1. DEFINITIONS & APPLICABILITY.

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

SECTION 2. RULES & REGULATIONS.

A. The Board of Selectmen shall adopt, and may from time to time amend, Rules and Regulations to effectuate the purposes of the Bylaw, which shall be consistent with this Bylaw and applicable provisions of the General Laws, and shall file a copy of said Rules and Regulations with the Town Clerk. Such rules shall prescribe, at a minimum, safety, environmental and aesthetic standards for the placement and numbers of poles, wires and associated overhead structures.

B. The Selectmen may grant a waiver from their Rules and Regulations, on a case-by-case basis, only if such waiver would enhance the public safety, health, convenience or welfare.

SECTION 3. REGULATION OF EXISTING AND NEW CONSTRUCTION.

A. No Utility shall install or construct, except by way of replacement or upgrading of existing facilities, any poles and overheard wires and associated overhead structures upon, along or across any public way within the Town.

B. Any Utility replacing or upgrading existing poles, overhead wires and associated overhead structures upon, along or across any public way within the Town shall comply with the Selectmen's Rules and Regulations.

C. Any Utility or person who installs or constructs any poles, overhead wires, or associated overhead structures in violation of this Bylaw shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars.

D. This Bylaw shall not prohibit the installation of new street light poles or traffic signal poles supplied by underground electricity.

E. The Board of Selectmen may grant special permission, in cases of emergency or unusual

circumstances, to a Utility or person to erect, construct, install, maintain, use or operate, poles and overhead wires and associated structures, notwithstanding the provisions of this Bylaw.

SECTION 4. SEVERABILITY.

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

ARTICLE XXI

HIGHWAY SURVEYOR

Deleted by vote of 1997 Annual Town Meeting, Article 33.

XXII (1-4)1998
XXII (4) 1999

ARTICLE XXII

WETLANDS ADMINISTRATION

SECTION 1. PURPOSE

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

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

SECTION 2. JURISDICTION

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

SECTION 3. CONDITIONAL EXCEPTIONS

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

The application and permit required by this bylaw shall not be required for 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 written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

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

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

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

SECTION 4. APPLICATIONS FOR PERMITS AND REQUESTS FOR DETERMINATION

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

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

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

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

(a)	Single minor project -- i.e., house addition, tennis court, swimming pool, or other accessory residential activity	$25 per project
(b)	New single family dwelling	$250
(c)	Subdivision--road and utilities only	$500 plus $2 per foot of road sideline within a resource area
(d)	Drainage, detention/retention basins	$500 plus $2 per 100 cubic feet of basin within a resource area
(e)	Multiple Dwelling Structure	$500 plus $100/unit, all or part of which is within a resource area
(f)	Commercial and Industrial Projects	$500 plus $0.50 per square foot of disturbance in an undeveloped resource area
(g)	Application filed after Enforcement Order	double the above fee
(h)	Determination of Applicability	no charge
(i)	Remediation of a Contaminated Site or Enhancement of a Degraded Resource (excluding violations)	$25 per project

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

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

In such instances the Commission shall notify the applicant of this need and the estimated costs and provide the opportunity for the application to be amended or withdrawn. Should an applicant choose to proceed the Commission shall require the applicant to pay the reasonable costs and expenses borne by the Commission for

these consulting services as listed below. This fee is called the consultant fee. The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.

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

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

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

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

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

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

All fees collected pursuant to this bylaw shall be deposited in the Conservation Commission Revolving Fund, established pursuant to G.L. C. 44, Section 53E1/2.

SECTION 5. NOTICE AND HEARINGS

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

the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

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

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

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

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

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

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

SECTION 6. COORDINATION WITH OTHER BOARDS

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

SECTION 7. PERMITS AND CONDITIONS

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

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

Lands within 100 feet of wetlands resource areas and within 200 feet of perennial streams and rivers are presumed important to the protection of these resources because activities undertaken in close proximity to wetlands and other resources have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and harm to wildlife habitat. For this reason these adjacent upland areas are a valuable resource under this Bylaw. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover in part or all of the adjacent upland resource area and set other conditions on this area, unless the applicant provides evidence deemed sufficient by the Commission that the area or part of it may be disturbed without harm to the values protected by the law.

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

The Commission shall, after receiving a written request for a Certificate of Compliance, inspect the resource area where any activity governed by a permit issued under this bylaw was carried out. If such activity has been completed in accordance with said permit, the Commission shall within twenty-one (21) days after such a request issue a Certificate of Compliance evidencing such determination, which may in an appropriate case be combined with a Certificate of Compliance issued under the Wetlands Protection Act. A Certificate of

Compliance may specify conditions in the permit which will continue to apply for a fixed number of years or permanently and shall apply to all owners of the land.

