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TOWN OF SOUTHBRIDGE
REVISED BY - LAWS

Adopted by vote of Town Council
on June 3, 1974

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REVISED BY-LAWS

ARTICLE I

GENERAL PROVISIONS

SECTION 1. Except as otherwise provided by statute, any person violating any of these By-Laws or any amendments thereof, will be subject to a fine of not more than one hundred dollars for each offense; and each day of violation will constitute a separate offense.

AMEND:
T.C.M.
3/11/91

SECTION 2. When a question is before the Town Council, motions shall be received and have precedence as printed in the table below;

Motion	Second Required	Debate	Amend	Vote Required
To adjourn or dissolve	Yes	No	No	Majority
To adjourn to fixed time and recess	Yes	Yes	Yes	Majority
Lay on the table	Yes	Yes	No	2/3 Majority
For the previous question	Yes	No	No	2/3 Majority
For secret ballot	Yes	No	No	2/3 Majority
To commit, recommit, or refer	Yes	Yes	Yes	Majority
To amend	Yes	Yes	Yes	Majority
To postpone indefinitely	Yes	Yes	No	Majority
Main motion	Yes	Yes	Yes	Majority*
Reconsideration	Yes	Yes	No	2/3 Majority
Take from the table	Yes	Yes	No	Majority
Take up an article out of order	Yes	Yes	Yes	2/3 Majority

*(Some main motions are required by Massachusetts Law to be passed by a 2/3 vote, such as bond issues, zoning changes, the taking of land, etc. Unpaid bills of previous years require a 4/5 vote if they are in excess of the appropriations for the year.)

A motion to dissolve the meeting shall not be voted upon until the Chairman informs the meeting of such business as remains unfinished.

SECTION 3. No vote of the meeting shall be reconsidered unless notice of intention to ask for reconsideration shall have been given within thirty minutes after the vote to which such notice related has been passed. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be reconsidered more than once; nor shall any vote be reconsidered on a motion to adjourn, to lay on the table or for the previous question. No motion to reconsider shall be made at an adjourned Council Meeting or subsequent meeting, unless the mover has been given notice of his intention to make such a motion at the session of the meeting at which the vote was taken.

ARTICLE I (Cont'd.)

SECTION 4. Non-Criminal Disposition.

Amend.
TCM 6/17/91

Whoever violates any provisions of these By-Laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws, Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, Board or Department which is subject to a specific penalty.

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

List of Provisions Subject to Enforcement Under
General Laws Chapter 40, Section 21D Procedures

Article 8, Section 1 (Signs, etc. over public way)

First Offense: \$25
Enforcement Agent: PD and BI
Fine Schedule: A, B and C.

Article 8, Section 2 (Gates, etc. swinging into public way)

First Offense: \$25
Enforcement Agent: PD and BI
Fine Schedule: A, B, and C.

Article 8, Section 3 (Obstructions in public way)

First Offense: \$25
Enforcement Agent: PD and BI
Fine Schedule: A, B, and C.

Article 8, Section 4 (Rubbish in public way)

First Offense: \$25
Enforcement Agent: PD, HA and HI
Fine Schedule: A, B and C.

Article 8, Section 5 (Coasting on sidewalk)

First Offense: \$25
Enforcement Agent: PD
Fine Schedule: A, B and C.

Article 8, Section 6 (Posters on Public Way)

First Offense: \$25
Enforcement Agent: PD and BI
Fine Schedule: A, B and C

Article 8, Section 7 (Defacing Public Property)

First Offense: \$200 (plus restoration)
Enforcement Agent: PD, HI and HA

ARTICLE 1, Section 4 (Cont'd.)

Article 8, Section 8 (Music in Public Way)

First Offense: \$25
Enforcement Agent: PD
Fine Schedule: A, B and C.

Article 8, Section 9 (Street Opening)

First Offense: \$200 (plus restoration)
Enforcement Agent PD and DPW.

Article 8, Section 12 (Demolition Materials)

First Offense: \$25
Enforcement Agent: PD and Bi
Fine Schedule: A, B and C.

Article 8, Section 19 (Destruction of Street Lights)

First Offense: \$25
Enforcement Agent: PD and DPW
Fine Schedule: A, B and C.

Article 8, Section 20 (Uncovered Truck Loads on Public Way)

First Offense: \$25
Enforcement Agent: PD, HA, HI and DPW
Fine Schedule: A, B and C.

Article 8, Section 22 (Material Hoisted on Public Way)

First Offense: \$25
Enforcement Agent: PD
Fine Schedule: A, B and C.

Article 8, Section 23 (Snow on Public Way)

First Offense: \$25
Enforcement Agent: PD, FD and DPW
Fine Schedule: A, B and C.

Section 8, Section 24 (Obstruction of Public Way)

First Offense: \$25
Enforcement Agent: PD
Fine Schedule: A, B and C.

Article 8, Section 25 (Offensive Actions, Words on a Public Way)

First Offense: \$25
Enforcement Agent: PD
Fine Schedule: A, B and C.

Article 8, Section 26 (Gatherings on a Public Way)

First Offense: \$25
Enforcement Agent: PD
Fine Schedule: A, B and C.

Article 8, Section 27 (Soundtruck, Loudspeaker on a Public Way)

First Offense: \$25
Enforcement Agent: PD
Fine Schedule: A, B and C.

ARTICLE 1, Section 4 (Cont'd.)

Article 8, Section 29 (Falling Snow/Ice from Roof to Public Way)

First Offense: \$25
Enforcement Agent: PD and DI
Fine Schedule: A, B and C.

Article 8, Section 30.1 (Drainage and Erosion Control)

First Offense: \$25
Enforcement Agent: PD and DPW
Fine Schedule: A, B and C.

Article 8, Section 30.2 (Drainage and Erosion Control)

First Offense: \$25
Enforcement Agent: PD and DPW
Fine Schedule: A, B and C.

Article 8, Section 30.3 (Drainage and Erosion Control)

First Offense: \$25
Enforcement Agent: PD and DPW
Fine Schedule: A, B and C.

Article 8, Section 30.4 (Drainage and Erosion Control)

First Offense: \$25
Enforcement Agent: DPW
Fine Schedule: A, B and C.

Article 8, Section 31 (Drinking Alcoholic Beverages in Public Way)

First Offense: \$25
Enforcement Agent: PD
Fine Schedule: A, B and C.

Article 8, Section 33 (Recreational Vehicles on Playgrounds, etc.)

First Offense: \$25
Enforcement Agent: PD
Fine Schedule: A, B and C

Article 8, Section 35 (Inoperative Motor Vehicles on Public Way)

First Offense: \$25
Enforcement Agent: PD and BI
Fine Schedule: A, B and C.

Article 8, Section 36 (Oversized Vehicles)

First Offense: \$25
Enforcement Agent: PD
Fine Schedule: A, B and C.

Enforcement Agents:

BI - Building Inspector	HA - Health Inspector
DI - Director of Inspections	HI - Health Agent
DPW - D.P.W. Department	PD - Police Department
FD - Fire Department	

Fine Schedules:

A = \$25 First Offense
B = \$50 Second Offense
C = \$100 Third and Subsequent offenses
Time Limit - One Year

REVISED BY-LAWS

ARTICLE II

TOWN CLERK

SECTION 1. The Town Clerk shall keep a true copy, in books to be kept for such purposes alone, of all deeds, permits, licenses, and grants issued and executed by the Manager and of such other instruments executed by the Manager in accordance with the provisions of these by-laws. He shall not allow original papers or documents of the Town to be taken from his office, except as they remain in his custody, or by authority of the law.

SECTION 2. It shall be the duty of the Town Clerk immediately after every Town Council Meeting to notify in writing all members of committees who may be elected or appointed at such meeting, stating the business upon which they are to act and the names of the persons composing the committees, of all votes passed at such meeting in any way affecting them.

SECTION 3. The Town Seal shall include thereon the words, "Southbridge, Mass. Incorporated February 15, 1816" and the words "The Eye of the Commonwealth". The Town Seal shall be kept in the custody of the Town Clerk.

ARTICLE III
PERSONNEL BOARD

(Printed Separately)

REVISED BY-LAWS

ARTICLE IV

FINANCIAL AFFAIRS

SECTION 1. An audith of the accounts of the Town shall be made annually under the supervision of the state division of the accounts as provided by Section thirty-five of Chapter forty-four of the General Laws.

SECTION 2. The Town Collector shall collect all accounts due to the town, except interest on investments of trust funds.

SECTION 3. If it shall seem advisable to the Town Collector that suit shall be instituted on behalf of the Town for the establishment or collection on any account due the Town, he shall so notify the Manager, and he shall report to him from time to time, as he may direct, upon all uncollected accounts in his hands. The Manager shall take such action with respect to all such accounts as he deems expedient and consistent with the interests of the Town.

AMEND.

T.C.M.

6/25/90

SECTION 4. Licenses and Permits of Delinquent Taxpayers

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 person, department, board or commission that issues licenses or permits including renewals and transfers ("the Licensing Authority"), a list of any persons, corporation or business enterprise ("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.
2. The Tax Collector shall also state 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.
3. The Licensing Authority may deny, revoke or suspend any license or permit including renewals and transfers of any party whose name appears on the 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 (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in the hearing conducted with respect to the denial, revocation or suspension of the license. 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 an appeal from such license denial, revocation or suspension.

SECTION 4. (Cont'd.) Licenses and Permits of Delinquent Taxpayers

4. 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 stating 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.
5. 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 the 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 must be given notice and a hearing as required by the applicable provisions of law.
6. The Town Manager may waive such denial, suspension or revocation if he/she finds that 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 1 of Chapter 268, in the business or activity conducted in or on said property.

The following licenses and permits shall be exempt from the provisions of this by-law:

- Chapter 48, Section 13 - open burning
- Chapter 85, Section 11A - Bicycle permits
- Chapter 101, Section 33 - Sales of Articles for charitable purposes
- Chapter 149, Section 69 - children work permits
- Chapter 140, Section 21E - Clubs, Associations dispensing food or beverages licenses.
- Chapter 140, Section 137 - Dog licenses
- Chapter 131, Section 12 - fishing, hunting, trapping license
- Chapter 207, Section 28 - marriage licenses
- Chapter 140, Section 181 - theatrical events, public exhibition permits.

Amend.
TCM 12/2/91

SECTION 5. Municipal Charges Lien - A municipal charges lien authorized under this section shall take effect upon the recording of a list of unpaid municipal charges and fees by parcel of land and the name of the person assessed for the charge or fee in the Registry of Deeds of the County or District where the land subject to the lien lies.

If the charge or fee secured by a municipal charges lien remains unpaid when the Assessors are preparing a real estate tax list and warrant to be committed under Section 53 of Chapter 59, the board or officer in charge of the collection of the municipal charge or fee, or the Town Collector of taxes, if applicable under Section 38A of Chapter 41, shall certify such charge or fee to the assessors, who shall forthwith add such charge or fee to the tax on the property to which it relates and commit it with their warrant to the Collector of Taxes as part of such tax. If the property to which such charge or fee relates is tax exempt, such charge or fee shall be committed as the tax. A lien under this section may be discharged by filing a certificate from the Tax Collector that all municipal charges or fees constituting the

SECTION 5. (Cont'd.) Municipal Charges Lien

lien, together with any interest or costs thereon, have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

The following municipal charges and fees have been voted as municipal charges liens under the provisions of Massachusetts General Laws Chapter 40, Section 58:

1. Unpaid ambulance charges.
2. Unpaid charges imposed under the provisions of Section 21D as outlined in these by-laws.

ARTICLE V

LEGAL AFFAIRS

Amend.
TCM
10/21/91

SECTION 1. The Manager shall annually in July, appoint an attorney who is a member of the bar in good standing, to serve as Town Attorney for the term of one year from the first day of July following or until his successor is appointed and enters upon the performance of his duties. He shall likewise fill any vacancy in said office for the unexpired terms, and may employ special counsel to assist the said Town Attorney whenever, in his judgment, necessity therefore arises.

SECTION 2. It shall be the duty of the Town Attorney to conduct the prosecution or defense of claims, actions and proceedings to which the Town is a party, and the prosecution of actions or proceedings by or on behalf of any town officer, board or committee as such; to conduct the defense of any action or proceedings brought against any town officer, board or committee as such when the Manager, having determined that any right or interests of the Town are or may be involved therein, shall so request; to conduct proceedings brought by or against the assessors before the Board of Tax Appeals; to assist in the prosecution of complaints for violations of any by-laws of the Town, when requested so to do by the board or officer enforcing the same; to examine and report upon titles to all land to be acquired by the Town; to prepare or approve contracts, bonds, deeds and other legal instruments in which the Town is a party or in which any right or interest of the Town is involved; to appear at any and all hearings on behalf of the Town whenever his services may be required; and to generally advise and act for the town officers, boards and committees upon and in legal matters touching the duties of their respective offices.

*SECTION 3. The cost of advertising and notification to parties in interest in connection with any public hearing for which advertising and notification are required by law shall be paid by the applicant, petitioner or appellant for the hearing. Notices to parties in interest may be sent by first class mail, postage prepaid, or by certified mail with return receipt requested at the discretion of the board or official conducting the hearing. In lieu of making charges for actual expenses incurred for each hearing, a board or official may establish and charge a standard fee based on average expenses, and may revise such fee from time to time. Any such fee or revision thereof must have the approval of the Town Manager before adoption. Such charges shall be paid to the Town of Southbridge, as represented by the board or official concerned, before the start of the hearing, when a standard fee has been established, the fee shall be paid at the time the application, petition or appeal is filed in the Town Clerk's Office

*This section adopted by vote of the Town Council February 3, 1975

*This section amended by vote of the Town Council January 25, 1982

ARTICLE VI

CONTRACTS BY TOWN OFFICERS

SECTION 1. No officer of the Town shall in his official capacity make or pass upon or participate in making or passing upon, any sale, contract or agreement or the terms or amount of any payment in which the Town is interested and in which such officer has any personal financial interests, direct or indirect.

SECTION 2. No town officer and no salaried employee of the Town, or any agent of any such officer or employee, shall receive any compensation or commission for work done by him for the Town, except his official salary and fees allowed by law, without the permission of the Manager expressed in a vote which shall appear on their records with the reasons therefor.

SECTION 3. No contract involving an obligation of the Town in excess of Twenty-Five Dollars shall be binding upon the Town unless it is in writing and is signed by at least a majority of the board or committee duly authorized or having control of the appropriation against which such obligation is incurred; and such board or committee shall make a record of every such contract in a book which shall be the property of the Town.

SECTION 4. Every contract exceeding One Thousand Dollars shall be accompanied by a suitable bond for the performance of the same, or by the deposit of money or security to the amount of such bond if so requested by the officer or board authorized to make the contract.

SECTION 5. No board or officer shall make any contract in behalf of the Town, the execution of which shall extend beyond one year from the date thereof, except as otherwise provided by law, unless specific authority to do so has been given by vote of the Council.

SECTION 6. (a) No contract shall be awarded for any work or service to be performed for the Town, other than professional service or service performed by a person regularly employed by the Town as part of the duties of such employment and no purchase of materials, supplies or equipment shall be made, the estimated cost of which in either case is \$250.00 or more, unless competitive bids have been invited therefor, such bids shall be invited by public advertisement by at least one insertion in a newspaper published in Southbridge. Such invitations shall state where plans and specifications for proposed work or purchases may be obtained, and the time and place at which bids will be opened, and shall reserve to the Town the right to reject any or all bids. All bids shall be opened in public. No purchase, and no service or work for which a contract is proposed, shall be split or divided for the purpose of evading the provisions of this section.

(b) The Manager may exempt a purchase or contract from any or all of the provisions of the preceding section when, in his opinion, an emergency exists requiring immediate action on such purchase or contract to protect the health and safety of persons or property, or when no reasonable substitute can be obtained for the article or service to be purchased or contracted for. Evidence indicating that such an emergency exists, or that no reasonable substitute for a purchase or service can be obtained, shall be furnished to the Manager in writing by the officer, board or committee making such purchase or contract, and shall be kept on file with other records of such transactions.

ARTICLE VI, Contracts By Town Officers (Cont'd.)

SECTION 7. Whenever any property of the Town, other than real estate, the replacement value of which exceeds Fifty Dollars (\$50), shall have become obsolete, disused, worn out or necessary to replace, the Town official or officials having jurisdiction thereof shall so certify in writing to the Town Manager who may reserve action relative to its disposal for consideration of a Town Council Meeting or may authorize the official or officials to abandon, to trade, or to sell such property at private or public sale.

SECTION 8. All automobiles and other vehicles owned by the Town shall be so designated by an approved label, as determined by the Town Manager, bearing the words "Town of Southbridge" with the exception of those vehicles exempted from this by-law by the Town Manager.

ARTICLE VII

RECORDS AND REPORTS

SECTION 1. All officers, boards and committees of the Town, shall cause records of their doings and accounts to be kept in suitable books. Said books shall be kept in their respective places in the Town offices, and shall not be removed therefrom. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under supervision of the officer, board or committee having custody thereof.

SECTION 2. All officers, boards, standing committees and special committees of the Town having charge of the expenditure of Town money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, referring however, to the report of the Town Accountant for statements in detail of receipts and payments, and may make therein such recommendations as they deem proper. Such reports shall include, in addition thereto, a report of attendance of all officers and numbers of such boards, standing and special committees. Such reports shall be submitted to the Manager for inclusion in the Annual Town Report on or before the fifteenth day of July each year.

SECTION 3. The Manager shall have printed as many copies as deemed necessary of the Annual Town Report, ready for distribution no later than the last Friday in August. The Annual Town Report shall contain, in addition to the reports of officers, boards and committees as herein before provided, a detailed report of all moneys received into and paid out of the Town Treasury in the financial year next preceding, showing separately payments made from the proceeds of loans as capital outlays, for permanent improvements, the report of the Collector of Taxes, of receipts, payments and abatements; statements of all funds belonging to the Town or held for the benefit of its inhabitants, a statement of the liabilities of the Town on bonds, notes, certificates of indebtedness or otherwise, and of indebtedness authorized but not incurred, and the purpose thereof; a statement of transfers made to or from any appropriation; abstracts of the records of the meetings of the Town held since publication of the last annual report; and such other matters as the said report is required by law to contain, or as may be inserted by the Manager under the discretion granted him by law.

ARTICLE VIII
STREETS AND SIDEWALKS

*SECTION 1. No person shall place or maintain any sign, awning, canopy, shade or frame for the same in or over any street without first obtaining a permit from the Manager to do so. In no case shall any sign, awning, canopy, shade or frame, be less than seven feet above the sidewalk, nor extend into the street beyond the line of the sidewalk. The Manager may require a bond to insure performance.

*SECTION 2. No person shall allow any gate or door belonging to premises under his control, and adjoining and public way, to swing on, over or into said public way.

*SECTION 3. No person shall place or cause to be placed any obstruction in any of the public streets or squares, or upon any public sidewalk, without first obtaining a written permit for a specified time, from the Police Department.

*SECTION 4. No person shall sweep, rake or throw, or place any rubbish leaves or other like substance upon any sidewalk or street in the Town, except in waterproof covered containers or sealed waterproof bags not exceeding fifty (50) pounds gross weight for the sole purpose of collection by employees or agents of the Town during designated periods of collection. Such containers shall not remain for longer than 24 hours before or after the collection period. No person shall place paint, print work figures or pictures on any public sidewalk or street.