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

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

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

SECTION 8. REGULATIONS

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

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

SECTION 9. DEFINITIONS

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

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

The term “adjacent upland resource area” shall include all lands within 100 feet of wetland resource areas as enumerated in Section 2, except for perennial streams and rivers for which the adjacent upland resource area extends for 200 feet from the top of bank, and except for vernal pools, ponds under 10,000 square feet in area, and isolated land subject to flooding for which special adjacent upland resource area definitions are described below.

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

The term "existing" in the determination of adjacent upland resource area shall mean existing as of the date this bylaw becomes effective.

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

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

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

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

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

(a) Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;

(b) Changing of pre-existing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;

(c) Drainage, or lowering of water level or water table;

(d) Dumping, discharging, or filling with any material which may degrade water quality;

(e) Placing of fill, or removal of material, which would alter elevation;

(f) Driving of piles, erection, or repair of buildings, or structures of any kind;

(g) Placing of obstructions or objects in water;

(h) Destruction of plant life including cutting of trees;

(i) Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;

(j) Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or ground water.

(k) Application of pesticides or herbicides;

(l) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

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

SECTION 10. SECURITY

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

SECTION 11. ENFORCEMENT

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this

bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

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

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

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

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

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

SECTION 12. BURDEN OF PROOF

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

SECTION 13. APPEALS

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

SECTION 14. RELATION TO THE WETLANDS PROTECTION ACT

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

SECTION 15. SEVERABILITY

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

ARTICLE XXIII

WATER RESOURCE PROTECTION COMMITTEE (WRPC)

ANNUAL REPORT TO THE TOWN OF SUDBURY

The Annual Report submitted by the Water Resources Protection Committee (WRPC) - which is a Water District Committee and not a Town of Sudbury Committee although its Principal and Associate Members are nominated by the Water District, the Selectmen, the Planning Board, the Board of Health, and the Conservation Commission - shall be published in the Town of Sudbury Annual Report under the same standards and editorial policies as are the Annual Reports submitted by the Town Boards and Committees.

ARTICLE XXIV

UPPER HOP BROOK PROTECTION

SECTION 1. PURPOSE

The purpose of this Hop Brook Protection (HBP) Bylaw is to provide for the safe recreational enjoyment of the Upper Hop Brook Ponds while at the same time prohibiting those motorized activities which conflict with and create safety hazards for other less intrusive and benign recreational uses such as walking, canoeing, fishing, ice skating, and cross country skiing by adults and children, or activities which are incompatible with efforts to restore and maintain a healthy ecological balance in the ponds.

SECTION 2. LOCATION

The Upper Hop Brook Ponds are hereby defined as those ponds on Hop Brook upstream of the Peakham Road bridge which is adjacent to the Haynes Meadow Conservation Area.

SECTION 3. EXEMPTIONS

Activities, equipment, and vehicles which are required for maintenance, research, or other official projects approved by the Town of Sudbury are exempted from the provisions of this Bylaw.

SECTION 4. WATERCRAFT

Manually powered watercraft such as canoes, kayaks, car-top boats, and float tubes, are allowed on the ponds. All motor powered watercraft such as power boats, outboard motor boats with motors, jet skis, and similar powered craft are not allowed.

SECTION 5. VEHICLES

Trailers and motorized vehicles, such as snowmobiles, motorcycles, All Terrain Vehicles, cars, trucks, or similar vehicles are not allowed either on the ponds (for example, when frozen in winter) or on their banks.

SECTION 6. ENFORCEMENT

The fine shall be fifty dollars per violation. Separate days or repeated violations after warnings are separate violations.

SECTION 7. SEVERABILITY

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof.

ARTICLE XXV

CAPITAL PLANNING

SECTION 1. The Town Manager shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of three members appointed by the Town Manager, three members appointed by the Selectmen, and one member appointed by the Finance Committee. The Finance Director shall be an ex officio member without the right to vote. The Committee shall choose its own officers annually. The term of office shall be three years not more than three of which shall expire within the same year. Members of Town boards and committees, as well as Town employees, shall be precluded from membership.