*SECTION 5. No persons shall coast upon any sidewalk or upon any street except at such times, and in such places as may be designated by the Manager.

*SECTION 6. No persons shall distribute, display, place or cause to be distributed, displayed, or placed, any posters, handbills, placards, signs, notices or similar material in or upon any sidewalk, street, public building or other public property in the Town without first obtaining a permit from the Manager or from the Chief of Police acting under authority delegated by the Manager.

*SECTION 7. No person shall in any manner, remove, deface or injure any public property, public building or public grounds of the Town nor shall throw or place any substance into the same or into any of the public waters of the Town. **Any person violating this By-Law shall be punished by a fine of \$200.00.

*SECTION 8. No person shall play upon any musical instrument or form any public gathering in any street or public place in the Town without a written permit therefor from the Manager.

*SECTION 9. No person, except the Manager, Highway Department and the D.P.W. Head in the lawful performance of their duties or those acting under their orders, or those who are otherwise properly authorized, shall break up or dig in any street or public way in the Town without first obtaining a written permit from the Manager or his agent, which permit shall state the regulations under which such excavation and restoration shall be done. All persons acting under such a permit, shall put up, erect, and maintain a suitable railing or fence, or pedestrian walk around the part of the

Amend.
TCM
12/2/91

**Amend
TCM
4/7/86

ARTICLE VIII, Section 9 (Cont'd.) (Streets and Sidewalks)

street so excavated, so long as the same shall remain unsafe and inconvenient for travelers; and, he or they shall keep suitable lights attached to such railings or fence, or in some other way exposed every night from sunset until sunrise until the work is completed. The work or excavation done under said permit must be in accordance with such regulations and upon the completion of said work, the surface of said street or way shall be promptly restored as specified in the permit.

SECTION 10. Whenever a Department of the Town is about to construct or repair any street or way, it shall before beginning the work, give reasonable notice of such intention to other Departments and Corporations affected thereby and to all abutting owners. After such notice has been given and work completed, no Department, Corporation or person shall for a space of one year break up or disturb the surface of said street or way within the area so constructed and repaired except in the case of emergency.

Adopted
TCM
6/25/90

SECTION 10A. CURB CUT PERMITS...

A. DEFINITIONS (For the purpose of this By-Law only)

abutting property owner: a person or entity owning property bordering on a way.

driveway: privately owned access to and from a way.

public way: a way laid out by a public agency, or dedicated to public use or laid out for public use or used and maintained as a public way.

way: any public way which is not subject to G.L. Ch. 81, S. 21 (State curb cut permit).

B. Purposes

- 1) to provide maximum protection to the public through the orderly control of traffic moving onto and from a way;
- 2) to provide a uniform practice in the design and construction of entrances and exists;
- 3) To provide the necessary drainage.

C. Applications

A Curb Cut Permit shall be required for any regularly used access to a public way. Any abutting property owner desiring to gain access to a way shall do so only in accordance with the provisions of a permit issued by the municipal Department of Public Works. Additionally, the Building Inspector shall require a Curb Cut Permit as a condition for issuing a building permit.

1) Procedures:

Before beginning construction, the abutting property owner shall make written application to the Department of Public Works, including a plan drawn to scale showing:

ARTICLE VIII - Section 10A Streets and Sidewalks (Cont'd.)

C. Applications Cont'd.

- a) Any driveway that is to be created, altered or closed
 - b) Details on drainage
 - c) A fee of \$25
- 2) All work shall be inspected during and after construction. The Public Works Department may halt any work not done in accordance with the permit.

D. Design Requirements

- 1) The municipal Department of Public Works shall consider the requirements of the State DPW Manual on Uniform Traffic Control Devices, but shall modify these to accord with:
 - a) local conditions
 - b) compatibility with local road design
 - c) size of the proposed project
- 2) Driveways shall be at least twelve (12) feet in width and should be located to the best advantage with regard to alignment with the way, profile, sight distance conditions and the like. Unless conditions require it, a driveway should not be located at the extreme edge of a property, or within 10 feet of an existing structure or utility. In no instance shall the driveway intersect the way at less than a sixty (60) degree angle. In no instance shall a driveway exceed twelve (12) percent grade, except with the written approval of the DPW Head and the Fire Chief.
- 3) No more than two driveways shall normally be allowed for any one property unless there is clear necessity for more. Leasing of a portion of the property does not affect this requirement. If a number of establishments will be constructed on one parcel, a service road may be required, to connect with allowable exit and entrance.
- 4) A channelizing island may be required for an entrance to a high-volume traffic generator such as a shopping center. Acceleration and deceleration lanes may also be required for driveways to such projects. (The Department of Public Works may require a bond to guarantee the satisfactory construction of such driveways, in an amount not to exceed the estimated cost.)
- 5) Driveways shall not normally be approved within fifty (50) feet of intersections, particularly signalized intersections, because of the potential safety hazard which arises when a driver enters a road from a corner driveway and is not faced with a direct signal indication. Access directly into a rotary is also discouraged.
- 6) In no instance shall a driveway have a pitch towards the roadway of greater than one inch per foot, unless adequate provisions have been made and approved by the DPW for the diversion of driveway surface runoff away from the roadway. The DPW may require methods of diversion for driveways having a pitch of less than one inch per foot if the proposed driveway construction will result in an excess accumulation of surface water in the way.

ARTICLE VIII - Section 10A Streets and Sidewalks (Cont'd.)

7) All driveways shall access on the way on which legal frontage for that lot is established. Common driveways serving more than one lot shall not be permitted.

8) All driveway designs shall allow for on-site turnarounds, unless the topography of the lot will not permit a turnaround, in which case the DPW Head will review the plan to ensure that access and egress from the driveway is safe.

E. Exceptions

No permit shall be required for:

1) Driveways already in existence, except for significant alterations.

F. Construction Method

1) When existing curbing and/or sidewalk has to be removed to construct a driveway, such sidewalk or curbing shall be removed for its full depth and to formed joints. The breaking and removal of parts of sidewalk slabs or parts of curbing other than at existing joints will not be permitted. Existing granite curbing and inlets shall be carefully removed and not damaged and shall remain the property of the Town and disposed of in accordance with instructions from the Public Works Head. The applicant is responsible for the proper disposal of other excavated materials.

2) The subgrade for driveways in the Town right-of-way shall be shaped parallel to the proposed surface and thoroughly compacted. After the subgrade has been prepared, a foundation of gravel shall be placed upon it. After thorough compaction, the foundation shall be at least 12 inches in thickness and parallel to the proposed surface of the walk.

3) Driveways within the Town right-of-way shall be surface treated as to existing material unless otherwise approved. For existing concrete surfaces, the new concrete shall be placed in such quantity that after being thoroughly consolidated in place, it shall have a depth of six (6) inches. Cement concrete shall be Class D, 3000 lbs. test. At the time of pouring, a welded mesh, 10" x 10", No. 12 gauge, shall be imbedded in the concrete. The final surface shall have a broom finish.

For existing bituminous surfaces, a minimum thickness of 2 inches, after compaction, of Bituminous Concrete, Type I-1 shall be required.

Adequate provisions by petitioners are to be made to prevent water a silt from entering existing public ways during and after construction.

See Typical Section, attached.

G. Enforcement

1) A driveway permit shall be found to be abandoned and invalid unless all of the construction authorized by it shall have been begun with six (6) months after its issuance.

ARTICLE VIII - Section 10A Streets and Sidewalks (Cont'd.)

2) Any person who continues to violate any provision of this By-Law or of any permit issued hereunder after the expiration of ten days following receipt by him of a written notice of violation shall be liable to a penalty not exceeding fifty dollars for each offense. Each day that such violation continues after said ten day period shall constitute a separate offense.

3) The Department of Public Works Head shall enforce the provisions of this by-law.

SECTION 11. The Manager upon the recommendation of the D.P.W. Head may order numbers to be affixed to or to be painted on the buildings on any street as they deem proper. The owner of every such building shall comply with said order within ten days thereafter.

*SECTION 12. Any person who intends to repair or take down any building on land abutting on any way which the Town is required to keep in repair and intends to make use of any portion of said way for the purpose of placing thereon building materials or rubbish, shall give notice thereof to the Manager. Thereupon, the Manager may grant a permit to occupy a portion of said way to be used for such purposes as in his judgment the necessity of the case and security of the public require; such permit, in no event to exceed a period of more than ninety days, shall contain such conditions as the Manager may require; sufficient lights shall be so placed from sunset to sunrise as to protect all travelers from injury.

SECTION 13. The Manager may, before granting such permits, require such persons to furnish a satisfactory bond to save the Town harmless from any damages that may arise from such obstructions in the street and to insure the faithful compliance with the conditions of said permit.

SECTION 14. No person shall erect, set up or maintain any fence, portico, roof, platforms, or doorstep extending into or over any public highway or street.

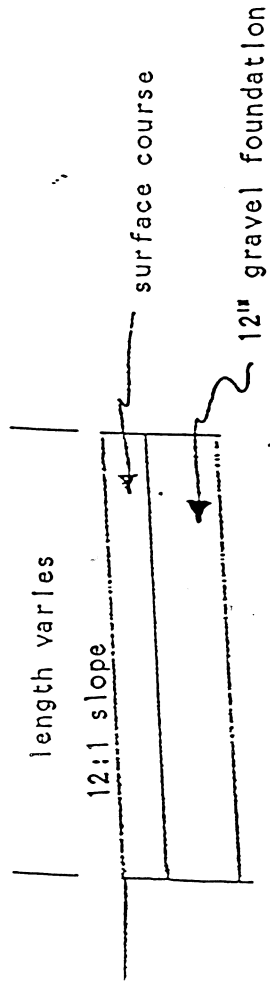
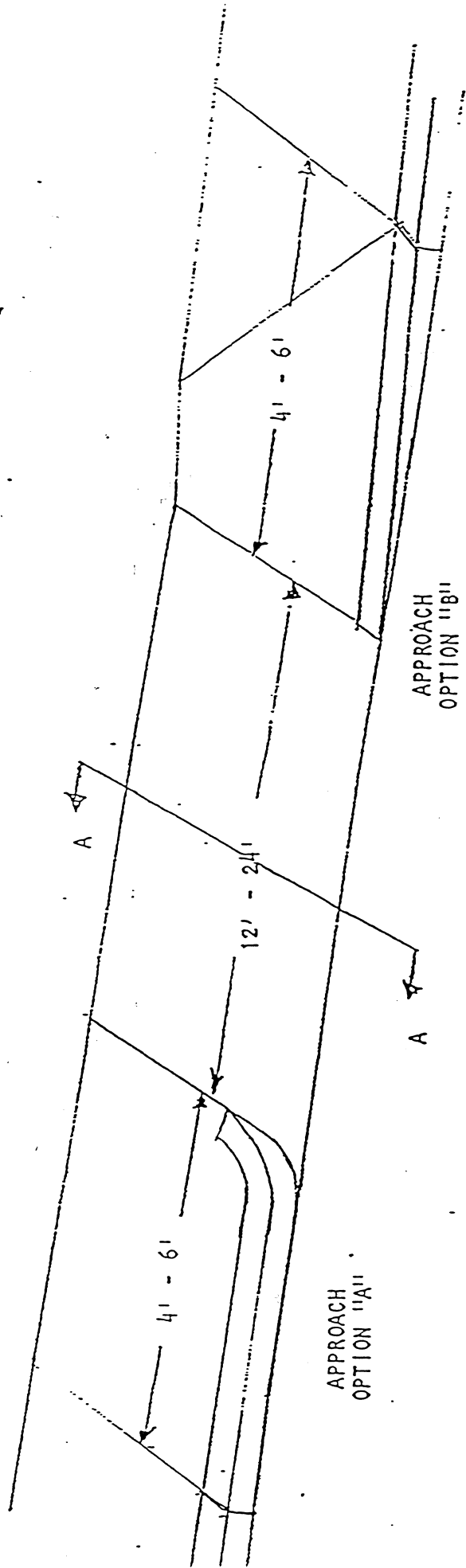
SECTION 15. No person shall stop, or cause to stop a vehicle or carrier, in or on any public street so as to obstruct public travel; and no person shall stop or cause to stop a vehicle or carrier upon or across any intersection or pedestrian crosswalk in any street or highway in the Town.

SECTION 16. No person shall drive, wheel, or draw any cart, bicycle wheelbarrow, handcart, wagon, except children's carriages or shopping carriages drawn by hand, upon any sidewalk in the Town.

SECTION 17. No person shall break, remove, deface or otherwise injure any marker or bound which marks a street, line or public way or town land.

SECTION 18. All streets, hereafter laid out or accepted by the Town as a street or public highway, shall be, at least fifty (50) feet in width, unless otherwise determined by the Manager and shall not be accepted unless a plan showing in detail the location and proposed grade of such way is placed on file with the Town Clerk seven days, at least, before the date of the Council Meeting at which the acceptance of such way as a street or public highway is requested and unless the construction of such way is in

TOWN OF SOUTHBRIDGE
 DRIVEWAY/CURB CUT CONSTRUCTION
 TYPICAL SECTION



NOTES:

1. The dimensions shown at roadway edge are fixed distances.
2. Portland Cement Concrete entrances are to be textured by brooming in a direction parallel to the length of the ramp.
3. Depth of surface course shall be in accordance with curb cut regulations.

DRIVEWAY ENTRANCE PERMIT

Date of Application _____
Name of Applicant _____
Address _____
Telephone _____
Location of Driveway _____

Contractor _____
Address _____
Proposed Construction Date _____
Type of Driveway (gravel, asphalt, concrete, etc.) _____

MAKE OR ATTACH AN ACCURATE DRAWING OF PROPOSED HIGHWAY ENTRANCE:

The Applicant hereby agrees to notify the Department of Public Works of the date and time of driveway construction at least twenty-four hours before construction is begun. The applicant further agrees to conform to all requirements of the Town of Southbridge Driveway Permit Regulations as most recently revised, that this permit may be revoked at any time by the DPW Head, and that if he does not place the public way into good condition satisfactory to the Director, after inspection and prior to issuance of any occupancy permit, he shall pay whatever sum shall be expended to place it in good condition.

APPLICANT'S SIGNATURE _____

APPLICATION: () APPROVED () DISAPPROVED _____
Signature of DPW

CONSTRUCTION: () APPROVED () DISAPPROVED _____
Signature of DPW

ARTICLE VIII - Section 18 - Street and Sidewalks (Cont'd.)

accordance with Planning Board subdivision regulations outlining street construction, and conforming to the grade set forth in said plan by the land owner or owners proposing the acceptance of such street or way.

*SECTION 19. No person shall extinguish any street light, nor extinguish or remove any light placed to denote an obstruction or defect in any street or way, without proper authority.

*SECTION 20. Any truck or vehicle carrying waste paper or other material to the public dump or any other destination shall cover or bind or secure the load against being scattered in any street or public way.

*SECTION 21. No person shall, in any street or way, throw stones, snowballs, sticks or other missiles, nor play ball, kick a football, nor play any other games which interfere with the free, safe and convenient use of said street or way by any person travelling or passing along on same.

*SECTION 22. No person shall hoist any material from any street or sidewalk into a building adjoining same so that said material be being hoisted shall overhang any part of the street or sidewalk without first obtaining a permit from the Chief of Police.

*SECTION 23. No owner, or his agent, of premises abutting upon brick, concrete or other curbed or finished sidewalk, shall place or suffer to remain for more than seven hours between sunrise and sunset, any snow upon such sidewalk. Snow must be cleared to a minimum width of 36". Any packed snow or ice must be melted, covered with sand, sawdust or ashes, to prevent slipping. Such snow or ice may be removed from the sidewalk to the street, provided, however, that the same is windrowed at the gutter at the time of removal. No owner or his agent of premises abutting on a public way, shall allow any fire hydrant closest to his property to be obstructed by snow. No owner or his agent shall place any snow or ice removed from his property on a public way. Each owner or agent of premises in which he/she does not reside, must furnish a name, address and telephone number of the person designated by the owner or agent to comply with the provisions of this by-law. Said information shall be furnished to the Department of Public Works on or before November 1 of each year and the D.P.W. shall be notified immediately upon a change of designation. Failure to respond shall be considered an offense under Article 1, Section 4 of these by-laws and the fine Schedule A, B, and C. If the owner, agent, or designee shall fail to properly clear the sidewalk under the provisions of this by-law, the Town may, in addition to the criminal and non-criminal procedures (21D, fine Schedule A,B,C) outlined, upon neglect or violation of the duties imposed by this by-law, at the option of the Town, have the Town perform or cause to be performed such duties at the expense of the owner. Such expense may be imposed as a municipal charges lien under the provisions of M. G. L. Chapter 40, Section 58 and Article IV Section 5 of these by-laws.

*SECTION 24. Two or more persons shall not remain in a group or near each other on any sidewalk or street, or in any doorway or entrance in such manner as to obstruct a free passage for pedestrians or vehicles.

*SECTION 25. No person shall direct any harmful or offensive, derisive or annoying actions or words to any other person who is lawfully in any public place, nor deride, offend, or annoy such person or prevent such person from pursuing a lawful occupation.

*SECTION 26. The Manager shall have control of the public streets, sidewalks and grounds of the Town for all purposes of public gatherings, and no public assembly or parade on such places within the Town shall be permitted unless a written permit stating the time, place, and purpose of such event has been issued by the Manager or by the Chief of Police acting under authority delegated to him by the Manager.

*SECTION 27. It shall be unlawful for any person, firm or corporation either as principal, agent, or employee, to plan, use or operate for advertising purposes, or for any other purpose whatsoever, on or upon the public streets, alleys, sidewalks, or thoroughfares in the Town of Southbridge, any device known as a soundtruck loudspeaker or sound amplifier

Amend.
TCM:
11/13/95

ARTICLE VIII - Section 27 Streets and Sidewalks (Cont'd.)

or radio or phonograph with a loudspeaker or sound amplifier, or any other instrument known as a calliope, or any instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon said streets or public places aforementioned unless a written permit stating the time, place and purpose of such event has been issued by the Manager or by the Chief of Police acting under authority delegated to him by the Manager.

SECTION 28. From November 15 through April 1 of each year between the hours of 11 P.M. and 7 A.M. there shall be no parking on streets or parts of streets which have parking meters and on certain sides of those streets or portions of those streets designated by the Town Manager or the Chief of Police. Any vehicle in violation of this By-Law shall be removed by order of the Manager, Chief of Police, or Superintendent of Streets, or their authorized representatives, and both the owner and the operator of any such vehicle shall be liable to the Town of Southbridge for a fine as prescribed by law provided that, if the vehicle is removed for the purpose of snow removal, or plowing, or removing of ice, a towing charge of not more than \$25.00 and any reasonable storage charge may also be imposed. A record of registration numbers of each vehicle so removed shall be kept and the place to which it is removed and the Superintendent of Streets or his authorized representatives shall within (12) hours report said information to the Police Department of Southbridge who shall notify the owner or his agent. Before the owner or his agent shall be permitted to remove a vehicle which has been removed as aforesaid to a garage, or other convenient place, he shall furnish satisfactory evidence to the owner or person in charge of said garage, or to the Chief of Police of his identity and ownership of right to the possession of said vehicle.

*SECTION 29. No owner or person having care of a building abutting upon any curbed or finished sidewalk, the roof of which slants toward such sidewalk shall permit such building to be without a barrier, snowguard, or other device to prevent the falling of snow or ice from such roof to the sidewalk, nor shall the owner or person having care of any such buildings, permit water to discharge on any sidewalk from such building in such a manner as to flow over the sidewalk.