SECTION 2. The Committee shall study proposed capital projects and improvements involving major tangible assets and projects which 1) have a useful life of at least five years; and 2) have a single year cost of $10,000 or a multi-year cost of $100,000 or more. All officers, boards and committees, including the Selectmen and Sudbury Public School Committee, shall by October 1 of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action for the next six years. The Committee shall consider the relative need, impact, timing, and cost of these expenditures and the effect each will have on the financial position of the Town. The Committee shall inventory the fixed assets of the Town with the assistance of Town staff, prioritize the capital requests submitted by Town boards and departments, and develop a financing strategy for implementation.

SECTION 3. The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program for the following five years. The report shall be submitted to the Finance Committee for its consideration. The Committee shall submit the capital budget to the Annual Town Meeting for adoption by the Town.

SECTION 4. Such Capital Improvement Budget, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

SECTION 5. The Committee's report shall be published and made available in a manner consistent with the distribution of the Town Meeting report. The Committee shall deposit its original report with the Town Clerk.

SECTION 6. The actions of the Town under Article 14 of the September 14, 1986 Town Meeting are rescinded.

ARTICLE XXVI

PUBLIC WAY ACCESS PERMIT

A. PURPOSE: It is the purpose of this Bylaw to establish requirements for the review of applications for projects which alter public ways in the Town of Sudbury, and to establish procedures for the predictable, timely, and uniform review of such applications so as to ensure public safety. These procedures apply to projects which propose physical modification to existing access to a public way and to projects which propose the construction of new or modification of existing access which serves a building or expansion of a facility or use that generates a substantial increase in or impacts traffic on a public way. Such procedures shall not be construed to apply to State numbered ways according to Massachusetts General Laws, Chapter 81, Section 21, except those State numbered ways that are maintained by the Town of Sudbury.

B. APPLICABILITY: Projects subject to this Bylaw shall include the following: (1) "modification to existing access to a public way" shall mean any alteration of the physical or traffic operational features of the access. (2) "substantial increase or impact on traffic" shall mean that generated by a facility which meets or exceeds any of the following thresholds: (a) Residential, other than single family, including hotels, motels, lodging houses and elderly housing facilities: any increase to the existing certificate of occupancy of more than 25 persons; (b) Subdivisions: 5 lots or greater; (c) Non-residential: 250 trips per day as defined in the ITE Trip Generation Manual, 4th Ed.; (d) Non-residential: 25 new parking places; (e) Non-residential: new construction of 5,000 square feet or more.

C. SUBMITTAL OF PERMIT APPLICATION: The Planning Board shall be responsible for the issuance and/or denial of public way access permits for residential uses. The Board of Selectmen shall be responsible for the issuance and/or denial of public way access permits for all other uses. A permit applicant shall request issuance of a permit on a standard form, supplied by the Planning Board or the Town Clerk. A permit application shall be deemed complete only after the following items have been submitted: (1) standard application form; (2) evidence of compliance with the Massachusetts Environmental Policy Act by the Executive Office of Environmental Affairs of the Commonwealth, if determined to be necessary; (3) engineering plans acceptable to the permitting board, where required.

D. PROCEDURES:

(1) Any application for a public way access permit required under this Bylaw shall be transmitted by the permitting Board within five (5) working days to the DPW Director for review and comment. The DPW Director shall, within thirty-five (35) days of receipt of the application, report to the Board in writing its findings as to the safety of the proposed activity and, in the event of a finding that the proposed activity would be unsafe, its recommendations, if possible, for the adjustment thereof. Failure by the DPW Director to respond within thirty-

five days of the receipt of the application shall be deemed lack of opposition thereto.

(2) Where an application is deemed complete, the Board shall render a decision within sixty (60) days of filing of the application. Such decision shall be filed with the Town Clerk.

Where the Board denies said application, it shall state specific findings for the denial of its decision.

E. Powers of the Board of Selectmen and Planning Board

(1) The Board may deny the issuance of a public way access permit due to the failure of the applicant to provide sufficient roadway improvements to facilitate safe and efficient roadway operations, or when the construction and use of the access applied for would create a condition that is unsafe or endangers the public safety and welfare.

(2) The Board may, in the alternative, impose conditions upon an access permit to facilitate safe and efficient pedestrian and traffic operations within the access and on adjacent public ways, to mitigate traffic impacts, to maintain level of service of an adjacent public way after projected increases in traffic from the proposed project, and to avoid, or minimize environmental damage during the construction period and throughout the term of the permit. Such conditions may include, but not be limited to: (a) necessary limitations on turning movements; (b) restrictions on the number of access points to serve the parcel; (c) vehicle trip reduction techniques; (d) necessary and reasonable efforts to maintain existing levels of service; (e) design and construction of necessary public way and pedestrian improvements by permittee; (f) reimbursement by the permittee of costs to the Town for inspection of the public way improvement work.