*SECTION 30. Drainage and Erosion Control

*30.1 No person shall dump, move, place, grade, excavate, fill or by any action cause or permit any soil, earth, sand gravel, rock, stone, or other material or water or liquid to be deposited or to roll, flow, or wash upon or over any public street, street improvement, road, sewer, storm drain, water course, or right-of-way, or any public property in a manner to damage or to interfere with the use of such property.

*30.2 No person shall when hauling soil, earth, sand, gravel, rock, stone or other material over any public street, road, alley or public property allow such materials to blow or spill over and upon such street, road, alley or public property or adjacent private property.

ARTICLE VIII - Section 30 Drainage and Erosion Control (Cont'd.)

*30.3 If any soil, earth, sand, gravel, rock, stone or other material or water or liquid is caused to be deposited upon or to roll, flow or wash upon any public property or right-of-way in violation of 1 and 2 above, the person responsible shall be notified and shall cause the same to be removed from such public property or way within thirty-six (36) hours. In the event of an immediate danger to the public health or safety, notice shall be given by the most expeditious means and the material or liquid shall be removed immediately. In the event it is not so removed, the Department of Public Works shall cause such removal and the cost of such removal by the Department of Public Works shall be paid to the Town by the person who failed to so remove the material and shall be a debt due the Town. The cost of such removal shall be a lien upon all property and all rights to property, real or personal, of any person liable to pay the same from and after the time said cost is due and payable.

*30.4 Approval of the Department Head, Public Works shall be required for any connection to an existing storm drainage system located on public property within the Town.

30.5 The Town Manager shall enforce this By-Law and shall take any other suitable measures to assure compliance with this By-Law.

**SECTION 31.1 Prohibition of possession of Intoxicating Liquors In Public Places

*No person shall have in his possession any intoxicating liquor in any park, playground, cemetery, conservation land or other public place in the Town of Southbridge, except as otherwise permitted by the Town Manager. Any person violating this By-Law shall be punishable by a minimum fine of \$25.00

*This section adopted by vote of the Town Council dated October 29, 1974

** This section adopted by vote of the Town Council dated July 8, 1975

SECTION 32. No vehicle shall be parked upon Henry Street or upon land of the Town adjacent thereto and posted with "No Parking" signs, provided that a person who resides upon one of said streets may park a vehicle owned by him on said street or posted Town property, adjacent to his dwelling.

Foregoing section adopted by the Town Council on March 24, 1980.

*SECTION 33. No person shall drive, ride, push or tow any motor vehicle including, but not limited to, motorcycles, recreational vehicles as defined by Chapter 90B of the General Laws, automobiles, mopeds, or other motorized conveyances upon any park, playground, cemetery, conservation land school yard or any other land of the Town, except as otherwise permitted by the Town Manager. No owner, and no other person in custody or control of any of the above-described vehicles shall allow another person to drive, ride, push or tow said vehicle upon any of the lands above-described.

Any person who violates this By-Law shall be punishable by a fine of \$25.00 for the first offense in any calendar year or by a fine of \$50.00 for any subsequent offense in a calendar year.

ARTICLE VIII, Section 33 (Cont'd.) Streets and Sidewalks

Adopt.
TCM
8/13/79

Any Police Officer who observes a violation of this ordinance may, as an alternative to initiating criminal proceedings, give to the offender a written notice to appear before the Clerk of the District Court having jurisdiction of the offense, at any time during business hours, not later than twenty-on (21) days after the date of such notice. Such notice shall be prepared in triplicate, on a form which complies with the requirements of M.G.L. c. 40 s 21D, as amended, and shall be delivered to the offender in a manner consistent therewith. When ever practicable, said notice shall be signed by the offender, as an acknowledgement of the receipt thereof. The disposition of all such offenses shall follow the procedure established by M.G.L. c40 s21D, as amended.

Adopt.
TCM
8/6/84

SECTION 34. From March 1st through November 30th each year, there shall be a street sweeping operation by the Town. During such operations, there shall be no parking on streets designated by the Town Manager or D.P.W. Head. Any vehicle in violation of this By-Law shall be removed by order of the Town Manager. Chief of Police or D.P.W. Head or their authorized representatives. If the vehicle is removed for the purpose of street sweeping operations, a towing charge of not more than \$25 and any reasonable storage charge may also be imposed. A record of registration numbers of each vehicle so removed shall be kept and the place to which it is removed and the D.P.W. Head or his authorized representative shall, within 12 hours, report said information to the Police Department who shall notify the owner or his agent. Before the owner or his agent shall be permitted to claim a vehicle which has been removed as aforesaid to a garage or other convenient place, he shall furnish satisfactory evidence to the owner or person in charge of said garage, or the Chief of Police of his identity and ownership or right to the possession of said vehicle.

Add'tion
TCM
9/24/84

*SECTION 35. No person owning, possessing or having charge of a motor vehicle that is inoperable, shall allow said vehicle to remain out of use upon any street or way, except temporarily in case of emergency.

No person shall perform any work (including but not limited to repair work, maintenance work, changing parts, etc.) on any motor vehicle on any public street, public way or public parking lot, except such emergency repair work as is necessary to remove said vehicle from the said street, way or parking lot.

Add'tion
TCM
8/10/87

*SECTION 36. No person shall park any vehicle in excess of 7 feet in width or 8 feet in height on any public way for a period of longer than 20 minutes, unless for some purpose incidental to the operation of the vehicle, loading or unloading of the vehicle or the performance of a service during a normal working day.

Amend.
TCM
10/26/87

Each violation of this section shall be subject to a fine as provided for in Article VIII, Section 37 of the Town of Southbridge By-Laws.

SECTION 37 - Parking Fine Schedule

Under the provisions of Massachusetts General Laws Chapter 90, Section 20A½ the fine schedule for parking violations as provided for in the Town of Southbridge By-Laws or the Town's Traffic Rules and Orders shall be as follows:

*Refer to Article 1, Section 4.

ARTICLE VIII, Section 37 Streets and Sidewalks (Cont'd.)

I - VIOLATIONS PAID WITHIN 21 DAYS

GROUP A VIOLATIONS - FINE \$7.00 EACH

- 1 Meter Violation
2 Overtime
3 More than 12" from curb
4 Facing wrong direction
5 Diagonal parking
6 Loading zone or passenger zone
7 Obstructing an excavation
8 Street Sweeping
9 At Schools
10 Taxi Stand
11 Bus stop
12 Within 5 feet of private road or driveway
13 On or under bridge

GROUP B VIOLATIONS - FINE \$12.00 EACH

- 14 Oversized vehicle
15 Double Parking

GROUP C VIOLATIONS - FINE \$15.00 EACH

- 16 Prohibited zone
17 Crosswalk
18 Winter Parking Ban
19 Interfering with snow removal
20 Parking on sidewalk
21 Within 10 feet of an intersection
22 Within 15 feet or opposite Fire Station
23 Less than 12 feet unobstructed lane
24 Private way so as to obstruct fire apparatus
25 Fire lane

GROUP D VIOLATIONS - FINE \$50.000 EACH

- 26 Within 10 feet of fire hydrant

GROUP E VIOLATIONS - FINE \$100.00 EACH

- 27 Handicapped parking

II - GROUP A THROUGH C VIOLATIONS PAID AFTER 21 DAYS AND

PRIOR TO REGISTRY OF MOTOR VEHICLE REVIEW - ALL VIOLATIONS \$20.00

III - GROUP A THROUGH C VIOLATIONS FINE PAID AT REGISTRY OF

MOTOR VEHICLES REVIEW - ALL VIOLATIONS \$35.00

SECTION 38. Earth Removal

.100 Effect No person, firm or corporation shall excavate, process, or treat in any one year more than 50 cubic yards of soil, rock, sod, loam, peat, humus, clay, sand, earth, gravel or other minerals or materials from any land within the Town without first obtaining a permit from the Special Permit Granting Authority of the Town as provided in the following sections.

ARTICLE VIII, Section 38 Earth Removal (Cont'd.)

.200 Authority and Applicability

.210 Authority. This By-Law is adopted under authority of M.G.L. Chapter 40A, Section 9 and M.G.L. Ch. 40, Section 21 (17).

.220 Applicability. The Special Permit Granting Authority under this By-Law shall be the Planning Board. A permit shall be granted only by an affirmative vote of Two-Thirds of the members of the SPGA. Permits shall only be granted in accordance with the procedures for notice, hearings, decisions and appeals set forth in M.G.L. Chapter 40, Section 9 and 11. Any permit granted hereunder shall lapse within one year if substantial use has not sooner commenced.

.300 Administration,

.310 Enforcement. This By-Law shall be administered and enforced by the Planning Board through the Building Inspector. Written notice of any violation shall be provided to the owner of the premises, specifying a time for compliance, which shall not be less than one day or more than two weeks, depending upon the feasibility of quick compliance and the hazard or damage risk involved. Violation shall be subject to the maximum penalty allowed under M.G.L. Chapter 40, Section 21 (17), with each day that the violation continues beyond the specified time for compliance considered a separate offense. Thus, the penalties shall be: \$50 for the first offense, \$100 for the second offense, \$200 for every further offense.

.400 Exceptions to the By-LAW

.410. A special permit shall not be required under this By-Law for the following types of excavation:

1) Excavations for new structures, for which a valid Building Permit is in force.

- A. The property lines.
- B. The area to be excavated.
- C. The distance from the property lines to the area to be excavated.
- D. The approximate contours before and after excavating.

.530 Requirements. All requirements of Section .671 Removal operations and section .672 RESTORATION may be complied with by Limited Operations.

.540. Permit. A Limited Operations Permit may set conditions regarding such things as time of completion, transport routes, and hours of operation, and if the operation entails having topsoil displaced from more than two acres simultaneously, security may be required assuring restoration within six months of expiration of the permit.

.600. Standard Operations

.610 Permits Required. All earth removal, process, or treating operations except those qualifying under Section .500 Limited Operations require a Special Permit (removal Permit) to be acted on by the SPGA following a Public Hearing with published notice in a newspaper of general circulation in the Town at least 14 and 7 days prior to the hearing and with written notice by certified return receipt mail, sent to all abutters and to all owners of property on both sides of a servicing street if having

ARTICLE VIII, Section 38 Earth Removal (Cont'd.)

.610 Permits required (Cont'd.)

frontage within three hundred feet of the centerline of any proposed egress.

For existing operations, applications for Removal Permits are required 30 days from the adoption of this By-Law. Removal Permits shall normally expire one year from the date of issue except that they may be granted for three years for operations which are located in an Industrial District. Removal permits may be renewed upon application without hearing for the same length of time as originally issued, following notice that renewal is contemplated, published in a newspaper of general circulation in the Town.

.620 Application. The application for an original or renewal Removal Permit shall be in writing and shall contain an accurate description of the portion of land in which the excavation will take place, shall state fully the purpose of the excavation, shall include the required fee, shall include an Assessor's certified list of abutters in cases where a hearing is required, and shall include site plans drawn by a registered surveyor or engineer containing the following information:

- 1) Property lines, and names of all abutters including those across any way.
- 2) Existing contours at two-foot intervals in the area from which materials are to be excavated and in surrounding areas at least 100 feet from any point in the area of excavation.
- 3) Natural features such as wetlands, the 100-year floodplain, ground cover and groundwater. Watertable elevation shall be determined by test pits and soil borings. A log of soil borings shall be included taken to the depth of the proposed excavation, congruent with the size and geological make-up of the site;
- 4) A topographical map showing drainage facilities, final grades, and proposed vegetation and trees;
- 5) Erosion and sediment-control plan;
- 6) The amount and cost of proposed restoration materials, and where the applicant intends to get them.
- 7) The application shall authorize the SPGA or Building Inspector access to the premises at any time in administration of this By-Law.

.630. Fees. Application or renewal fee shall be \$300 per year of permit validity, plus any costs of advertising and notice.

.640 Authorization. A removal permit may authorize having topsoil removed from (and not yet restored to) a total of no more than five acres at any one time and at no more than five separate locations simultaneously. Additional acres may be authorized for operations which are located in an Industrial District and which involve substantial on-site investment in fixed processing equipment.

.650 Security. The applicant shall provide security which will be forfeited to the Town in the event of failure to comply with the requirements of this By-Law or the Removal Permit issued.

Such security shall equal \$5000 per acre authorized for removal at any one time or such larger amount determined by the SPGA to be necessary in view of site conditions and proposals. Irrevocable security shall be

ARTICLE VIII, Section 38 Earth Removal (Cont'd.)

.650 Security (Cont'd.)

Irrevocable security shall be provided in the form of a certified check, or other form satisfactory to the Town Counsel and Town Treasurer. The security shall not be released until the surveyor or engineer has filed with the SPGA an "as-built" plan and has also certified that the restoration has been completed in compliance with the permit and the plans.

.660 Approval. The SPGA shall exercise its powers with due regard to:

- 1) The health, safety and general welfare of the inhabitants of the Town.
- 2) Detriment to the neighborhood.
- 3) Effect on natural resources, including but not limited to the recharge of the water table or condition of the surface water.

Permits shall be granted only upon determination that the proposed operation will create no substantial hazard, will not cause environmental degradation outside the premises, and will not permanently impair the utility of abutting properties for uses allowed under the Zoning By-Law. The SPGA may impose on any permit conditions including but not limited to conditions upon methods of removal, type and location of structures, fencing, hours of operation, area, location and depth of excavation, steepness of slopes, drainage, disposition of boulders and stumps, restoration and planting.

Every permit shall contain the condition that inspection of the operation may be made at any reasonable hours by an agent of the SPGA to determine if conditions of the permit are being enforced.

.670. Standards of Operation. The following standards of operation shall apply to every permitted operation, in addition to conditions imposed under Section .660 Approval:

.671 Removal Operations:

- 1) No removal, processing, or treating shall take place for mining operations within:
 - a) 100 feet of an existing public way.
 - b) 300 feet of a residential property line unless specifically authorized in the Permit.
 - c) 100 feet of stream or pond.
 - d) 5 feet of the annual high water table, as established by test pits and soil borings.

Observation wells shall be monitored for one year to establish this elevation. The information shall show the topographic plan and on a permanent monument erected upon the property.

2) All topsoil displaced shall be stockpiled on the site until termination of the operation or restoration, subject to condition of the SPGA.

3) The active excavation operation area shall not exceed a total of five acres in more than five separate sites at any one time. Natural vegetation shall be left and maintain on undisturbed land for screening and noise reduction purposes.

ARTICLE VIII, Section 38 Earth Removal (Cont'd.)

.671. Removal Operations (Cont'd.)

4) Any work or bank that slopes more than thirty (30) degrees downward adjacent to a public street shall be adequately fenced at the top.

5) A substantial fence shall be provided enclosing the excavation or quarry where any excavation or quarry will extend under original ground level or will have a depth of ten (10) feet or more and create a slope of more than one (1) foot vertical to two (2) feet horizontal. Such fence shall be located ten (10) feet or more from the edge of the excavation or quarry, and shall be at least six (6) feet in height, or subject to condition of the SPGA.

6) Adequate provision is to be made for drainage during and after the completion of operations.

7) Adequate lateral support shall be maintained for all adjacent properties.

8) The use of explosives shall be done in accordance with the regulations for storage and handling of explosive as published by the Massachusetts Department of Public Safety, the Southbridge Fire Department, and the SPGA

9) Any access to excavated area or areas in the process of excavation shall be adequately posted with KEEP OUT - DANGER signs.

10) Operation hours shall be only between 7 a.m. and 5 p.m. on weekdays excluding holidays, and trucks may enter and leave the premises only within such hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.

11) Trucking routes and methods shall be subject to approval of the SPGA.

12) All access roads leading to public ways shall be treated with calcium chloride, stone or other suitable non-polluting material to reduce dust and mud for a distance of 200 feet back from the way. The operator shall clean up any spillage on public ways

13) Access roads shall be constructed at an angle to the public way or with a curve so as to help screen the operation from public view.

.672. Restoration Operations: Immediately following the expiration or withdrawal of a Limited Operation or Removal Permit, or upon voluntary cessation of operations, or upon completion of removal in a substantial area as in one (1) following, all unbuilt-upon land area shall be restored as follows:

1) Restoration shall be carried on simultaneously with excavation, so that when any five acre operation area has been excavated, at least three acres shall be restored before work commences (including building haul roads) on the next contiguous five acres. Final restoration work shall be complete within sixty (60) days after expiration or withdrawal of a permit or upon cessation of operations.

2) No finished grade shall be steeper than 3:1 (33%); 4:1 is preferred for erosion control and shall be required in sensitive areas.

3) Retained topsoil shall be spread over the disturbed area to minimum depth of four inches and treated with one and one-half tons of lime per acre and 300 pounds of 10-10-10 fertilizer per acre (unless otherwise determined by the permit conditions) and seeded with a grass or legume mixture prescribed by the Conservation District or Massachusetts

ARTICLE VIII, Section 38 Earth Removal (Cont'd.)

.672 Restoration Operations 3)(Cont'd.)

Department of Public Works for slope erosion control. Trees or shrubs of prescribed species will be planted to provide screening and reduce erosion during the establishment period.

4) All debris, stumps, boulders, etc. shall be removed from the site and disposed of in an approved location or, in the case of inorganic material, buried and covered with at least two feet of soil.

5) Unless the permit conditions expressly require alteration of drainage patterns, the land shall be left so that natural storm drainage shall leave the property at the original natural drainage points; and so that the hydrograph of any post-development stream is the same as that of the pre-development stream.

6) All equipment, buildings and structures shall be removed from the area.

7) Security release. Security shall not be released until sufficient time has lapsed to ascertain that the vegetation planted has successfully been established and that drainage is satisfactory.

.680 Revocation of Permits. The SPGA may revoke any permit which it has issued for good cause, and may take other action as shall be necessary either against the permittee or surety in the bond, to cause completion of the work forthwith in accordance with the terms of the application and permit, provided that it shall offer to the operator an opportunity for a hearing within fourteen (14) days after the revocation.

Amended by Town Council at its meeting of March 12, 1990
(Agenda Item No. 8)

Section 39. Repairs to Private Ways

The Town may make temporary repairs on private ways which have been opened to public use for a period of six years or more, provided the repairs are for the protection of the health and safety of the general public using such roads.

Such repairs shall include the filling of holes in the subsurface of such ways and repairs to the surface materials thereof. Materials for such repairs, where practical, should be the same as, or similar to, those used for the existing surfaces of such ways, but may include surfacing the ways with bituminous materials, including but not limited to bituminous concrete.

Drainage determined to be necessary as a result of the repairs by the Superintendent of Public Works may also be done. Drain repairs shall be made only if petitioned for by all the abutters who own frontage on such ways with the approval of the land owner, if necessary, and if the Town Council declares that they are required by the public necessity and convenience to make such repairs based on the recommendation of the Town Manager and an advisory opinion of the Superintendent of Public Works. Drainage easements shall, if necessary, be the responsibility of the petitioners. The cost of such repairs shall be paid by the abutters by a cash deposit as herein provided.

No repairs shall be commenced unless and until a cost deposit equal in amount to the estimated cost of such repairs, as determined by the Superintendent of Public Works is paid over to the Town and the Town Council has voted its approval of the project. No betterment charges shall be assessed.

ARTICLE VIII, Section 39 Repairs to Private Ways (Cont'd.)