(3) Variance: Where site or access conditions do not allow the proposed access to meet recognized design standards (hereinafter governed by the Rules and Regulations of the Planning Board Governing the Subdivision of Land, and other standards utilized by the Massachusetts Highway Department), the Board may vary application of the design standards on a case by case basis, upon the finding that there are no reasonable available alternatives which would allow access in compliance with these standards. In this case, the applicant must commit to provide measures to mitigate impacts to traffic and operational safety which the Board determines are necessary.

F. Access Permit Provisions

(1) Construction under the terms of a public way access permit shall be completed within one year of the date of issue, unless otherwise stated in the permit. The Board may extend the permit for an additional year, at the written request of the permittee, filed prior to the expiration of the original construction period.

(2) When the Board determines that a permit condition has not been complied with, it may suspend or revoke a public way access permit if, after notice to the permittee of the alleged

noncompliance, twenty-four hours have elapsed without compliance.

(3) The Board may require a performance bond to be posted by the permittee in an amount not to exceed the estimated cost of the work, as determined by the Director of Public Works. The performance bond shall be posted prior to the issuance of the permit.

(4) The Board may issue written orders or regulations to carry out or enforce the provisions of this Bylaw.

ARTICLE XXVII
IN-GROUND IRRIGATION SYSTEMS

PURPOSE: It is the purpose of this bylaw to establish requirements for the installation of in-ground irrigation systems on residential properties for the protection of the quality and quantity of water supplied by the Sudbury Water District.

APPLICABILITY: All in-ground irrigation systems serving residential uses installed after the effective date of this bylaw will be required to comply with the following:

1. Installation of new in-ground irrigation systems and expansion of existing systems will be permitted only when the source of water supply is a private well owned and under the control of the property owner or a legally created organization of the owners of property using the well.
2. All wells installed for the purposes of this bylaw shall be subject to the regulations of the Sudbury Board of Health. All wells shall be tested for coliform bacteria and shall require treatment if such tests indicate the presence of coliform.
3. Installation and continued operation of such systems will be in accordance with the requirements herein:
    a. Private wells for irrigation purposes shall not be located within one hundred (100) feet of a sewage disposal system, within one hundred (100) feet of an existing potable water supply well and within one hundred (100) feet of a wetland or vernal pool. Lessor setbacks to sewage disposal systems may be approved by the Board of Health.
    b. All wells shall be dug or drilled to a minimum depth of 100 feet, unless it is demonstrated through hydrogeological analysis that the cone of influence of the well at its maximum pumping capacity does not intercept any surface water resource.
    c. There will be no connection between the private water supply and the municipal water service. Separation using valves or removable sections of pipe is prohibited.
    d. Discharge of water from the private water supply will be through sub-surface sprinkler heads that rise when activated by water pressure. Water from this source will not be available through sill cocks, garden hoses or any other points.
    e. The purpose of the private water supply is limited to irrigation of lawn and plants, and is not to be used for washing automobiles, filling swimming pools or as a potable water supply.

4. Irrigation systems sourced by private water supplies and operated as described herein shall not be limited to specific hours of operation nor odd/even days of use if the Town declares a water emergency.

5. All irrigation systems shall utilize moisture sensors.

6. An Integrated Pest Management Plan shall be compiled and submitted with an application to install an in-ground irrigation system. The plan shall encourage minimal use of fertilizers and pesticides by use of non-chemical methods to control pests, such as by the use of indigenous species of plants.

7. Sellers of property covered by these regulations are responsible to inform the purchaser of these requirements in any purchase and sale agreement.

8. A permit to install a new in-ground irrigation system shall be required from the Board of Health and fees for review and inspection shall be established. All other state, federal or local approvals shall be required where necessary.

Exceptions: In-ground irrigation systems installed on land used primarily and directly for the raising of fruits, vegetables, berries, nuts and other foods for human consumption, feed for animals, flowers, trees, nursery or greenhouse products, and ornamental plants and shrubs; or on land to be used in a related manner which is incidental thereto and represents a customary and necessary use in raising such products.

Article XXVIII
DEMOLITION DELAY OF HISTORICALLY SIGNIFICANT BUILDINGS, STRUCTURES OR SITES

SECTION 1. INTENT AND PURPOSE

This Bylaw is adopted for the purpose of protecting the historic and aesthetic qualities of the Town of Sudbury by preserving, rehabilitating or restoring, whenever possible, buildings, structures or archeology sites which constitute or reflect distinctive features of the architectural or historic resources of the Town, thereby promoting the public welfare and preserving the cultural heritage and character of the Town of Sudbury.

The intent of this Bylaw is to provide an opportunity to develop preservation solutions for properties threatened with demolition; and to allow the owner, the Sudbury Historical Commission and other appropriate Town departments time to find grants or some person or group willing to purchase, preserve, rehabilitate or restore the building or structure.

SECTION 2. DEFINITIONS

For the purposes of this Bylaw the following words and phrases have the following meanings:

SHC – the Sudbury Historical Commission

Demolition Permit – the permit issued by the Building Inspector as required by the state building code for the demolition, partial demolition or removal of a building or structure.

Historically Significant Building, Structure or Archeology Site - one which is (1) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town, the Commonwealth of Massachusetts or the United States of America; or (2) is historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context or a group of buildings or structures.

SECTION 3. REGULATED BUILDINGS AND STRUCTURES

The provisions of this Bylaw shall apply only to the following buildings or portion thereof or structures: (1) a building or portion thereof, structure or archeology site listed on the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application or listing on either of said Registers; or (2) a building or portion thereof, structure or archeology site located within 200 feet of the boundary line of any federal, state or local historic district; or (3) a building or portion thereof, structure or archeology site included in the Inventory of

the Historic and Prehistoric Assets of the Commonwealth, or designated by the SHC for inclusion in said Inventory; homes listed in the "Old Homes Survey" of the SHC plus those structures or portion thereof constructed prior to January 1, 1940 town-wide or any building or portion thereof or structure of indeterminate age. Notwithstanding the preceding sentence, the provisions of this Bylaw shall not apply to any building or portion thereof or structure located in a local historic district and subject to regulation under the provisions of Chapter 40C of the Massachusetts General Laws.

SECTION 4. PROCEDURE

(1) The Building Inspector shall forward a copy of each demolition permit application for a building or structure identified in SECTION 3 of this Bylaw to the SHC within five (5) business days after the filing of such application, and shall notify the applicant in writing of this action. No demolition permit shall be issued at this time.

(2) Within thirty (30) business days after its receipt of such application, the SHC shall schedule with the applicant a site inspection for the SHC to assist in its determination if a building or portion thereof, or structure is historically significant.

(3) If the SHC determines that the building or structure is not historically significant, it shall so notify the Building Inspector and the applicant in writing and the Building Inspector may issue a demolition permit. If the SHC determines that the building or structure is historically significant, it shall notify the Building Inspector and the applicant in writing that a demolition plan review must be made prior to the issuance of a demolition permit. If the SHC fails to notify the Building Inspector of its determination within thirty (30) business days of the site inspection, then the building or structure shall be deemed not historically significant and the Building Inspector may issue a demolition permit.

(4) Within sixty (60) days after the applicant is notified that the Commission has determined that a building or structure is historically significant, the applicant for the permit shall submit to the SHC five (5) copies of a demolition plan which shall include the following information: (i) a map showing the location of the building or structure to be demolished with reference to lot lines and the neighboring buildings and structures; (ii) photographs of all street façade elevations; (iii) a description of the building or structure, or part thereof, to be demolished; (iv) the reason for the proposed demolition; and (v) a brief description of the proposed reuse of the parcel on which the building or structure to be demolished is located.

(5) Not later than thirty (30) business days of receipt of such plan, the SHC shall hold a public hearing with respect to the application of a demolition permit, and shall give public notice of the time, place and purposes thereof at least fourteen (14) days before the said hearing in the local newspaper and by mailing, postage prepaid, a copy of such notice to the applicant, to the owners of all adjoining property and other property deemed by the SHC to be materially affected, to the Selectmen, Planning Board, Zoning Board and to such other persons as the SHC shall deem entitled to notice. The Commission shall determine that a building or structure should preferably be preserved only if it finds that the building or structure is an historically significant building or

structure which, because of the importance made by such building or structure to the Town's historical and/or architectural resources, it is in the public interest to preserve, rehabilitate or restore (as defined in SECTION 3).

(6) If, after the public hearing, the SHC determines that demolition of the property or any part thereof, would be detrimental to the historical or architectural heritage or resources of the Town, such building or structure shall be considered to be a preferably preserved building, and the SHC shall file with the Building Inspector and the applicant within thirty (30) days of the hearing thereon a written report on the demolition plan which shall include the following: (i) a description of the age, architectural style, historic association and importance of the building or structure to be demolished; (ii) a determination as to whether or not the building or structure should preferably be preserved and no demolition permit shall be issued until six (6) months after the date of such determination by the Commission.