The Town shall not be liable on account of any damage whatsoever caused by such repairs and Section 25 of Chapter 84 shall not apply. The Town shall require an indemnity agreement executed by the petitioning abutters, indemnifying the Town for all claims and damages which may result from making such repairs.

The Town may, subject to the approval of the Town Council and based on the recommendation of the Town Manager and an advisory report from the Superintendent of Public Works, make temporary minor repairs to private ways not to exceed \$500.00 in total, provided the private way has been open to public use for a period of six years or more. The repairs shall be limited to minor work such as filling, patching, and grading or scraping not more than twice per year.

No such repairs shall be done unless there is unanimous agreement by all abutters that the work shall commence and the Town of Southbridge shall be held harmless from any and all damages or claims arising out of such repairs. Massachusetts General Laws, Chapter 84, Section 25 shall not apply.

Amended by Town Council at its meeting of December 17, 1990

SECTION 40 Pedestrians:

Addition
TCM 4/26/93

Section 1. Definitions:

Crosswalk: That portion of the roadway included within the prolongation of the sidewalk lines at street intersections.

Curb: The lateral boundary of the roadway whether such curb is marked by curbing construction, or not so marked.

Driver: Every person who drives or is in actual physical control of a vehicle.

Handicapped Person: Any person so severely handicapped that he is unable to move from place to place without the aid of a mechanical device, wheelchair, walker, cane or canes, crutch, invalid tricycle or any similar device intended for and used by such person.

Pedestrian: Any person afoot.

Right-of-Way: The privilege of the immediate use of the roadway.

Roadway: That portion of the street or highway located between the curb.

Sidewalk: That portion of a street between the curb line or roadway and the adjacent property line designated for pedestrian use.

Stop: When required, complete cessation of movement.

Street or Highway: The entire width between property lines or every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

ARTICLE VIII, Section 40 Pedestrians (Cont'd.)

Section 1 Cont'd.

Traffic: Pedestrians, vehicles and other conveyances whether single or together while using any highway for the purpose of travel.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

Section II - Right-of-Way: Where traffic control signals or pedestrian control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be, to a pedestrian crossing the roadway or street within any marked crosswalk or within any unmarked crosswalk.

Whenever stop signals or flashing red signals are in place at an intersection or a marked crosswalk between intersections the pedestrian shall have the right-of-way over drivers of vehicles, and at such marked places drivers of vehicles shall stop before entering the nearest crosswalk and any pedestrian within or entering the crosswalk at either edge of the roadway shall have the right-of-way over any vehicle so stopped.

The driver of a vehicle shall stop before entering any crosswalk when any vehicle proceeding in the same direction is stopped at such crosswalk for the purpose of permitting a pedestrian to cross.

Section III - Pedestrians Crossing Roadway:

1. At no place shall a pedestrian cross any roadway other than by the most direct route to the opposite curbing, and when crossing at any place other than a crosswalk he shall yield the right-of-way to all vehicles upon the roadway. No person shall stand or loiter in any roadway other than in a safety zone, if such act interferes with the lawful movement of traffic.

2. Signals: At intersections where traffic is directed by a policeman or by a stop and go signal, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic, if such crossing interferes with the lawful moving of traffic.

3. Standing on Sidewalk; It shall be unlawful for a pedestrian to stand on any sidewalk except as near as reasonably possible to the building line or curb line, if such standing interferes with the use of said sidewalk by other pedestrians.

4. Pedestrian Crossing: a.) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

b.) In a business district, no pedestrian shall cross a roadway other than in a crosswalk.

5. Pedestrians Walking Along Roadways: a.) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

b.) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic, and upon meeting a vehicle shall step off to the left.

ARTICLE VIII, Section 40 Pedestrians (Cont'd.)

Section III No. 5 Pedestrians Walking Along Roadways (Cont'd.)

c.) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

d) No person shall push a shopping cart in the roadway.

6. Blind Pedestrians - Right-of-Way: Any blind person who is carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red or who is being guided by a dog, shall have the right-of-way in crossing any street or highway, whether or not traffic on such street or highway is controlled by traffic signals, anything in this act to the contrary notwithstanding. The driver of any vehicle approaching the place where a blind person, so carrying such a cane or walking stick or being so guided, is crossing a street or highway shall bring his vehicle to a full stop and before proceeding shall take such precautions as may be necessary to avoid injury to the blind person. The provisions of this section shall not apply to a blind person who is not carrying such a cane or walking stick or is not guided by a dog, but the other provisions of this chapter relating to pedestrians shall be applicable to such person. However, the failure of a blind person to so use or so carry such a cane or walking stick or to be guided by a guide dog when walking on streets, highways or sidewalks shall not be considered evidence of contributory negligence.

Handicapped persons utilizing wheelchairs and invalid tricycles may go on a public street to cross in a crosswalk or to cross at any intersection where pedestrian crossing is not prohibited. The operator shall observe all laws and ordinances concerning pedestrians.

No person shall interfere with any handicapped person using a wheelchair or invalid tricycle in accordance with the terms of this ordinance.

Violations of this By-Law shall be enforced by the Police Department under 21D provisions, fine schedule A, B and C.

ARTICLE IX
FIRE REGULATIONS

SECTION 1. The Chief of the Fire Department, or any member of said Department, authorized by the Chief as an Inspector, may at all reasonable hours, enter any building or premises for the purpose of making any inspection, or investigation which, under the provisions of Town By-Law, State Law, rule or regulation, he or they may be authorized to make.

SECTION 2. Whenever the Chief or any Inspector of the Fire Department shall find in any building or upon any premises dangerous or hazardous conditions as hereinafter defined, such conditions shall be removed or remedied in any reasonable manner and within such time as order by the Chief of the Fire Department.

- a. Dangerous or unlawful amounts of combustible or explosive matter;
- b. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter;
- c. Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly flammable materials;
- d. Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts;
- e. Obstructions, including motor vehicles, to or on fire escapes, stairs, passageways, doors or windows, which may interfere with the operations of the Fire Department or egress on occupants in case of fire;
- f. Any building or other structure which, for want of repairs, lack of exit facilities, or dilapidated condition, or from any other cause, creates a fire hazard.

The service of such orders as mentioned in this section may be made upon the owner or occupant either by delivering a copy to him personally or in case of no such person is found, by affixing a copy thereof in a conspicuous place on said premises, or by mailing such copy by registered mail to the owner's last known post office address as appearing on the Assessors' records.

SECTION 3. The Chief of the Fire Department, or his Inspector shall inspect each business, mercantile and manufacturing establishment, school, place of assembly, hospital, place of detention, rooming house, motel, hotel, nursing home, rest home, and multi-family house; and shall specify suitable fire detecting devices or extinguishing appliances which shall be provided, in or near furnace rooms, kitchens of restaurants and like establishments, storage rooms containing combustible material, rooms in which hazardous manufacturing processes are conducted, garage sections, and other places of a generally hazardous nature. Such devices or appliances may be approved by the Chief of the Fire Department. In specially hazardous processes or storages, appliances of more than one type or special systems may be required.

Sprinkler systems, standpipe systems, fire alarm systems and other fire protective or extinguishing systems or appliances which have been installed in compliance with this By-Law, shall be maintained in operative condition at all times and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required; except that this shall not prohibit the owner or occupant from temporarily reducing or discontinuing

ARTICLE IX Fire Regulations (Cont'd.)

SECTION 3 (Cont'd.)

the protection where necessary to make tests, repairs, alterations or additions. The Chief of the Fire Department shall be notified before such tests, repairs, alterations or additions are started, unless the work is to be continuous until completion.

SECTION 4. No person shall make a fire in any public place, without first having obtained in writing the permission of the Chief of the Fire Department or his authorized representative.

SECTION 5. No person shall allow a fire to burn or smolder between sunset and sunrise, regardless of whether it be in barrels, containers, or open air, unless special permission is allowed by the Fire Chief.

Addition
TCM 11/24/80
Amend.
TCM 10/26/87

SECTION 6. No person shall park any vehicle within the limits of any private way or right-of-way which furnishes a means of access for fire apparatus to any building. The Fire Chief, or his designee or the owner of property abutting such a way with the approval of the Fire Chief may post signs sufficient to warn drivers that parking is prohibited in a designated area. The registered owner of a vehicle shall be conclusively presumed, for the purpose of this By-Law to be responsible for the parking of a vehicle in violation hereof. The Police Department may enforce this By-Law by use of the procedures set forth in General Laws Chapter 90, Section 20A. Each violation of this section shall be punished by a fine as provided for in Article VIII, Section 37, of the Town of Southbridge By-Laws.

ARTICLE X

SEWER REGULATIONS

SECTION 1. The following words in these regulations shall have the meanings herein set forth unless otherwise required by the context.

- (a) D.P.W. HEAD shall include his authorized agents.
- (b) ENTERPRISE shall include mercantile, manufacturing or industrial establishments.
- (c) PERSON shall include person, firm, corporation or organization or any agent or servant thereof.
- (d) SEWERAGE SYSTEM shall include sewers, sewage pumping stations, sewage treatment plants, force mains, and all works and devices appurtenant thereto.

SECTION 2. No person shall discharge or permit the discharge, directly or indirectly into the sewerage system of the Town of Southbridge, of any grease, fats, oils, gasoline, acids, alkalis, iron or other metal wastes, or any other materials, or the wastes from any enterprise, other than domestic sewage which when of such nature or in such quantities, by themselves or in combination with other wastes, would, in the opinion of the DPW Head cause clogging, or which would be injurious to the sewerage system, or which would interfere with the proper treatment of domestic sewage or the operation and maintenance of the sewage treatment works or inspection of the sewerage system. No person and no enterprise shall discharge any of the above mentioned wastes in any amount without first obtaining a permit from the DPW Head.

SECTION 3. The DPW Head may require all enterprises to treat all mercantile, manufacturing or industrial wastes and all other substances or matter, other than domestic sewage, prior to the discharge thereof into the sewerage system, when he deems it necessary in the interest of public health, or for the safe, economical and efficient management and protection of the sewerage system. The DPW Head may require such enterprise to install and operate adequate industrial waste treatment plant or plants or devices so as to accomplish the purpose herein above set forth.

The DPW Head may enter, at any time, and inspect the plant or the premises of any enterprise discharging into the sewerage system any of the wastes mentioned in these regulations. If in his judgment any enterprise is violating the provisions of these regulations, he shall order compliance therewith by giving a notice in writing setting forth a reasonable time for such enterprise to comply with the provisions of these regulations and upon failure to correct the conditions, the DPW Head shall take all necessary steps by law, provided so as to prohibit the use of the sewerage system by such enterprise, until the conditions are correct.

SECTION 4. The DPW Head may require such reports from the enterprise as he, in the exercise of his judgment deems necessary and he may require the installation of measuring devices by such enterprise. He may also regulate the quantities of waste admitted to the Town Sewers by any enterprise. He may require sampling points to be installed immediately before the entry of such wastes into the sewerage system.

SECTION 5. Connections or conditions that permit rainwater and/or ground water to enter sanitary sewers are to be considered illegal.

ARTICLE X Sewer Regulations (Cont'd.)

SECTION 5(Cont'd.) Existing illegal connections to be removed within one year of the acceptance of these By-Laws. The discharge of sump pumps shall be permanently to the exterior of the building.

SECTION 6. No connections (new or renewals) will be made to sanitary sewers without first obtaining a permit from the DPW Head and said connections will be inspected by the Sewer Department. Jurisdiction of the inspection shall include the connection at the main and service line to the building including the portion on private property. Materials used will be as specified by the DPW Head. Before issuance of sewer permits, the contractor shall present proof of his performance bond for an amount of not less than five thousand dollars. In the event that unsatisfactory work is done, as decided by the DPW Head, the Town shall undertake the repairs if the contractor does not comply. Said repairs shall be paid for from the contractor's performance bond.

SECTION 7. Any street construction that results in debris falling into a sewer manhole will necessitate cleaning of said manhole by the party responsible.

SECTION 8. Abandoned sanitary sewer services shall be plugged with an appropriate cap or concrete, and inspected by the Sewer Department.

SECTION 9. The personnel hired to operate the sewage treatment plant shall be certified in a grade level appropriate for the plant, with the exception of those operators not in immediate charge of the plant operation, in which instance they shall become eligible for certification at a grade level commensurate with their experience, within two years of their employment or the next examination date after two years, whichever is longer. The defining certification authority shall be one recognized and authorized by the State of Massachusetts.

AMEND:
TCM
12/17/90

SECTION 10. Effective July 1, 1985 there shall be established in the Town of Southbridge a system of sewer user charges that shall apply to all properties which are connected to the sewage system, including tax exempt properties.

AMEND:
TCM
12/17/90

SECTION 11. User charges for sewer service shall be established annually by the Town Manager. The user charges shall be established to provide sufficient revenues to pay all expenses and charges to maintain the entire sewer system.

The Town Manager may include in such budget certain interdepartmental expenses such as, but not limited to, payroll costs, billing and collection costs and administration costs of the sewage system, as such expenses are related to the sewage system or to the provision of services associated therewith.

The use charges shall be reviewed and, if necessary, revised at least annually, such review shall be performed no later than May 31 of each year.

AMEND:
TCM
12/17/90

SECTION 12. All user charges shall be based on a uniform rate per volume of water consumed during each of four quarterly billing periods as measured by a water meter or estimated by the Town in the absence of a water meter reading. All other classes of property will be charged on a

ARTICLE X Sewer Regulations (Cont'd.)

SECTION 12 (Cont'd.) quarterly consumption basis. At a user's option and expense, with the approval of the DPW Head, the charge may be based on metered sewage flow. In such case, the metering device shall be approved by the DPW Head, shall be installed at the user's expense, such installation subject to the inspection by and approval of the DPW Head and shall be deeded to the Town. At such time the metering device is no longer used, ownership shall revert to the user. All expenses associated with the installation maintenance, meter reading and administration of such metering device shall be charged directly to the user. Any person with a wastewater discharge concentration which exceeds that of sanitary sewage shall also be assessed a sewer charge for BOD, TKN and/or suspended solids in excess of that in sanitary sewage. Rates shall be established by the Town Manager.

Any person whose discharge contains toxic wastes or which causes an increase in the cost of the treatment shall pay such additional costs.

SECTION 13. User charge bills shall be due and payable within thirty (30) calendar days of mailing by the Town. Interest on bills not paid within the thirty (30) days shall accrue at the rate of one and one-sixth percent (1-1/6%) per month, computed from the date of the mailing.

AMEND:
TCM
12/17/90

User charges which are sixty (60) calendar days overdue and uncontested shall become a tax lien as provided in Chapter 83, Section 16A through 16F of the General Laws of the Commonwealth of Massachusetts.

SECTION 14. Persons aggrieved of bills rendered pursuant to this article shall pay the bill within thirty days and file an application for abatement with the Clerk of the Board of Assessors within thirty days from the date of issuance of the bill. Upon receipt of the appeal, the Clerk shall forward the application to the DPW Head, who shall make a determination of the validity of the appeal within sixty (60) days and notify the claimant in writing of the decision. For claims determined to be valid, a refund will be issued by the Tax Collector.

AMEND:
TCM
12/17/90

Swimming Pool Filling Abatement Procedure: A form may be obtained from the Assessors' Office prior to pool filling. The homeowner will record the beginning water reading and the ending water reading on completion or state the size/capacity of the pool. The form will be signed under the pains and penalty of perjury and returned to the Assessors' Office for abatement; provided, however, that no abatement shall be allowed for less than 500 cubic feet per reading.

Persons aggrieved of the decision of the DPW Head may appeal the determination to the Appellate Tax Board as provided for in M.G.L. Chapter 83, Section 1yE, under the provisions of M.G.L. Chapter 59.

ARTICLE XI

BUILDING REGULATIONS

SECTION 1. None of the provisions of these building By-Laws shall be construed so as to conflict with the requirements of State Law or Regulations issued thereunder. The Commonwealth of Massachusetts Department of Public Safety Board of Standards Building Code - otherwise known as Std. 10 General Laws, Chapter 143, Section 3-B (adopted BOCA) as amended are considered minimum standards and regulations when not provided for in these By-Laws.

SECTION 2. There shall be a department known as the Building Department which shall be furnished and maintained at the expense of the Town with office room and such supplies and implements as are necessary for the transaction of its business.

SECTION 3. The Town Manager shall in June of each year appoint an Inspector of Buildings sworn in for the term of one year from that date and until another is appointed in his stead. Said Inspector shall have charge and control of the enforcement of the regulations relative to buildings or structures and see that such regulations are complied with. His salary or compensation shall be such as the town may from time to time determine.

SECTION 4. The Inspector shall have no financial nor business interest in the doing of work, or the furnishing of materials, for the construction, repair or maintenance of any building or structure in this town, nor in the making of plans or specifications therefor unless he is the owner of the premises.

SECTION 5. The Inspector shall keep a record of the business of the department and submit to the Town Manager a yearly report of such business and such reports as he may call for and his report shall be incorporated into the yearly report of the Town; records to be open for the inspection of any citizen.

SECTION 6. Every person intending to erect any building, pool or structure; or to raze, move or make additions or alterations to any building, pool structure or its foundations already erected, or thereafter to be built; except necessary repairs not affecting the foundations, external partitions or party walls, chimneys or stairways; shall before commencing the same or the foundation thereof, file an application for a permit with the Inspector of Buildings, on forms furnished by the department; giving a description of the building, pool, structure or additions, alterations or repairs proposed; and shall also submit plans and specifications of such work, buildings, pools or structures for examination and approval.

Also, a plan of the lot on which any proposed building is to be erected is to be filed with the application.

The location of the structure and its elevation in relation to the street is to be shown on the plot plan. All drawings are to be submitted in duplicate and our copy is to remain on file, the other copy to be stamped with this department's seal of approval. If the Inspector is of the opinion that the requirements of this By-Law have been complied with, he shall thereupon issue said stamped permits to the applicants.

ARTICLE XI Building Regulations (Cont'd.)

SECTION 7. Fire District #1 as referenced in the Standard Building Code is bounded and described as follows, to wit:

BEGINNING at the northwest corner of Main and Everett Streets;

THENCE across Main Street northerly to the private way of the Worcester County Electric Company;

THENCE northeasterly and northerly by land of the Electric Company, to location of New York, New Haven and Hartford Railroad Company tracks and northwesterly following said tracks to a point at right angles to said tracks southwesterly and opposite boundary of the southerly corner of Edwards and Hamilton Streets;

THENCE following said southerly side of Edwards Streets westerly to the intersection of Edwards and Pine Streets;

THENCE southerly following the easterly side of Pine Street to the intersection of Pine and Main Streets;

THENCE easterly and following the northerly side of Main Street to the intersection of Main and Marcy Streets;

THENCE crossing Main Street diagonally to the eastern corner of Marcy and Main Streets;

THENCE easterly along the northerly side of Dresser Street to the intersection of Elm Street, following along the westerly side of Elm Street in a southerly direction to a point opposite the southerly corner of Summer and Elm Streets;

THENCE easterly along the southerly side of Summer to Everett Streets;

THENCE northerly along the westerly side of Everett Street to the point of beginning.