(7) The SHC shall also notify the Massachusetts Historical Commission, Town Planner, Town Manager, Community Preservation Committee and any other interested parties in an effort to obtain assistance in preservation funding or in finding an adaptive use of the building which will result in its preservation. The SHC shall invite the owner of record of the building or structure to participate in an investigation of alternatives to demolition including but not limited to incorporation of the building into future development of the site, adaptive re-use of the building or structure, seeking a new owner willing to purchase and preserve, restore or rehabilitate the building or part thereof, or moving the building.

(8) Once a building or portion thereof or a structure has been designated to a preferably preserved status, the owner shall be responsible for properly securing the building or structure to the satisfaction of the Building Inspector. Should the owner fail to secure the building or structure, the loss of such through fire or other cause shall be considered voluntary demolition and all non-compliance penalties shall pertain.

SECTION 5. EMERGENCY DEMOLITION

If the condition of a building or structure poses a serious and imminent threat to the public health or safety due to its deteriorated condition, the owner of such building or structure may request the issuance of an emergency demolition permit from the Building Inspector. As soon as practicable after the receipt of such a request, the Building Inspector shall inspect the property with a member of the SHC or designee. After the inspection of the building or structure, the Building Inspector shall determine whether the condition of the building or structure represents a serious and imminent threat to public health or safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect the public health or safety. If the Building Inspector finds that the condition of the building or structure poses a serious and imminent threat to public health or safety, and that there is no reasonable alternative to the immediate demolition thereof, he may issue an emergency demolition permit to the owner of the building or structure. Whenever the Building Inspector issues an emergency demolition permit under the provision of this SECTION 5, he shall prepare a written report describing the condition of the building or structure and the basis for

his decision to issue an emergency demolition permit with the SHC. Nothing in this SECTION 5 shall be inconsistent with the procedures for the demolition and/or securing of buildings and structures established by Chapter 143, Sections 6-10, of the Massachusetts General Laws. In the event that a Board of Survey is convened under the provisions of Section 8 of said Chapter 143 with regard to any building or structure identified in SECTION 3 of this Bylaw, the Building Inspector shall request the Chairman of the SHC or his designee to accompany that Board of Survey during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the SHC.

SECTION 6. NON COMPLIANCE

Anyone who demolishes a building or structure identified in SECTION 3 of this Bylaw without first obtaining, and complying fully with the provision of, a demolition permit, shall be subject to a fine of three hundred dollars ($300.00). In addition, unless a demolition permit was obtained for such demolition, and unless such a permit was fully complied with, the Building Inspector shall not issue a building permit pertaining to any parcel on which a building or structure identified in SECTION 3 of this Bylaw has been demolished for a period of five (5) years after the date of demolition.

As determined by the SHC, a building permit may be issued at any time for new construction after the six months delay, but within the 5-year period as described in Section 6, which would replicate the exterior of the demolished significant structure, including but not limited to use of materials, design, dimensions, massing, arrangement of architectural features and execution of decorative details.

SECTION 7. APPEALS TO SUPERIOR COURT

Any person aggrieved by a determination of the SHC may, within sixty days, in accordance with M.G.L. c.249, s.4, after the filing of the notice of such determination with the Building Inspector, appeal to the superior court for the Middlesex County. The court shall hear all pertinent evidence and shall annul the determination of the SHC if it finds the decision of the Commission to be unsupported by the evidence or exceed the authority of the Commission or may remand the case for further action by the SHC or make such other decree as justice and equity require.

SECTION 8. SEVERABILITY

In case any section, paragraph or part of this Bylaw is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph and part of this Bylaw shall continue in full force and effect.

ARTICLE XXIX
COMMUNITY PRESERVATION COMMITTEE

SECTION 1. ESTABLISHMENT

There is hereby established a Community Preservation Committee consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the Committee, the appointment authority and the term of office for the Committee members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Sudbury Historical Commission as designated by the Commission for an initial term of two years and thereafter for a term of three years.

One member of the Planning Board as designated by the Board for a term of three years.

One member of the Park and Recreation Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.

One member of the Sudbury Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.

One member of the Finance Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.

One member of the Board of Selectmen as designated by the Board for a term of three years.

Two members who are Sudbury residents, to be appointed by the Board of Selectmen, one member to be appointed for a term of one year and thereafter for a term of three years, and one member to be appointed for a term of two years and thereafter for a term of three years.

Should any of the Commissions, Boards, Committees or Authorities who have appointment authority under this Section be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Committee or Authority shall become the responsibility of the Board of Selectmen.