SECTION 8. That a building permit fee for the Town of Southbridge be charged as herein listed:

Dwellings and Additions.....	.02 cents per sq. ft.
Office.....	.02 cents per sq. ft.
Mercantile or Commercial.....	.02 cents per sq. ft.
Warehouse.....	.02 cents per sq. ft.
Manufacturing.....	.02 cents per sq. ft.
Residential Garage.....	\$5.00
Swimming Pools.....	\$5.00
Porches or Decks.....	\$5.00
Carports.....	\$5.00
Utility Buildings.....	\$5.00
Minimum Fee.....	\$5.00

All buildings in excess of 10,000 square feet, the amount in excess of that size shall be charged at the rate of...01 cents per sq. ft.

SECTION 8 will take effect January 1, 1978.

Foregoing section adopted by the Town Council on September 12, 1977.

ARTICLE XII

PLUMBING REGULATIONS

SECTION 1. All persons who desire to engage in, carry on or work at the business of plumbing, within this jurisdiction shall be registered or licensed by the State Examiners of Plumbers, in accordance with the provisions of Chapter 142, General Laws.

Every Plumber before commencing work in a building shall first, except in the case of the repair of leaks, file at the office of the Board of Health, upon blanks provided for that purpose, a notice of the work to be performed; and no such work shall be done in any building except in accordance with plans, to be submitted, if required, which shall be approved by the Inspector of Plumbing and a permit issued therefor. Permits to perform plumbing shall be issued to master plumbers only. Permits may be recalled if the conditions are violated. No septic tank shall be installed without a permit from the Inspector of Plumbing, for which a fee of 50 cents may be charged.

SECTION 2. All work considered plumbing and covered within the Commonwealth of Massachusetts State Plumbing Code - Chapter 358 Acts of 1965 as amended will be performed within the rules and regulations of said code.

ARTICLE XIII

WIRING REGULATIONS

SECTION 1. No person shall install wires, conduits, apparatus, fixtures or other appliances for carrying or using electricity for light, heat or power within, or connected to any building, without first notifying the Inspector of Wires, in writing of the proposed installations.

SECTION 2. No wire, appliance or apparatus shall be covered or enclosed without first notifying and obtaining permission to do so from the Inspector of Wires. Said notification to be in his hands at least 24 hours before said work is covered or enclosed.

SECTION 3. No person or corporation shall do any electrical construction work, whether original work or alterations, without obtaining from the Inspector of Wires a written permit to do such work.

SECTION 4. The above sections shall apply to all new construction and changes in existing construction in private dwellings and other buildings the owners of which do not regularly employ the full time services of a licensed electrician.

SECTION 5. The Inspector of Wires is hereby authorized to enforce the rules and regulations as contained and provided in the current edition of the Massachusetts Electrical Code Form FPR11 for the installation of electric wiring and apparatus, and in accordance with the provisions and requirements therein contained.

SECTION 6. Whenever in the opinion of the Inspector of Wires, any electrical conductors or appliances used for the distribution or consumption of a current, or electricity for light, heat or power purposes are in a dangerous condition, he is hereby authorized to cause the current to be shut off, if the existing defect is not remedied within a reasonable time after written notice has been given to the owner or user of such defective conductor or appliance.

SECTION 7. No meter shall be installed without a written permit from the Inspector of Wires.

ARTICLE XIV

SOLICITORS, JUNK DEALERS AND PAWNBROKERS

SECTION 1. It shall be unlawful for any solicitor or canvasser as defined in this By-Law to engage in such business within the Town of Southbridge without first obtaining a license therefore in compliance with the provisions of this By-Law. The provisions of this By-Law shall not apply to any person residing within the Town of Southbridge and engaged in the pursuit of soliciting for charitable, benevolent, fraternal, religious or political activities, nor to any person exempted by any other General Law, nor shall this By-Law be construed to prevent persons having established customers to whom they make periodic deliveries from calling upon such prospective customers to solicit an order for future periodic deliveries.

A solicitor or canvasser is defined as any person, who, for himself, or for another person, firm or corporation, travels by foot, automobile or any other type of conveyance from place-to-place, from house-to-house, taking or attempting to take orders for the sale or lease of goods, wares, merchandise or services, or taking or attempting to take contributions for any purpose including without limiting, the selling, distributing, exposing including without limiting, the selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all home improvements, or for services to be performed in the future whether or not such individual has, carries or exposes for retail sale a sample of the subject of such sale, whether or not he is collecting advance payment on such retail sales.

Applicants for a license shall file with the Chief of Police on a form issued by him, a written application signed under the penalties of perjury, containing the following information:

- (a) Name of applicant
- (b) Address of applicant (local and permanent address)
- (c) Applicant's height, eye and hair color
- (d) Applicant's Social Security number
- (e) The length of time for which the right to do business is desired
- (f) A brief description of the nature of the business and the goods to be sold.
- (g) The name and home office address of the applicant's employer. If self-employed, it shall so state.
- (h) A photograph of the applicant, which picture shall be submitted by the applicant and be 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (i) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor within ten years of the date of application, except violations of the motor vehicle law, and nature of the offense.

ARTICLE XIV Solicitors, Junk Dealers and Pawnbrokers (Cont'd.)

SECTION 1. (Cont'd.)

(j) If operating a motor vehicle: the year, make, color, model, motor number, registration number, state of registration, vehicle's owner and address.

(k) The applicant's fingerprints.

At the time of filing the application, each applicant shall pay a fee of ten dollars (\$10.00) to the Town of Southbridge.

Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation as to morals and integrity.

After an investigation of the applicant's morals and integrity, the Chief of Police shall approve or disapprove the application and notify the applicant of his decision. In the event that the application is approved, a license shall be issued. Any applicant shall have the right to appeal to the Town Manager.

Such license, when issued, shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the date of issuance and the length of time the same shall be operative, as well as the license number. The Chief of Police shall keep a record of all licenses issued for a period of six (6) years. Solicitors and canvassers, when engaged in the business of soliciting or canvassing, are required to display an identifying badge issued by the Chief of Police, by wearing said badge on an outer garment. A deposit of \$5.00 will be required for each badge. This deposit will be refunded upon return of the badge to the Chief of Police.

Each licensee is required to possess an individual license and badge.

The Police Officers of the Town of Southbridge shall enforce this By-Law. No license shall be transferred.

The Chief of Police and/or Town Manager is hereby vested with jurisdiction over the revoking of licenses.

Each license issued under the provisions of this By-Law shall continue in force for six (6) months from the date of its issue unless sooner revoked or the authorized time period expired.

An applicant requesting a renewal of a license must apply in person for such license renewal, and provide such material as required by the Chief of Police.

SECTION 2. It shall be unlawful for any person to peddle or solicit before the hour of 8:00 A.M. of any day, or after the hour of 8:00 P.M. of any day except by appointment.

SECTION 3. It shall be unlawful for any peddler or solicitor or any person pretending to be a peddler or solicitor for the purpose of peddling or soliciting or pretending to peddle or solicit to ring a bell or knock at any building whereon there is painted, affixed or otherwise displayed to public view any sign containing any or all of the following words, to wit: "NO PEDDLERS", "NO SOLICITORS" or "NO AGENTS" or which purports to prohibit peddling or soliciting on the premises.

SECTION 4. It shall be unlawful for any peddler or solicitor to represent by words, writing or action that he is some other peddler or solicitor, that he is a partner, employee or agent of any peddler or

ARTICLE XIV Solicitors, Junk Dealers and Pawnbrokers (Cont'd.)

SECTION 4 (Cont'd.)

solicitor when in fact he is not the partner, agent or employee of such peddler or solicitor, or that he is the employee, representative, agent or partner of any person, when in fact he is not the employee, representative, agent or partner of such person.

SECTION 5. The provisions of this By-Law shall not apply to salesmen or agents for wholesale houses, or firms who solicit orders from or sell to, retail dealers for resale, or to manufacturers for manufacturing purposes, or to bidders for public works or supplies or local charitable, religious, fraternal, service and civic organization. (Local meaning origin within the community).

SECTION 6. Permits issued pursuant to this By-Law may be revoked by the Chief of Police of the Town of Southbridge, after notice and hearing for any of the following causes:

(a) Fraud, misrepresentation or any false statements made to the Police Department in furnishing the information required in Section 1 of this By-Law.

(b) Any violation of this By-Laws.

(c) Conviction of the permit holder of any felony or crime involving moral, embezzlement and crimes of this nature.

(d) Conducting the soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to be a menace to the health, safety or general welfare of the people of the Town of Southbridge.

Notice of this hearing for revocation of a permit shall be given in writing stating the grounds of the complaint and the time and the place of hearing. Such notice shall be mailed, postage prepaid, to the permit holder at the address given on the registration, at least five (5) days prior to the date set for the hearing.

Any person aggrieved by the decision of the Chief of Police shall have the right of appeal to the Town Council of the Town of Southbridge. Such appeal shall be taken by filing with the Town Clerk a written statement of the grounds for the appeal within 14 days after notice of decision by the Chief of Police has been given.

The Town Council shall set the time and place for hearing such appeal, and notice of such time and place shall be given by the Town Clerk in the manner herein above provided for hearing of notice of revocation by the Chief of Police.

SECTION 7. Every person violating any provision of this By-Law is guilty of a misdemeanor and shall be punished by a fine not exceeding \$50.00. Every violator of any provision of this By-Law shall be guilty of a separate offense for every day such violation shall continue and shall be subject to the penalty imposed by this section for each and every separate offense.

ARTICLE XIV Solicitors, Junk Dealers and Pawnbrokers (Cont'd.)

SECTION 8. No person shall carry on the business of a keeper of a shop or yard for the purchase, sale or barter of junk, old metals or second hand articles in the Town of Southbridge, unless he is duly licensed therefor by the Manager and in accordance with the rules and regulations established by them.

Pursuant to the authority granted by G.L. c. 140, Section 54, the Town Manager hereby establishes the following rules and regulations relative to persons licensed as dealers in or keepers of shops for the purchase, sale and barter of junk, old metals and second hand articles, effective July 30, 1980.

(1) No person who is not himself the holder of a license issued under Article XIV, Section 8 of the By-Laws of the Town of Southbridge shall carry on the business of an act as an agent or intermediary of a person licensed to carry on a business pursuant to that By-Law.

(2) All persons licensed under Article XIV, Section 8 of the By-Laws shall maintain books of record in which shall be accurately recorded the following information:

- (a) The name, address, date of birth and driver's license number, if any, and signature of any person from whom an article is purchased or otherwise acquired in the course of business.
- (b) A description of the item purchased, or acquired, including the serial or other identifying number, if any.
- (c) The date of acquisition of such item, and the price or other consideration paid for the item.
- (d) The date of sale or other disposal of such item, and the name, address, date of birth and license number, if any, of the person acquiring the item from the licensed person.

(3) The accounts required to be kept hereunder shall be kept in a permanently bound (non looseleaf) book, written in legible ink, which book shall be kept for at least two (2) years from the time of the last entry therein. Entries shall be made within twenty-four (24) hours of the event giving rise to such entry.

(4) Any licensed premises, and the account books required by these rules shall be open to the inspection of the Town Manager, the Police Chief, or the designee of either, during reasonable business hours, upon written request.

SECTION 9. Any person owing a controlling property within the town where wrecked or demolished automobiles and/or any salvage or scrap materials are kept, is to build and maintain a properly painted fence, or other suitable natural screening which cannot be seen through at least (8) eight feet high, around such space as is used for this purpose.

SECTION 10. The Manager may license suitable persons to carry on the business of pawnbrokers in the Town, and may revoke such licenses at his pleasure, all as provided by Chapter 140 of the General Laws of the Commonwealth.

ARTICLE XV

DOG CONTROL BY-LAW

SECTION 1. LICENSES AND FEES: The owner or keeper of a dog six (6) months old or older shall purchase a license from the Town Clerk, and shall attach the license to the collar or harness of said dog. If any such tag is lost, the owner or keeper shall secure a substitute tag from the Town Clerk. No license fee shall be charged for a dog certified to serve a blind or deaf person, provided the dog is actually in the service of a blind or deaf person. New residents bringing dogs six (6) months old or older into the Town of Southbridge shall purchase a license from the Town Clerk within sixty (60) days. No license fee or any part thereof shall be refunded because of subsequent death, loss, spaying or removal from the Town of Southbridge. If a dog owner provides the Town Clerk with a three year (3) rabies certificate within thirty days (30) of date of vaccination the dog owner may purchase a three year (3) dog license if he or she so desires. Dog owners of "dangerous" or "potentially dangerous" dogs shall license their dogs every year. Dog owners who renew their dog tags after June 1st or after thirty (30) days from the date of rabies vaccination, or after thirty (30) days from the date of maturing to the age of six (6) months shall pay a penalty of ten dollars (\$10.00)

Dog license fees shall be as follows:

Male or Female	\$20.00
Neutered Male & Spayed Female	\$10.00
Male or Female three (3) year license	\$40.00
Neutered Male & Spayed Female 3 year license	\$20.00
Potentially Dangerous Dog License	\$30.00
Dangerous Dog License	\$50.00
Kennel License four (4) dogs or less	\$25.00
Kennel License ten (10) dogs or less	\$50.00
Substitute Tag	\$ 2.00
Transfer License	\$ 4.00

SECTION 2. DEFINITION OF TERMS: As used in this order unless the context otherwise indicates.

- (a) "DOG" Shall mean any animal of canine species, both male and female.
- (b) "OWNER OR KEEPER" shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog, as herein defined.
- (c) "PUBLIC NUISANCE" shall mean any dog which by biting, excessive barking, howling, "running-at-large" or in any other manner disturbs the quiet of the public.
- (d) "RUN-AT-LARGE" shall mean any dog free of restraint which is permitted to wander on private property of others or public ways at will.

(e) "RESTRAINT" shall mean: The dog will be on a leash or substantial chain and under the control of a person competent to control or restrain it so that it shall not be a threat to public safety. The mere muzzling of a dog shall not prevent it from being a public nuisance.

(f) "DANGEROUS DOG" shall mean:

- 1) Any dog which, according to the records of Dog Officer, Police Officer or hospital has inflicted severe injury on a human being or...
- 2) Any dog which, according to the records of the Dog Officer, a Police Officer, or Veterinarian has killed (or seriously injured) a domestic animal off the property of the owner or...
- 3) Any dog that while off the property of the owner or keeper inflicts any injury to people, domestic pets or livestock.

(g) "POTENTIALLY DANGEROUS DOG" shall mean:

- 1) Any dog which, chases or approaches a person upon the streets, sidewalks or public or private property of others in a menacing or threatening attitude of attack.
- 2) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.
- 3) Any dog which, runs at large and chases cars or people upon the streets, sidewalks, public ways or private property of others.
- 4) Any dog that is found in violation of this by law on three subsequent occasions.

(h) "SEVERE INJURY" shall mean: any physical injury that results in broken bones, disfiguring lacerations requiring multiple sutures or cosmetic surgery.

SECTION 3. PROHIBITIONS: No owner or keeper shall permit any dog whether licensed or unlicensed to become a public nuisance or to run-at-large within the Town of Southbridge anytime day or night.

SECTION 4A. PENALTY: Any owner or keeper found in violation of this by-law shall be subject to a fine according to the following schedule:

.....†	
First Offense	\$ 25.00
Second Offense	\$ 50.00
Third and Subsequent Offenses	\$100.00

Time Limit - one year under the provisions of M.G.L. Chapter 40, Section 21D.
Enforcement Agents - Dog Officer and Police Department.

SECTION 4B. PENALTY: Any owner or keeper of a dangerous dog or potentially dangerous dog found in violation of this by-law or any part thereof shall be subject to a fine according to the following schedule:

Dangerous Dog or Potentially Dangerous Dog off the property of the owner or keeper without proper restraint.....\$100.00

Dangerous Dog or Potentially Dangerous Dog owners or keepers that fail to comply with this by-law or any part thereof shall be subject to a fine of\$25.00 per day for non compliance with any provisions of this by-law. Each act of non-compliance shall be considered a separate offense.

SECTION 5. ENFORCEMENT: Upon receipt of an Affidavit of Complaint signed by one or more residents of the Town of Southbridge made under penalties of perjury, setting forth the nature, and the date of the act, the name and address of the owner and a description of the animal doing such act the Dog Officer shall investigate the complaint to determine if in fact the animal is dangerous, and shall file a report with the Town Manager. The Dog Officer shall enforce the provisions of this by-law, and to attend to all matters pertaining to stray or public nuisance dogs and to care for dogs that are sick or injured if the owner is unknown. The Dog Officer shall have the authority to automatically characterize a dog as dangerous. Upon such determination the Dog Officer shall serve notice to the dog owner or keeper by a certified letter. Upon such characterization the Dog Officer shall submit a copy of such, with a report to the Town Manager. The Dog Officer, or Police Officer shall have the authority to make whatever inquiry deemed necessary to ensure compliance with this by-law.

SECTION 6. APPEAL: the owner or keeper of any dog that has received written notice of a violation or complaint, or that their dog has been characterized as "dangerous" or "potentially dangerous" may file in writing a request for a public hearing with the Town Manager within seven days (7) of receiving such notice. The Town Manager may then make such order as deemed necessary and shall determine whether to declare the dog as "dangerous" or "potentially dangerous" based upon evidence and testimony at the time of the hearing by the owner, witnesses to any incident(s) which may be considered germane to such determination, the investigations and recommendations of the Dog Officer, and, or the Police Department, or any other person possessing information pertinent to such determination. Pending the outcome of the hearing the dog must be securely confined in a humane manner. The Town Manager shall issue written findings within five(5) days after the hearing. The owner or keeper of the dog found to be "dangerous" or "potentially dangerous" by this hearing has the right to appeal the decision within seven days (7) with the District Court. The decision of the court shall be final and conclusive upon all parties.

SECTION 7. ACTIONS TO BE TAKEN BY OWNER OR KEEPER OF A DANGEROUS OR POTENTIALLY DANGEROUS DOG:

- (1) The owner or keeper shall, at his or her own expense have a licensing number tattooed upon such "dangerous dog" by a licensed veterinarian. The number shall be assigned to such dog as the Town Clerk shall determine. This number shall be in the right ear, or right inner thigh of the dog.
- (2) The owner or keeper, of a "dangerous" or "potentially dangerous" dog shall cause the dog to wear a collar at all times that identifies it as dangerous. This collar will be issued by the Town Clerk at the time of licensing at the expense of the owner or keeper.
- (3) The owner or keeper, of a "dangerous" or "potentially dangerous" dog shall walk the dog on a leash that identifies it as dangerous. This leash shall be issued by the Town Clerk at the time of licensing at the expense of the owner or keeper.
- (4) The owner or keeper, of a "dangerous" dog shall, at his or her own expense have the dog spayed or neutered within thirty days of receiving written notice that their dog has been characterized as "dangerous" or if a hearing is held as the Town Manager shall so order.
- (5) The owner or keeper of a "dangerous" or "potentially dangerous" dog shall notify the Southbridge Police Department immediately if it gets loose, is not confined, has attacked an animal, or person, or if it has died, was sold, or given away. If the dog has been sold or given away the owner or keeper shall provide the Southbridge Police Department with the name, address and telephone number of the new owner, who must comply with the requirements of this by law if kept in the Town of Southbridge. If the dog is removed from Southbridge, the Police Chief shall forward this information to the Police in the town that the dog has moved to.
- (6) While on property of the owner or keeper a "dangerous" dog must be securely confined indoors or in a securely enclosed locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have a secure top, bottom and sides, and must also provide protection from the elements for the dog.
- (7) While off the property of the owner or keeper a "dangerous" or "potentially dangerous" dog shall be restrained by a dangerous dog leash and under control of a responsible adult. The dog shall also be muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.
- (8) If the owner or keeper of a dog that has been designated "dangerous" is unwilling or

unable to comply with the above regulations for keeping such a dog, than he or she shall have the animal humanely euthanized by an animal shelter, dog officer, or licensed veterinarian, after a ten day (10) holding period, and shall provide the Board of Health with proof thereof. Any dog designated as "dangerous" under this by-law may not be offered for adoption.

SECTION 8. NOTICE TO OWNER AND REDEMPTION:

If a dog is impounded, the Dog Officer shall notify the owner, if known, within twenty-four hours. The owner may then reclaim the dog by reimbursing the Town of Southbridge for expenses, fines, and fees, for maintaining the impounded dog. In any event, the maintenance cost shall not exceed five dollars (\$5.00) for each twenty-four (24) hour period, or any part thereof, plus fifteen dollars (\$15.00) as an initial handling fee. However, as required by State Law, all dogs six (6) months of age or older must be current on rabies and licensed before the Dog Officer may release it.

SECTION 9. DISPOSITION OF UNCLAIMED DOGS:

Any dog which has been impounded and not redeemed by the owner within ten (10) days, shall be disposed of as provided by Massachusetts General Laws Chapter 140, Section 151A, and any amendment thereto. All dogs adopted from the Southbridge Shelter shall be vaccinated for rabies prior to release. The adoption fees for stray or unclaimed dogs regardless of sex, breed, or age shall be as follows:

Adoption fee	\$20.00
Spay or Neutered Deposit \$20.00	\$20.00
Rabies vaccination	\$20.00

SECTION 10. COLLECTION OF FINES AND FEES:

All fines and fees collected by the Dog Officer, while enforcing the provisions of this By-Law shall be collected in the form of personal check, money order or registered check and made payable to the Town of Southbridge. In any event, the Dog officer will not accept cash.

SECTION 11. DISPOSITION OF FUNDS:

Any fines or fees collected by the Dog Officer shall be accounted for and paid over to the Town Clerk at such time and in such manner as may be designated by the Town Treasurer.

SECTION 12. EXCEPTIONS TO ORDERS:

A dog shall not be deemed a public nuisance or run-at-large when:

- (1) Such dog is attached to a restraining device and under the care and control of a person

competent to restrain such dog so that it shall not be a threat to public safety, and the mere muzzling of such dog so that it shall not be a threat to public safety, and the mere muzzling of such dog shall not satisfy the requirements of this order.

- 2) Such dog is being used as a so-called "hunting dog" and is being supervised by a person competent to restrain such dog so that it shall not be a threat to public safety.

end.
/7/94
M

ARTICLE XV-A - RABIES CONTROL:

The By-Laws of the Town of Southbridge are hereby amended by adding the following new Article 15A.

Whoever is the owner or keeper of a dog or cat in the Town of Southbridge that is six months of age or older shall have it vaccinated against rabies by a licensed veterinarian and revaccinated in accordance with Chapter 140, Section 145B. Unvaccinated dogs and cats acquired or moved into Southbridge shall be vaccinated within sixty (60) days or upon reaching the age of six (6) months, whichever occurs first.

Any dog or cat that is not currently vaccinated that bites and/or scratches any person shall be confined in an approved, adequate boarding facility for a period of not less than ten (10) days, at the owner's expense.

Any dog or cat that is currently vaccinated and bites and/or scratches any persons shall be confined at the home of the owner for a period of not less than ten (10) days.

Any animal or pet owned or harbored within the Town of Southbridge, exposed to a confirmed rabid animal shall abide by the Southbridge Rabies Control guidelines.

It shall be the responsibility of the pet owner to vaccinate any pet that has been quarantined according to the Southbridge Rabies Control guidelines, and to send the Animal Inspector a copy of the rabies certificate within seven (7) days of vaccination.

Any veterinarian bills incurred for vaccinating, or preparing any pet for rabies testing shall be at the pet owner's expense.

No rabies vaccine is licensed for use in wild animals or wild animals crossbred to domestic animals including wolf/dog hybrids and wild/domestic cat hybrids. They may be vaccinated with a killed virus vaccine by a licensed veterinarian, that may or may not provide protection. If the animal bites or scratches a person or domestic animal, the wild animal or hybrid will be considered unvaccinated.

ARTICLE XV-A - RABIES CONTROL (Cont'd.)

Whoever is the owner or keeper of any animal or pet in the Town of Southbridge, and who has received written notice of quarantine and does not comply with the quarantine order or, if the quarantined animal is found outside the approved enclosure of its owner or keeper and not under his immediate care, shall be subject to an immediate order to isolate or destroy.

Whoever is the owner or keeper of any animal or pet in the Town of Southbridge, and who has received written notice of quarantine, shall notify the Board of Health in writing prior to removing the animal or pet from Southbridge, giving the name, address and phone number as to where the animal is going to be housed.

PENALTY: Any owner or keeper found in violation of this By-Law shall be subject to a fine according to the following schedule:

- First Offense.....\$25.00
- Second and Subsequent Offenses.....\$50.00

ENFORCEMENT: It shall be the duty of the Animal Inspector to investigate and enforce the provisions of this By-Law, and to give written notice to the Board of Health, Police Chief and the pet owner in regards to all quarantines.

COLLECTION OF FINES AND FEES: All fines and fees collected by the Animal Inspector shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

Removal of Dog Litter

Section 1. If any dog shall defecate upon any property or area, as hereinafter defined, then the owner, keeper and person then walking or otherwise in charge of said dog shall immediately remove or cause to be removed from said property or area, all feces so deposited by said dog. Such owner, keeper or person must have in his/her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such owner, keeper or person. This provision shall not apply to a person who is visually or physically handicapped. Unless said feces are removed, the owner, keeper and the person then walking or otherwise in charge of said dog (or if said owner, keeper or person shall be a minor, then the parent or guardian) shall each be deemed to have committed a punishable offense.

Section 2. As used in this bylaw, the following terms shall have the meanings indicated:

Property or Area: Any public property or the common areas of any privately owned property owned or occupied by any person or persons who are not members of the family of the owner or keeper of or the person then walking or otherwise in charge of the dog.

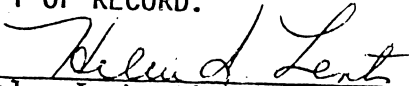
Section 3. The provisions of this bylaw shall not apply to a guide dog, hearing dog or service dog accompanying any person with a disability.

Section 4. The commission of any offense punishable under this section shall be punishable by a fine not less than \$twenty-five dollars (25) nor more than \$one hundred dollars (100).

Section 5. Whoever violates any provision of this bylaw may be penalized by a non-criminal disposition, Section 21D fine schedule ABC, with the Dog Officer or Board of Health as enforcement agents.

A TRUE COPY OF RECORD.

ATTEST:


Helen I. Lenti, Town Clerk
Southbridge, Massachusetts
May 22, 1998

ARTICLE XVI

REGULATIONS FOR AUTOMATIC AMUSEMENT DEVICES

Adopted
TCM
8/9/82

(A) DEFINITIONS. For the purposes of this section, an "automatic amusement device" shall mean any mechanism whereby, through the insertion of a coin or token, any apparatus is released or set in motion or is put in a position where it may be set in motion for the purpose of playing any game, involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines, including free pay pinball machines.

(B) LICENSE REQUIRED. It shall be unlawful for any person having title to or responsibility for the maintenance or operation of any restaurant, public hall, store, place of amusement or any other place to which members of the public may resort, to maintain, operate or permit to be operated or maintained in said premises, any automatic amusement device without having first obtained a valid license from the Licensing Authority pursuant to the provisions of this By-Law.

(C) GAMBLING DEVICES NOT PERMITTED. Nothing in this By-Law shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the Commonwealth of Massachusetts.

(D) APPLICATION. Application for such license shall be made out in duplicate and submitted to the Licensing Authority upon a form to be supplied by the Licensing Authority for that purpose. The application for such license shall contain the following information:

(1) Name and address of the applicant, age, date and place of birth. If said applicant is a corporation, partnership, association, or other business entity, said application shall include certified documentation sufficient to prove the applicant's existence, principal business address, person or officer upon whom service of process may be served, and the names and addresses of all directors, partners, or if an Association, of all members of said Association.

(2) Prior criminal convictions, if any, of applicant or its directors, partners or members as specified in (1) above.

(3) Place where machine or device is to be displayed or operated and the business conducted at that place.

(4) Description of machine or machines to be covered by the license, mechanical features, name of manufacturer(s), serial numbers(s).

(5) A floor plan of the business premises intended to be used for the housing of automatic amusement devices for play by members of the public. For the purpose of this subsection, the term "business premises" shall include the entire building or structure housing said automatic amusement devices, and open for public access. Said floor plan shall clearly indicate the total square foot area of said business premises and shall indicate the intended

ARTICLE XVI - Regulations for Automatic Amusement Devices (Cont'd.)

(D) APPLICATION - (Cont'd.)

(5) (Cont'd.) position of said automatic amusement devices. The scale of said plan shall be established by regulation of the Licensing Authority.

(6) An approved Certificate of Occupancy issued by the Building Inspector for the business premises intended to be used for the housing of automatic amusement devices for play by members of the public.

(7) A certificate of approval issued by the Town Electrical Inspector verifying that the electrical installation in said premises is adequate for the uses intended and is in conformance with the Massachusetts Electrical Code (Form FPR-11) as amended.

(8) The names and residential addresses of all persons who have any equitable interest in, or who have otherwise contributed valuable consideration to the applicant's business or to the applicant personally, insofar as said interest or consideration relates to the procurement, maintenance, operation or display of automatic amusement devices.

(9) Documentation sufficient to provide that the automatic amusement devices sought to be licensed are lawfully in the possession of the applicant.

(E) AGE OF APPLICANT. No license shall be issued to any applicant unless he or she shall be over twenty (20) years of age, and provide proof of United States citizenship or legal residence status as an alien. This provision shall similarly apply to any applicant acting as the authorized agent of a corporation, partnership, association or other business entity.

(F) CONSIDERATION OF APPLICATION. The Licensing Authority shall conduct a public hearing in accordance with the provisions of General Laws, Chapter 39, Section 23B, within thirty days from the date of receipt by the Licensing Authority of a properly completed application as set forth in Sections (d) and (e) above, to consider said application.

The Licensing Authority shall grant a license under the provisions of this By-Law unless it specifically finds and states in writing within thirty days from the date of said public hearing that (1) the applicant is not a person of good moral character, or (2) that the granting of said license at the premises intended would lead to the creation of a nuisance or otherwise endanger the public health, safety, morals, order or general welfare by:

(a) unreasonably increasing pedestrian or vehicular traffic in the area in which the premises are located, or

(b) increasing the incidence of illegal or disruptive conduct in the area in which the premises are located, or

(c) unreasonably increasing the level of noise in the area in which the premises are located, or

(d) otherwise significantly harming the legitimate protectable interests of the affected citizens of the Town.

ARTICLE XVI - Regulations for Automatic Amusement Devices (Cont'd.)

(F) CONSIDERATION OF APPLICATION (Cont'd.)

No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote.

(G) LICENSE FEE. Every applicant before being granted a license shall pay \$100.00 as the annual license fee for the privilege of operating or maintaining for operation each automatic amusement device as defined in subsection (a) herein. Each license shall expire on the 365th day after its issuance and may automatically be renewed upon payment of the annual licensing fee. A license shall not be transferrable from person to person nor place to place, and shall be usable only at the place and by the person designated in the license.

(H) DISPLAY OF LICENSE.

(1) The license herein provided for shall be posted permanently and conspicuously in the premises wherein said device or devices are to be operated or maintained to be operated.

(2) Such license may be transferred from one device or devices to another similar device or devices upon application to the Licensing Authority to such effect and the giving of a description and the serial numbers of the devices involved in the transfer.

(3) If the licensee shall move his place of business to another location within the Town of Southbridge, the license may be transferred to such new location only upon reapplication to the Licensing Authority in accordance with the provisions of Section d, e, and f of this By-Law. No new licensing fee need be paid upon transfer.

(I) REVOCATION OF LICENSE. Every license issued under this By-Law is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any automatic amusement device contrary to the provisions of this By-Law, the By-Laws of the Town of Southbridge, or the laws of the Commonwealth of Massachusetts after written notice to the licensee, which notice shall specify the By-Law or Law violations with which the licensee is charged, if after a hearing, the licensee is found to be guilty of such violations. Ten days notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of witnesses in his defense.

(J) SEIZURE AND DESTRUCTION OF DEVICE. If the Chief of Police shall have reason to believe any mechanical device or devices are used as gambling devices, he shall, upon a validly issued search and seizure warrant cause said device or devices to be seized and impounded and if upon trial of the exhibitor for allowing said device or devices to be used as a gambling device, said exhibitor be found guilty; such device or devices shall be destroyed by the police, upon proper order by the Court. However, if the device has been leased and the lessor has not been found guilty of any criminal violations, said device shall be returned to the lessor.

(K) PROHIBITIONS.

(1) No person holding a license under this By-Law nor any employee or agent of such person shall permit persons under

ARTICLE XVI - Regulations for Automatic Amusement Devices (Cont'd.)

(K) PROHIBITIONS (Cont'd.)

(1)(Cont'd.) twenty (20) years of age to play or operate any automatic amusement device located in an establishment also holding a license under the provisions of General Laws, Chapter 138, Sections 12 to 14, unless said person is accompanied by a parent. The licensee shall post permanently and conspicuously at the location of the device or devices so licensed in premises so licensed, a sign warning persons under twenty (20) years of age of this prohibition.

(2) All automatic amusement devices situated on business premises for play by members of the public shall be so installed as to afford an open and accessible space of eighteen (18) inches between each device and any adjacent device. Each device shall be installed in such manner as to afford a direct and unobstructed means of entrance and exit from the business premises by means of a corridor or system of corridors of no less than thirty-six (36) inches in width.

(3) Any business establishment which utilizes more than a total of one hundred and fifty (150) square feet of open and accessible space between said devices and for use as corridors between or adjacent to said devices as detailed in the immediately preceding paragraph, or any business establishment which displays on its premises a number of automatic amusement devices available for play by the public, which devices if played simultaneously could accommodate an aggregate of fifty or more players, shall be deemed a place of public assembly and shall be subject to all regulations of the Commonwealth of Massachusetts State Building Code governing places of public assembly as set forth herein.

(4) It shall be unlawful for any licensee or permit holder to operate any establishment without an attendant on the premises; that is at least one employee in attendance at all times.

(5) In establishments not included under Section (K-1) it shall be unlawful for a licensee to allow any person under the age of eighteen (18) years of age to play an automatic amusement device during the hours of 8:00 A.M. to 3:00 P.M. when that persons's school is in session.

(6) All suppliers or distributors of automatic amusement devices shall notify the Licensing Authority in writing, prior to installation of an automatic amusement device in any establishment in the Town of Southbridge.

(L) RULES AND REGULATIONS OF LICENSING AUTHORITY. The Licensing Authority shall issue rules and regulations for the use of such automatic amusement devices, but said rules and regulations may only relate to compliance with applicable laws or By-Laws, or to public safety, health order or welfare, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public. The Licensing Authority may also require from time to time the furnishing of reports concerning the ownership of such devices or other interest therein, and any other information which it may deem pertinent concerning such devices and their use and operation.

ARTICLE XVI - Regulations for Automatic Amusement Devices (Cont'd.)

(M) OPERATION. Any person, firm or corporation violating any of the provisions of this By-Law, in addition to the revocation of his or its license, shall be liable to a fine or penalty of not less than \$50.00 nor more than \$200.00 for each offense. Every day that the offense continues shall be considered a separate violation.

(N) REPEAL OF CONFLICTING BY-LAW. All existing By-Laws of the Town of Southbridge are hereby repealed insofar as they may be inconsistent with the provisions of this By-Law.

(O) SEPARABILITY OF PROVISIONS. It is the intention of the Town Council that each separate provision of this By-Law shall be deemed independent of all other provisions herein, and it is further the intention of the Town Council that if any provision of this By-Law be declared invalid, all other provisions thereof shall remain valid and enforceable.

(P) EFFECTIVE DATE. The By-Law shall be in full force and effect ninety (90) days from the date of passage for all business premises which currently maintain and operate automatic amusement devices for play by members of the public. For all other applicants, this By-Law shall take effect on the date of passage.

REVISED BY-LAWS

ARTICLE XVII

INDEMNIFICATION BOARD BY-LAW

SECTION 1. Establishment. There shall be an Indemnification Board having the responsibilities and duties in the manner described below.

SECTION 2. Composition and Terms of Office. The Indemnification Board shall consist of three members - The Town Manager, Town Counsel and such Town Physician as the Town Manager shall appoint in writing. The said physician shall be appointed for a one-year term.

SECTION 3. Duties. The Board shall receive applications from firefighters or police officers of the Town, or in the event of the physical or mental incapacity or death of such firefighter or police officer, his duly authorized representative on his/her behalf, for the payment of reasonable hospital, medical, surgical, chiropractic, nursing, pharmaceutical, prosthetic and related expenses and reasonable charges for chiropody (podiatry) incurred while in the performance of his/her duties. The Board shall determine, by a majority of its members, the following: (1) whether it is appropriate under all the circumstances for the Town to indemnify the applicant for his/her reasonable hospital, medical, surgical, chiropractic, nursing, pharmaceutical prosthetic and related expenses and reasonable charges for chiropody (podiatry); (2) whether the incapacity was incurred as the natural and proximate result of an accident occurring in or undergoing a hazard peculiar to his/her employment; (3) whether the incapacity was incurred in the performance of and within the scope of his/her duty; and (4) whether the incapacity was incurred without fault of the applicant.

If the Board determines that indemnification is appropriate, the Board shall certify such expenses for payment. If the Board denies an application in whole or in part, the Board shall set forth in writing its reasons for such denial and cause a copy thereof to be delivered to the applicant. The Board shall act on an application within ninety (90) days of the filing thereof.

For the purposes of this By-Law, call firemen and volunteer firemen shall be considered firefighters.

The Indemnification Board shall also determine in the manner and extent herein provided if payments shall be made for damages, including loss of pay, for personal injuries sustained by a person while assisting a police officer of the Town in the discharge of his/her duty, but only when said person is required by a police officer to render assistance.

Adopted: February 27, 1984

Attorney General's approval received April 25, 1984

ADDITION OF ARTICLE XVIII

SIGNS

1. GENERAL OBJECTIVES:

Adopted
TCM
9/24/84

PURPOSE: Signs are herein regulated in the interest of promoting traffic safety, preventing adverse community appearances while protecting the character of the area in which they are located. To restrict private signs and lights which violate privacy, or which increase the probability of accidents by distracting attention or obstructing vision.

- 1.1 To encourage signing and lighting and other communications which aid orientation, express local history and character.
- 1.2 To prevent environmental damage to the community.
- 1.3 To reduce conflict among private signs and lighting between environmental information systems.
- 1.4 To increase opportunity for local groups to determine policies of private signing and lighting.
- 1.5 To permit maximum legibility and effectiveness of signs and to prevent over concentration, improper placement and excessive bulk and area, by providing a limiting control.

2. DEFINITIONS:

- 2.1 SIGN: Any visible device, display or structure used for visual communications for the purpose of or having the result of bringing the subject thereof to the attention of others, the public in general. A sign includes but is not limited to reading matter, letters, numerals, pictorial representations and patterns whether affixed to a building, painted or otherwise depicted on a building, or including separate and not affixed and including window signs. A permit is needed for all signs, except sign cited in Section 3.6 and single family residential signs.
- 2.1.1 NOT AFFIXED SIGN: Any sign not attached to a building.
- 2.1.2 TEMPORARY SIGN: Any sign including its supporting structure intended to be maintained for a period less than thirty (30) days.
- 2.1.3 CAMPAIGN SIGN: See Section 3.6.4.
- 2.1.4 SPECIAL INFORMATION DISTRICTS: Area with high use by the general public and/or with recognized public significance which are particularly sensitive to the effects of private signs and lights. In these districts the Town shall exercise central control of signs and lights specifically specialized guidelines and design review, which shall be established by regulation by the Town Manager. The Town Council shall establish special information districts by majority vote.

ADDITION OF ARTICLE XVIII - Signs (Cont'd.)

2. DEFINITIONS (Cont'd.)

- 2.1.5. Area to conform with and be consolidated with zoning districts.
- 2.2 SURFACE AREA OF A SIGN: The surface area of any sign is the entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, logos or other figures. Structural members shall be included. Only one side of a free-standing or projected double faced sign shall be calculated in surface area. All sides of multi-faced signs shall be calculated.
- 2.3 ALLOWED SIGNS: Signs whose subject matter relates exclusively to the premises on which they are located, or to the products, accomodations or activities on those premises shall be allowed as follows:

3.1 NUMBER OF SIGNS:

- 3.1.1 Each building may have one building sign facing to each street on which the premises has frontage, identifying the building as a whole or its predominant use. In addition, there may be one occupancy sign and one pedestrian sign oriented to each side on which the premises have frontage relating to each occupancy within the building. A building may have an additional sign on the rear of the building it abuts on a municipal parking lot.

3.2 LOCATION OF SIGNS:

- 3.2.1 No sign shall overhang the public way to within three (3) feet of the curb line. No sign except on a marquee or canopy providing shelter shall overhand more than 1/3 of the sidewalk width.
- 3.2.2. No sign shall extend more than 15 feet above record grade or more than four (4) feet above the lowest point on the roof line, and must be seven (7) feet above the sidewalk.
- 3.2.3 The top of pedestrian signs shall be no higher than ten (10) feet above the sidewalk.
- 3.2.4 For other than first floor occupants, occupancy signs shall be located between the second and third floors.

3.3 SIGN AREA:

- 3.3.1 With the exception below, the total surface area of all signs facing any street shall not exceed 15 times the square root of street frontage, and the combined area of all signs shall not exceed 15 x the square root of the combined street frontage:

<u>STREET FRONTAGE</u>	<u>ALLOWABLE AREA</u>
20'	67 square feet

Expand to all sign sizes.

ADDITION OF ARTICLE XVIII - Signs (Cont'd.)

3.3 SIGN AREA Cont'd.)

- 3.3.2 SIGN SIZE EXCEPTIONS: No sign on a residential unit shall exceed two (2) square feet. The following are allowed in addition to signs as limited by Section 3.2
- 3.3.3 Names of buildings, dates of erection, monumental citations, and commemorative tablets up to ten (10) square feet in area, when permanent and integral part of a building.
- 3.3.4 Building directories up to twenty (20) square feet in area if located outside.
- 3.3.5 Traffic control and guidance signs in conformance with public traffic sign standards, but located on private property and orientational signs up to two (2) square feet in area, displayed for purposes of direction or convenience including signs indentifying rest rooms, freight entrances, and the like.
- 3.3.6 Permanent signs on the surface or inside display windows shall cover no more than ten percent (10%) of the display window area.

3.4 LETTERING SIZE:

- 3.4.1 Building signs shall not employ letters exceeding eight inches (8") in height in residence districts as defined in the Town of Southbridge Zoning By-Laws or eighteen inches (18") elsewhere.
- 3.4.2 Occupancy Signs - not exceeding eight inches (8") in height.
- 3.4.3. Pedestrian Signs - not exceeding three inches (3") in height.

3.5 ILLUMINATION:

- 3.5.1 SPECIAL DISTRICTS: Signs shall be illuminated only by steady, stationary shielded light sources directed solely at the sign, so as not to interfere with the safe vision of motorists, pedestrians or neighboring premises.

OTHER DISTRICTS:

- 3.5.2. ILLUMINATED SIGNS: Including neon signs shall not produce more than ten (10) foot candles measured at ten feet (10') from the sign.
- 3.5.3 Signs shall not be illuminated between the hours of 11:00 PM and 7:00 AM unless related to an establishment operating those hours.
- 3.5.4 All permanent outdoor lights such as those used for area lighting or building floodlighting shall be steady, stationary shielded sources so as to avoid causing glare to motorists, pedestrians or neighboring premises.

- 3.6 TEMPORARY SIGNS: The following are allowed for a period of up to (1) year without a permit:

ADDITION OF ARTICLE XVIII - Signs (Cont'd.)

3.6 TEMPORARY SIGNS (Cont'd.)

3.6.1 CONSTRUCTION SIGNS: One unlighted sign up to twenty (20) square feet identifying parties involved on the premise.

One illuminated sign up to forty (40) square feet identifying owner and activity for which the construction is intended and describing the process, but not including any advertisement of any product.

3.6.2 REAL ESTATE SIGNS: One unlighted sign twenty (20) square feet for commercial, ten (10) square feet for residential only pertaining to the sale, rental or lease of the premises on which the sign is displayed, to be removed 21 days after the sale, rent or lease.

3.6.3 EVENT SIGNS: Not to exceed thirty (30) square feet announcing an event of a civic, philanthropic or educational organization displayed on the site of the event. Signs shall not be erected prior to twenty-one (21) days preceding the event and removed within forty-eight (48) hours after the event.

3.6.4 CAMPAIGN SIGNS: Exempt except that campaign signs shall be removed within 48 hours after the close of election.

3.6.5 YARD/GARAGE SALE SIGNS: Not to exceed five (5) square feet displayed on private property and limited one to each premise. Not to be erected three (3) days preceding the sale and removal within twenty-four (24) hours.

3.6.6. RELIGIOUS BUILDINGS: Exempt.

3.6.7 MISCELLANEOUS EXEMPT SIGNS: Seasonal decorative signs.

4. ADMINISTRATION: No sign, except those specifically exempted by this ordinance shall be erected without a permit issued by the Director of Inspection Services, application for which shall be accompanied by such scale drawings, photographs and other information as the building official may require. Special districts will require full design review by such official.

4.1 FEES: Fees for sign permits shall be as fixed by the Town Council.

4.2 REMOVAL OF NON-CONFORMING SIGNS: Non-conforming signs shall be removed by their owner within ten (10) days of the period set forth or the inspection official shall cause their removal at the expense of the owner.

5.0 NON-CONFORMING SIGNS:

5.1 Signs which were legally erected before the adoption of this By-Law shall not be voluntarily rebuilt, altered or relocated without conforming to this By-Law.

5.2 Signs legally erected before this By-Law that do not conform to the provisions of this By-Law must be made to comply as follows:

a) Special Districts

One (1) year after the effective date of this By-Law.

ADDITION OF ARTICLE XVIII - Signs (Cont'd.)

5.0 NON-CONFORMING SIGNS (Cont'd.)

5.2 b) Other Districts

All signs effective with the date of this By-Law be allowed to remain in existence. If the property is sold or changes hands, the sign shall conform with this By-Law.

6. SPECIAL CIRCUMSTANCES SIGNS: If the Director of Inspection Services determines that the general conditions specified cannot be met in special circumstances, a special permit may be allowed. Special circumstances may include but are not limited to: unusual configuration, location or building use, maximum number of signs and/or total signage area as specified in 3.3.1. Special circumstances shall not apply to special information districts, 2.1.4.
7. APPEALS BOARD: There shall be an Appeals Board to review any decision of the Director of Inspections composed of the Town Manager, the Town Council Chairman and three Town Councillors appointed by the Chairman of the Town Council. A 2/3 vote of the Board will be required to overturn a decision of the Director of Inspections. An appeal must be filed in writing with the Town Manager within 15 calendar days of the Director of Inspections decision, which must also be in writing.

Voted by the Town Council on September 24, 1984

REVISED BY-LAWS

ARTICLE XVIII

WATER REGULATIONS

ADOPTED TOWN COUNCIL MEETING APRIL 23, 1990

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*Denotes amendments..December 17, 1990

(Revised by Town Council at its meeting of December 17, 1990).

16B Amended TCM 3/25/1991
17 Deleted TCM 3/25/1991

REVISED BY-LAWS

ARTICLE XVIII

WATER REGULATIONS

ADOPTED TOWN COUNCIL MEETING APRIL 23, 1990

1. DEFINITIONS:

WATER METER: Device used to measure quantity of water consumed by a Customer at a particular Premise. All water meters used for billing purposes shall be owned by the Town of Southbridge.

CUSTOMER: The owner of record of the parcel served, or to be served, by the service connection.

MAIN: The main supply pipe from which the service connections are made.

SERVICE CONNECTION: The service pipe running from the main pipe to the property line, including the corporation cock, curb cock, and curb box. The service connection pipe and appurtenances shall be furnished and installed by the Town, and shall remain the property of the Town and under its sole control and jurisdiction.

PUBLIC WATER SYSTEM: The water system owned and operated by the Town.

PREMISES: The real estate parcel served by a service connection.

STRUCTURE: Dwelling unit/building served by a service connection.

PROPERTY LINE: Legal division between two or more Premises.

DEPARTMENT HEAD: The Head of the Department of Public Works.

2. GENERAL:

(a) These By-Laws in their entirety as herein set forth, or as they may hereafter be altered or amended in a regular and legal manner, shall govern the rendering of water service, and every Customer, upon signing of an Application for Water Service or upon the taking of water service, will be bound thereby.

(b) The water pipes, meters and fixtures on the Customer's premises shall be accessible at all reasonable hours to the Town for observation or inspection.

(c) No person shall turn the water on or off at any street valve, corporation cock, curb cock or other street connection, or disconnect or remove any water meter without the consent of the Town. Penalties provided by these By-Laws and/or the applicable laws of the Commonwealth of Massachusetts for any such action will be rigidly enforced.

(d) The Town shall have the right to turn off the water supply in order to make repairs, changes or connections to its mains and other equipment. The Town will use reasonable effort to notify Customers in advance of such discontinuance of service, but it will not be liable for any damage or inconvenience suffered by the Customer because of such discontinuance of service, or because of failure to notify the Customer in advance of its intention to discontinue service.

(e) There shall be no trespassing under any circumstances on the water shed property including the Southbridge Water Supply reservoirs.

ARTICLE XVIII - Water Regulations (Cont'd.)

2. GENERAL (Cont'd.).

(f) All water mains shall be looped and dead end mains shall not be allowed unless exceptions are granted in writing by the Department Head with the approval of the Town Manager.

3. APPLICATION FOR WATER SERVICE:

(a) Application for a new service connection or application for water service through an existing service connection shall be made in writing to the Department of Public Works by the Customer. Within 60 days of the implementation of these By-Laws all service contracts with tenants or owner's representatives must be transferred to the owner of record of said premises. During this time frame, the owner must file a new application for water service with the Town.

(b) No agreement for service will be entered into by the Town with a Customer until all arrears and charges due by the Customer at any premises owned by the Customer shall have been paid. No agreement for service will be entered into for a new or modified service unless a valid connection permit has been issued by the Department of Public Works.

(c) Any change in the identity of the contracting Customer at any premises will require a new application and the Town may, after a reasonable notice, discontinue the water service until such new application has been made and accepted.

(d) Any service requiring a new connection to the main shall be subject to the issuance of a new service connection permit. The connection fee shall be according to the attached schedule of fees.

4. SPECIAL APPLICATION FOR WATER SERVICE:

(a) Water for transient, temporary or special purposes must be applied for at the Department of Public Works.

(b) Whenever a service connection is made to the mains for temporary service (including construction purposes) the Customer will bear the entire cost and expense of installing and maintaining such service, and shall bear the entire cost and expense of eliminating such service (if required) when temporary usage has terminated. The Customer will be liable for the amount of water used in accordance with the schedule of rates of the Town or in accordance with the fees established by these By-Laws.

5. SERVICES FROM THE MAIN TO THE PROPERTY LINE (SERVICE CONNECTIONS):

(a) New Service connections shall only be authorized after issuance of a connection permit issued by the Department of Public Works. Service connections shall be subject to conditions on the permit.

(b) Excavation and excavation repairs for new service connections including but not necessarily limited to excavation backfill, removal and replacement of pavement, walks, curbs, traffic control personnel, scheduling Town inspections, and obtaining street opening permits, etc., shall be the responsibility of the Customer. Such work shall only be performed by contractors licensed with the Town of Southbridge to perform such work and shall be at the expense of the Customer. The Town shall inspect all new service connections at the expense of the Customer.

ARTICLE XVIII - Water Regulations (Cont'd.)

5. SERVICES FROM THE MAIN TO THE PROPERTY LINE (Cont'd.)

end.
TCM
12/17/90

(c) The Customer shall own and install the service line from the water main to and including the curb box at the property line as provided in the attached schedule of fees. The Town will specify the size, kind and quality of all materials. The Town shall bear the cost of the service connection pipe and fittings for all new installations. The service pipe shall be laid by the Town. It will be installed at a right angle to the main unless an exception is made in writing by the Town/Department Head of the Department of Public Works and shall not cross intervening properties. All service installations shall be in accordance with these rules and regulations.

(d) The Town shall bear all replacement and maintenance costs for the main and service connection to and including the curb box at the property line.

Amend.
TCM
12/17/90

(e) Where a street service connection is already laid to the property line, the Customer shall connect with the existing street service connection as laid. Connections must be made in accordance with all other Town Rules and Regulations if adequate to service the premises. If said service is not of adequate size, carrying capacity or condition to service the premises, a new service connection must be laid to the main.

(f) The Town shall set the curb box at or near the curb or property line of said premise. The curb box shall be accessible at all times to the Town.

(g) New street service connections shall not be laid during the months of November, December, January, February or March except at the discretion of the Department Head.

(h) Water Service shall not be activated until such time as a meter is set in accordance with the Town's Rules and Regulations under "Meters and Meter Installations."

6. LINES TO THE PREMISES:

(a) The Town shall specify the size, kind and quality of the materials of the water supply line which shall be laid from the property line curb cock to structure(s) on the premises to be supplied.

(b) The Customer's service pipe from the curb box at the property line to the place of consumption shall be furnished, owned, excavated, installed, backfilled and maintained by the Customer at his expense.

(c) The Customer's service pipe and all connections and fixtures attached thereto shall be subject to the inspection and approval of the Town before the trench is backfilled and the service pipe is activated.

Amend.
TCM
12/17/90

(d) All service pipe shall be laid at all points at least four and one-half feet below the surface of the ground and shall be placed on firm and continuous earth so as to give unyielding and permanent support, and shall be installed in a trench at least ten feet in a horizontal direction from any septic tank or leaching field and at least three feet from any other buried line or conduit, unless exceptions are granted in writing by the Department Head, where feasible. Any exception must be approved by the Department Head. All service lines shall be at least 2 feet above any sewer line. The Town shall be notified of any existing or future crossings, public or private, encountered during the excavation of any service line.

ARTICLE XVIII - Water Regulations (Cont'd.)

6. LINES TO THE PREMISES (Cont'd.):

- (e) No fixture shall be attached to or any branch made in the service pipe between the meter and the Town main.
- (f) Each structure on the premises shall be supplied through an independent service pipe from a separate curb cock/curb box, unless otherwise specifically approved and ordered by the Department Head.
- (g) The Customer shall promptly notify the Town of any leak, defect or damage affecting the service pipe between the property line and the point where the water is metered.

7. CROSS-CONNECTIONS NOT ALLOWED:

- (a) No pipe fixtures connected with the mains of the Town shall be connected with pipes or fixtures supplied with water from any other source unless specifically approved by the Town and the Department of Environmental Protection of the Commonwealth of Massachusetts.
- (b) All piping systems in which water might become contaminated shall be so arranged as to preclude water from re-entering the water distribution system by siphonage or other means. Each of these installations shall be approved by the Town. Such connections will comply with Section 22 of the Drinking Water Regulations of Massachusetts and any amendments thereof.
- (c) The plumbing on all premises connected to the Town's water system shall conform to the Commonwealth of Massachusetts Plumbing Codes, the sanitary codes of the Town in which the service is provided and regulations of the Department of Public Health and/or the Department of Environmental Protection.

8. SUBDIVISIONS:

- (a) As provided in the Town of Southbridge Subdivision Regulations, the cost of mains, hydrants, and service lines are the responsibility of the developer. The developer shall provide the Town with his anticipated peak day and peak hour water usage prior to acceptance of the proposed design and prior to submittal to the Planning Board.

The Town shall approve all designs, inspect all construction, and test all systems before service is provided. The cost to the Town for providing these services to the developer will be at the developer's expense as provided for in the attached schedule of fees.

- (b) Before a water main or service line is activated it must be inspected by the Town and deeded to the Town.

9. METERS AND METER INSTALLATIONS:

- (a) The Town shall specify the kind and size of meter to be installed for each Customer. The Customer must provide the Town with his anticipated average and peak water usage prior to the Town specifying a meter size for a particular location. Meters two inches and larger shall have by-passes for the purpose of testing and shall be in accordance with these rules and regulations.

- (b) Meters will be furnished and installed by the Town and shall remain the property of the Town.

Amend.
TCM
12/17/90

Amend.
TCM
12/17/90

ARTICLE SXIIII - Water Regulations (Cont'd.)

9. METERS AND METER INSTALLATIONS (Cont'd.):

(c) The Customer shall provide and maintain a clean, dry, easily accessible place that remains above freezing at all times for installation of the meter at the point of entrance of the service pipe to the premises. The meter shall measure the water consumption for the entire supply of the Premises.

Amend.
TCM
12/17/90

(d) A shut off valve shall be installed on each side of each meter. These valves shall be located as close to the meter as practicable.

The valve on the inlet side and outlet side of the meter shall be furnished by the Customer, approved by the Town and installed by the Customer.

(e) When no suitable place inside the building is available, or the service pipe from the property line to the premises exceeds 150 feet in length, the Town may require that a meter vault be placed just inside the Customer's property line or other such location as may be ordered by the Town. Vault size and construction shall be specified by the Town and shall be owned, installed and maintained at the Customers expense.

Amend.
TCM
12/17/90

(f) Meters will be maintained by the Town at it's expense in so far as ordinary wear is concerned. Repairs to meter caused by but damage due to hot water, freezing or other external causes shall be paid for by the Customer, as provided in the attached Schedule of Fees.

(g) Each Structure on the Premises shall have a separate meter unless otherwise approved in writing by the Department Head. When more than one meter is installed on the Customer's Premises at the request of the Customer or due to conditions existing on the Premises of the Customer, each meter shall be treated separately as if it belonged to a separate Customer and the registrations shall not be combined. Installation of multiple meters will be the Customer's expense. However, delinquency of payment for one meter shall be treated as though all meters were delinquent.

(h) Services supplying water to fire protection services only, including private fire hydrants, shall be required to have a detector with check valve with by-pass meter as a minimum. The Customer will bear the cost of the purchase and installation of the flow detector/check valve and the Town will furnish and maintain the associated by-pass meter. Such detector check valve shall be used only as an alternative to a meter furnished by the Town. A charge equal to the service charge for that size meter shall be made for the by-pass meter, in addition to the charge for the water registered by such meter.