SECTION 2. DUTIES

1. The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Sudbury Historical

Commission, the Planning Board, the Park and Recreation Commission and the Sudbury Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the 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.

2. The Community Preservation Committee shall make recommendation to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition and preservation of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in MGL Chapter 44B. With respect to community housing, the 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 may include in its recommendation to the 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 Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

SECTION 3. REQUIREMENT FOR A QUORUM AND COST ESTIMATES

1. The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote.

2. Recommendations to the Town Meeting shall include their anticipated costs.

SECTION 4. SEVERABILITY

In case any section, paragraph or part of this article be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

SECTION 5. EFFECTIVE DATE

Each appointing authority shall have ten days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the Town Manager shall make the appointment.

ARTICLE XXX
REMOVAL OF DOUBLE UTILITY POLES

SECTION 1. Utility poles shall consist of a single, straight one-piece device.

SECTION 2. Multiple utility poles shall not be allowed in Town except as provided in Sections 4 and 5 of this article. For purposes of this bylaw, multiple poles shall mean two or more sections of pole devices at the same location previously occupied or intended to be occupied by one pole.

SECTION 3. The owners of all utility poles shall remove all multiple poles from their present location and transfer wires and attachments to single replacement poles prior to September 1, 2002.

SECTION 4. In the event of an emergency caused by weather conditions, accidents or acts of God, temporary repairs may be made to damaged poles resulting in a multiple pole, so long as the multiple pole is removed and replaced by a single pole within a reasonable period of time not to exceed sixty (60) days.

SECTION 5. All future replacement utility pole installations shall be coordinated between all occupants to provide for the transfer of all wires to a new replacement pole so that all old poles or temporary devices are removed within a reasonable period of time not to exceed sixty (60) days.

SECTION 6. Failure to comply with the provisions of this bylaw will result in the imposition of a penalty or fine chargeable to the owners of the pole in the amount of $50 per day for each day violation exists.

ARTICLE XXXI
FARMING PRESERVATION BYLAW

Section 1. Legislative Purpose and Intent

The Town of Sudbury recognizes and endorses the right to farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations hereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Sudbury restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Sudbury by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This Bylaw shall apply to all jurisdictional areas within the Town.

Section 2. Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial/recreational agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aqua-cultural, floricultural, viticulture, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock;
- keeping, raising, and training of horses as a commercial or recreational enterprise; for pleasure, therapy, and 4-H projects; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food, dairying, 4-H projects or other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;

- conducting agriculture-related educational and farm-based recreational activities, including agric-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3. Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Sudbury. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this Bylaw are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4. Disclosure Notification

Within 30 days after this Bylaw becomes effective, the Board of Selectmen shall prominently post in the Town Clerk's Office and make available for distribution the following disclosure:

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

SECTION 5. RESOLUTION OF DISPUTES

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning

Enforcement Officer or Board of Selectmen shall forward a copy of the grievance to the Agricultural Commission, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6. Severability Clause

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Bylaw. The Town of Sudbury hereby declares the provisions of this Bylaw to be severable.

ARTICLE XXXII
Illicit Discharge and Connection

Section 1. Purpose

a) Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

b) Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of Sudbury's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

c) The objectives of this Bylaw are:

1. to prevent pollutants from entering Sudbury's municipal separate storm sewer system (MS4);
2. to prohibit illicit connections and unauthorized discharges to the MS4;
3. to require the removal of all such illicit connections;
4. to comply with State and Federal statutes and regulations relating to stormwater discharges; and
5. to establish the legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement.

Section 2. Definitions: For the purposes of this Bylaw, the following shall mean:

a) AUTHORIZED ENFORCEMENT AGENCY: The Department of Public Works, (hereafter "the DPW Director"), its employees or agents designated to enforce this Bylaw.
b) CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.
c) DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.
d) GROUNDWATER: Water beneath the surface of the ground.
e) ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this Bylaw.
f) ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities and other exempt activities pursuant to Section 8 of this Bylaw.

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

h) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

i) NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

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

k) POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

    1. paints, varnishes, and solvents;
    2. oil and other automotive fluids;
    3. non-hazardous liquid and solid wastes and yard wastes;
    4. refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
    5. pesticides, herbicides, and fertilizers;
    6. hazardous materials and wastes; sewage, fecal coliform and pathogens;
    7. dissolved and particulate metals;
    8. animal wastes;
    9. rock, sand, salt, soils;
    10. construction wastes and residues; and
    11. noxious or offensive matter of any kind.