10. METER TESTS AND FEES:

(a) All meters will be accurately tested before their installation and are also subjected to periodic tests. The Town may at any time remove any meter for routine tests, repairs or replacement and may, at its option and expense, test any meter when the Town has reason to believe that it is registering inaccurately.

(b) The Customer may request the Town to make a special test of the accuracy of the meter. Such special test must be witnessed by the Customer or his authorized representative.

ARTICLE XVIII - Water Regulations (Cont'd.)

10. METER TESTS AND FEES (Cont'd.)

(c) For such a special test, the fee as established herein shall be paid in advance by the Customer but should said meter be found to test outside the accuracy limits as prescribed by AWWA, the fee so paid shall be credited to the Customer and the meter shall forthwith be adjusted by the Town, and the current bill corrected based on an agreement between the Town and the Customer for an appropriate adjustment of the prior billing period(s). This correction shall apply to both over and under registration and another meter which has been properly adjusted shall be installed.

(d) For the tests of meters made upon the request of the Customer, the fees shall be as provided for in the attached schedule of fees.

11. PUBLIC FIRE HYDRANTS:

(a) Repair/replacement of all public fire hydrants shall be by the Town.

(b) The cost of installing a new public fire hydrant requested by a Customer shall be born by the Customer. The location shall be reviewed and approved by the Fire Chief and the Department Head. The Town shall specify the size, make and quantity of all new hydrants which shall be the property of the Town after installation, testing and acceptance.

(c) Any expense for repairs to a public fire hydrant caused by the negligence of employees of the Town or by members of the Fire Department will be paid for by the Town.

(d) The use of fire hydrants will be restricted to the use of water for the extinguishing of fires. Water shall not be used from any fire hydrant for construction purposes, street sweeping, swimming pools, flushing sewers or gutters or for any other use unless specifically permitted by the Town in writing for the particular time and occasion.

After receiving a permit the Customer shall pay all costs associated with the use of the hydrant and associated metering devices.

(e) Inspections and tests of public hydrants will be made by the Town at convenient times and reasonable intervals.

(f) Relocation of a public hydrant where possible, if requested by a Customer, shall be done at the Customers expense.

12. PRIVATE HYDRANTS AND FIRE SERVICE:

(a) The entire cost for labor and materials for installing a private fire service from the main to the property line will be paid for by the Customer.

(b) A gate valve controlling the entire supply will be placed on the fire service between the main and the property line of the premises being served. Any valve pit, vault or metering pit, which may be required will be furnished at the expense of the Customer. The specific design will be subject to the approval of the Department Head.

Amend.
TCM
12/17/90

ARTICLE XVIII - Water Regulations (Cont'd.)

12. PRIVATE HYDRANTS AND FIRE SERVICE (Cont'd.):

(c) The private fire service shall be subject to the inspection, testing and approval of the Town before the service is activated. Such inspection and testing shall be at the Customer's expense.

(d) A private fire service connection is furnished for the purpose of supplying water for the extinguishment of fires only, and no use of water from such connection for any other purpose shall be made without the approval of the Town.

Amend.
TCM
12/17/90

(e) A detector check valve with by-pass meter, all necessary backflow prevention devices, and inlet and outlet O S & Y gate valves, shall be furnished and installed by the Customer, inspected by the Town at the expense of the Customer in accordance with Town requirements and the Department of Environmental Protection, just inside the building wall or other convenient location on the Customer's premises as designated by the Town. Any meter pit or vault required by the Town shall be constructed and maintained at the expense of the Customer. The pit shall be maintained as a dry work place with maintained temperatures above freezing at all times. The by-pass meter shall be furnished and maintained by and at the expense of the Town.

Amend.
TCM
12/17/90

(f) When private hydrants and other fixtures are connected with a private fire service involving buried pipe, and inline fireflow water meter will be required if not metered elsewhere.

(g) No pipe or fixture connected with a private fire service connection served by the Town shall be connected with pipes or fixtures supplied with water from any other source unless protected by an approved cross connection device. Approval must be obtained from the Department Head for such a system.

(h) The Town shall determine the size and location of any connection made to its mains for private fire service. The Customer shall provide the Town with the maximum fire service usage so the size and location for fire service can be determined.

13. CUSTOMER'S LIABILITY FOR CHARGES:

(a) A Customer whose application has been approved for water service shall be held liable for fees and costs for all water service furnished to the Premises until such time as the final meter reading has been obtained following the Customer properly notifying the Town to discontinue the service for his/her account.

14. TURN-ON CHARGE:

Amend.
TCM
12/17/90

(a) When it has been necessary to attempt collection or to discontinue water service to any Premises because of violation of the Rules and Regulations or on account of non-payment of any bill, a charge as provided for in the attached schedule of fees will be made to cover the expense of collection or of reactivating the water service. This charge together with any arrears that may be due the Town for charges against the Customer must be paid prior to reactivation of the water service.

ARTICLE XVIII - Water Regulations (Cont'd.)

15. BILLS FOR WATER SERVICE:

(a) Customers are responsible for furnishing the Town with their correct address. Failure to receive bills will not be considered an excuse for nonpayment nor permit an extension of the date when the account would be considered delinquent.

(b) The Town will only send bills to the Owner of record of each Premise. The Town will not entertain applications for water service or send bills to agents of the Owner and/or tenants acting as agents for the Owner.

Amend.
TCM
12/17/90

(c) Payments shall be made at the Town Hall, 41 Elm Street, Southbridge, MA 01550 or mailed to the Tax Collector at the same address.

(d) The use of water by the same Customer in different premises or localities will not be combined into one water use bill. Each installation with a water meter will be billed separately.

16. TERMS OF PAYMENT:

Amend.
TCM
12/17/90

(a) All bills shall be payable upon issuance. However no residential bill shall be considered "due" under application of law or these regulations in less than thirty (30) days from receipt.

Amend
TCM
12/17/90

* (b) Persons aggrieved of bills rendered pursuant to this article shall pay the bill within thirty days and file an application for abatement with the Clerk of the Board of Assessors within thirty days from the date of the bill. Upon receipt of the appeal, the Clerk shall forward the application to the D.P.W. Head who shall make a determination of the validity of the appeal within sixty (60) days and notify the claimant in writing of the decision. For claims determined to be valid, a refund will be issued by the Tax Collector.

* Appeals of the ruling of the Department Head shall be to the Appellate Tax Board per M.G.L. Chapter 40.

(c) Special charges, such as temporary services, shall be payable on demand.

(d) Bills for the minimum charges for metered service shall be due and payable in arrears. Bills for water used above the allowance included in the minimum charge shall be due and payable in arrears. The Town may render bills on either a quarterly or monthly basis, depending on the class and quantity of service rendered.

(e) Bills for public fire service shall be rendered quarterly in arrears and shall be due and payable as rendered.

17. ABATEMENT AND REFUNDS:

(a) No abatements shall be made for leaks or for water wasted by improper or damaged service pipes or fixtures belonging to the Customer, or for water services left on at vacant Premises.

Deleted
TCM
3/25/91

(b) Deleted

18. DISCONTINUANCE OF WATER SERVICE:

(a) Service rendered under any application, contract or agreement may be discontinued by the Town, after reasonable notice, for any of the following reasons:

ARTICLE XVIII - Water Regulations (Cont'd.)

18. DISCONTINUANCE OF WATER SERVICE (Cont'd.):

- (1) For willful or indifferent waste of water due to any cause, such as failure to repair service leaks within Customer's own property line.
- (2) Misrepresentation in an application.
- (3) Nonpayment of any account for water supplied or water service.

(b) Whenever the Customer desires to have his service contract terminated or his water service discontinued, he shall so notify the Town. Until such notice is received by the Town, and the Town has access to remove the meter and obtain the final meter reading(s), the Customer shall be responsible for the payment for all services rendered by the Town, including charges for meter repairs caused by damage by hot water or freezing or other external causes. A reasonable period of time after receipt of such notice shall be allowed for the Town to take a final reading of the meter or meters and to discontinue service.

(c) Discontinuing the supply of water to any premise for any reason shall not prevent the Town from pursuing any lawful remedies by action of the law or otherwise for the collection of monies due from the Customer including the placing of a lien on the Customer's property.

19. RENEWAL OF WATER SERVICE AFTER DISCONTINUANCE:

(a) When water service to any premises has been terminated for any reason other than temporary vacancy it will be renewed only after the acceptance of a new application and when the conditions, circumstances or practices which caused the water service to be discontinued are corrected to the satisfaction of the Town, and upon payment of all charges due and payable by the Customer in accordance with the Town of Southbridge rates and By-Laws.

20. PRESSURE AND CONTINUITY OF SUPPLY:

(a) The Town does not guarantee a sufficient or uniform pressure, or an uninterrupted supply of water and Customers are cautioned to provide sufficient storage of water where an absolutely uninterrupted supply must be assured, such as steam boilers, domestic hot water systems, gas engines, medical equipment, etc.

(b) In the higher elevations of Town where water pressure could, at times, be insufficient, if a higher pressure than that furnished by the Town is desired, the Customer shall install at his own expense a tank and/or a booster pump, of a type and installation approved by the Town.

(c) Where the pressure to a Customer's premises is greater than desired, it shall be the responsibility of the Customer to install the proper regulating device to reduce the pressure to the extent desired.

A device of this type shall be approved by the Town.

(d) The Town shall have the right to reserve sufficient supply of water at all times in its reservoirs to provide for fire, or any other emergencies, and may restrict and regulate the quantity of water used by its Customers in case of scarcity, or whenever the public welfare may so require.

ARTICLE XVIII - Water Regulations (Cont'd.)

21. INTERRUPTIONS IN WATER SUPPLY:

(a) The Town may at any time shut off the water in the mains in case of accident, or for the purpose of making connections, alterations, repairs, changes, or for other reasons, and may restrict the use of water to reserve a sufficient supply for public fire service or other emergencies whenever the public welfare may require it.

22. INTERRUPTIONS IN WATER SUPPLY:

(a) The Town Manager shall establish water rates and fees following a public hearing on the same.

ARTICLE XIX

SERVICE FEES SCHEDULE

Adopted December 17, 1990

<u>FEE</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
1. Installation of Outside Meter Reader	\$20.00	Install meter with outside reader
2. Return Check Fee	\$25.00 or 1% of check face value whichever is larger	Insufficient Funds Charge
3. Curb Cock Shut Off Order Normal working hours	\$40.00	Turn off water service delinquent account or by request of Customer
4. Curb Cock Shut Off or Turn on - after hours	\$60.00	Overtime cost passed on to Customer
5. Curb Cock Turn On Fee	\$40.00	Following meter turn-off
6. Water Use Recheck Charge	\$N/C	Reread meter
7. New Account Charge	\$N/C	New Account activation of water service
8. Reinstallation of meter	\$N/C	
9. Illegal Water Use Charge	\$250.00	Use of water without application for service
10. Remove Meter Charge	\$30.00	Remove meter - delinquent account - request of Customer
11. Turn Off at Main Charge	\$100.00	Turn off service at main or plug - Customer request
12. Broken Meter Lock or Seal	\$5.00	Broken meter lock or seal
13. Relocate Meter		Move meter - same Premise at Customer's request - no plumbing involved except meter
Meter Size		
5/8" - 2"	\$150.00	
2" - 4"	\$500.00	
Over 4"	\$1500.00	
14. Fire Hydrant Opening Permit	\$100.00	Cost of permit, installation of meter, hydrant monitoring, opening and closing of hydrant - normal working hours

WATER CONNECTION FEES

15. Fees for Application of Water Service

<u>Service Line Size</u> (inches)	<u>Tie In Fee</u>	<u>Fee for Installation of Water Service - Main to Property Line exclusive of tapping sleeve and valve cost</u>	<u>Total New Connection Charge*</u> **
1"	\$1000.00	\$ 500.00	\$1500.00
1-1/2"	\$1200.00	\$ 700.00	\$1900.00
2"	\$2000.00	\$1000.00	\$3000.00
4"	\$3000.00	\$2000.00	\$5000.00

ARTICLE XIX - Water Connection Fees (Cont'd.)

15. Fees for Application of Water Service (Cont'd.)

<u>Service Line Size</u>	<u>Tie In Fee</u>	<u>Fee for Installation of Water Service - Main to Property Line</u>	<u>Total New Connection Charge*</u>
6"	\$4000.00	\$3000.00	\$ 7000.00
8"	\$5000.00	\$5000.00	\$10000.00
10"	\$8000.00	\$6000.00	\$14000.00
12"	\$10000.00	\$8000.00	\$18000.00

*Costs do not include expenditures for tapping sleeve and valve.

**Customer to be responsible for actual cost of tapping sleeve and valve in addition to the charges listed below.

16. Meter Test at Customer Request

Statutory Period		\$ 3.00	
Outside Statutory Period			
1" or smaller		\$ 25.00	Test Meter at Town Meter Shop
1-1/2" or 2"		\$ 40.00	
3" or larger		\$ 150.00	Actual cost to Town

17. Inspection Fees

Inspection	\$1.25/LF of water main installed	Fee paid by developers for inspection of the installation of the system
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17A. Cross Connection Device Test/Retest per device	\$35.00/device	Check test/retest device
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17B. Cross Connection Survey	\$35.00/hr.	Locate and classify cross connections as per CMR 22.22
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MISCELLANEOUS

18. Sale of Plans and per set	\$25.00 or actual cost	Copies of "as built" drawings
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19. Water Sales - Fire Hydrants	Actual Use	Sale of Water from metered hydrants
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20. Sale of Blueprints per drawing	\$ 3.00	Sale by Water Department
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21. Sale of Maps per map	\$ 3.00	Sale by Water Department
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22. Repair of damaged water mains	Actual Cost incurred by Town to repair damaged pipe	
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23. Plan Review Fee		Fee for Water Department review of plans
0-50 units	\$300.00	
51-200 units	\$500.00	
over 250 units	\$750.00	

ARTICLE XIX - Water Connection Fees (Cont'd.)

MISCELLANEOUS (Cont'd.)

24.	Standby Fire Protection (firelines) per day	\$ 60.00/hr.	Overtime and equipment supplied by the Town
25.	Testing Connections & Inspections after regular working hours	\$ 60.00/hr.	Actual cost to Town including overtime
26.	Damage to or Replacement of Fire Hydrant Meter	Actual Cost	Fine to Customer
27.	Replacement of Damaged Meter	Replacement Cost	

REVISED BY-LAWS

ARTICLE XX

GARBAGE AND RUBBISH STORAGE AND DISPOSAL

Adopted December 30, 1991

SECTION 1. No person shall place, throw or deposit any trash, bottles or cans, refuse, scraps, furniture or appliances or other waste material of any kind on or in any public way or place within the Town or within twenty yards thereof.

SECTION 2. Storage of Rubbish and Garbage:

- Amend.
TCM
4/5/93
- (A) Garbage or mixed garbage and rubbish shall be stored in water-tight receptacles with tight-fitting covers. Said receptacles and covers shall be of metal or other durable, rodent-proof material. Rubbish shall be stored in receptacles of metal or other durable, rodent-proof material. Garbage and rubbish shall be put out for collection no earlier than the day of collection.
 - (B) Clear plastic bags shall be used to store garbage or mixed rubbish and garbage only if used as a liner in watertight receptacles with tight-fitting covers as required, provided that the clear plastic bags may be put out for collection except in those places where such practice is prohibited by local rule or ordinance or except in those cases where the Department of Public Health determines that such practice constitutes a health problem. For purposes of the preceding sentence, in making its determination the Department shall consider, among other things, evidence of strewn garbage, torn garbage bags, or evidence of rodents.
 - (C) The owner of any dwelling that contains three or more dwelling units, the owner of any rooming house, and the occupant of any other dwelling place shall be responsible for providing as many receptacles for the storage of garbage and rubbish as are sufficient to contain the accumulation before final collection or ultimate disposal, and shall so locate them to be convenient to the tenant that no objectionable odors enter any dwelling.
 - (D) The occupants of each dwelling, dwelling unit, and rooming unit shall be responsible for the proper placement of his garbage and rubbish in the receptacles required or at the point of collection by the owner.

SECTION 3. Collection of Garbage and Rubbish: The owner of any dwelling that contains three or more dwelling units, the owner of any rooming house, and the occupant of any other dwelling place shall be responsible for the final collection or ultimate disposal or incineration of garbage and rubbish by means of:

- (A) The regular municipal collection system; or
- (B) Any other collection system approved by the Board of Health; or
- (C) When otherwise lawful, a garbage grinder which grinds garbage into the kitchen sink drain finely enough to ensure its free passage, and is otherwise maintained in a sanitary condition; or

ARTICLE XX - Garbage and Rubbish Storage and Disposal (Cont'd.)

SECTION 3. Collection of Garbage and Rubbish (Cont'd.)

- (D) When otherwise lawful, a garbage or rubbish incinerator located within the dwelling which is properly installed and which is maintained so as not to create a safety or health hazard; or
- (E) Any other method of disposal which does not endanger any person and which is approved in writing by the Board of Health.

SECTION 4. Maintenance of Areas Free From Garbage and Rubbish;

- (A) Land. The owner of any parcel of land, vacant or otherwise, shall be responsible for maintaining such parcel of land in a clean and sanitary condition and free from garbage, rubbish or other refuse. The owner of such parcel of land shall correct any condition caused by or on such parcel or its appurtenance which affects the health or safety, and well-being of the occupants of any dwelling or of the general public.
- (B) Dwelling Units. The occupant of any dwelling unit shall be responsible for maintaining in a clean and sanitary condition and free of garbage, rubbish, other filth or causes of sickness that part of the dwelling which he exclusively occupies or controls.
- (C) Dwellings Containing Less than Three Dwelling Units. In a dwelling that contains less than three dwelling units, the occupant shall be responsible for maintaining in a clean and sanitary condition, free of garbage, rubbish, other filth or causes of sickness the stairs or stairways leading to his dwelling unit and the landing adjacent to his dwelling unit if the stairs, stairways or landing are not used by another occupant.
- (D) Common Areas. In any dwelling, the owner shall be responsible for maintaining in a clean and sanitary condition free of garbage, rubbish, other filth or causes of sickness that part of the dwelling which is used in common by the occupants and which is not occupied or controlled by one occupant exclusively.
 - (1) The owner of any dwelling abutting a private passageway or right-of-way owned or used in common with other dwellings or which the owner or occupants under his control have the right to use or are in fact using shall be responsible for maintaining in a clean and sanitary condition free of garbage, rubbish, other filthy or causes of sickness that part of the passageway or right-of-way which abuts his property and which he or the occupants under his control have the right to use, or are in fact using, or which he owns.

SECTION 5. Enforcement: If the owner of any parcel of land, vacant or otherwise or the owner or occupant of any dwelling unit or units, shall fail to provide for the proper storage and collection of rubbish and garbage, and maintenance of the property free from garbage and rubbish under the provisions of these By-Laws, the Town may enforce the By-Laws by both criminal and non-criminal procedures (21D, fine schedule A,B,C) with the Building Inspector and Board of Health as enforcement agents, or may, upon neglect or violation of the duties imposed by these By-Laws, at the option of the Town, have the Town perform such duties at the expense of the owner or occupant. Such expense, for each violation shall not exceed the

ARTICLE XX - Garbage and Rubbish Storage and Disposal