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

m) SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

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

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

p) WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.
q) WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Section 3. Applicability: This Bylaw shall apply to flows entering the municipally owned storm drainage system.

Section 4. Authority: This Bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

Section 5. Responsibility for Administration: The DPW Director shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the DPW Director may be delegated in writing by the DPW Director to its employees or agents.

Section 6. Regulations: The DPW Director may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the DPW Director to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

Section 7. Prohibited Activities

a) Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

b) Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

c) Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the DPW Director.

Section 8. Exemptions: The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwater discharges provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

a) Waterline flushing;
b) Discharge or flow resulting from fire fighting activities;
c) Flow from potable water sources;
d) Springs;

e) Natural flow from riparian habitats and wetlands;
f) Diverted stream flow;
g) Rising groundwater;
h) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
i) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
j) Discharge from landscape irrigation or lawn watering;
k) Water from individual residential car washing;
l) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
m) Discharge from street sweeping;
n) Dye testing, provided written notification is given to the DPW Director prior to the time of the test;
o) Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
p) Discharge for which advanced written approval is received from the DPW Director as necessary to protect public health, safety, welfare or the environment.

Section 9. Emergency Suspension of Storm Drainage System Access: The DPW Director may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the DPW Director may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Section 10. Notification of Spills: Notwithstanding other requirements of local law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments, and the DPW Director, Board of Health and Conservation Commission. In the event of a release of non-hazardous material, the reporting person shall notify the DPW Director no later than the next business day. The reporting person shall provide to the DPW Director written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 11. Enforcement

a) The DPW Director or an authorized agent of the DPW Director shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

b) Civil Relief. If a person violates the provisions of this bylaw, regulations, permit, notice, or order issued thereunder, the DPW Director may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

c) Orders. The DPW Director or an authorized agent of the DPW Director may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include:

    1. elimination of illicit connections or discharges to the MS4;
    2. performance of monitoring, analyses, and reporting;
    3. that unlawful discharges, practices, or operations shall cease and desist; and
    4. remediation of contamination in connection therewith.

d) If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Sudbury may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

e) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Sudbury, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the DPW Director within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the DPW Director affirming or
reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, 57 after the thirty-first day at which the costs first become due.

f) Criminal Penalty. Any person who violates any provision of this Bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not more than $200.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

g) Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Sudbury may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, s.21D. The penalty for the 1st violation shall be $200.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

h) Entry to Perform Duties under this Bylaw. To the extent permitted by State law, or if authorized by the owner or other party in control of the property, the DPW Director, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the DPW Director deems reasonably necessary.

i) Appeals. The decisions or orders of the DPW Director shall be final. Further relief shall be to a court of competent jurisdiction.

j) Remedies Not Exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable Federal, State or local law.

Section 12. Severability: The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

Section 13. Transitional Provisions: Residential property owners shall have 180 days from the effective date of the Bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.;

CIVIL DEFENSE

SECTION 1. DEPARTMENT OF CIVIL DEFENSE

There is hereby established a Department of Civil Defense (hereinafter called the "Department"). It shall be the function of the Department to have charge of Civil Defense as defined in Section 1, Chapter 639, Acts of 1950 and to perform Civil Defense functions as authorized or directed by said chapter or by any and all executive orders or general regulations promulgated thereunder, and to exercise any authority delegated to it by the Governor under said Chapter 639.

SECTION 2. DIRECTOR OF CIVIL DEFENSE.

The Department shall be under the direction of a Director of Civil Defense (hereinafter called the "Director"), who shall be appointed by the Selectmen. The Director shall have direct responsibility for the organization and for the administration of the Department, subject to the direction and control of the Selectmen. The Director may, within the limits of the amount appropriated therefor, and subject to the approval of the Selectmen, appoint such experts, clerks and other assistants as the work of the Department may require and may remove them, and may make such expenditures as may be necessary to execute effectively the purposes of Chapter 639 of the Acts of 1950.

The Director shall also have authority, subject to the approval of the Selectmen, to appoint District Co-ordinators and may accept and may receive on behalf of the Town, services, equipment, supplies, materials or funds by way of gifts, grant or loan, for the purposes of Civil Defense, offered by the Federal Government or any agency or officer thereof or any person, firm or corporation subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The Director shall cause appropriate records to be kept of all matters relating to such gifts, grants or loans.

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

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

SECTION 4. TERMINATION OF BYLAW.

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

SECTION 5. DEFINITIONS.

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

EFFECTIVE DATES

GENERAL BYLAWS: *May 27, 2011*

ZONING BYLAWS: *May, 2, 2011*

A TRUE COPY ATTEST: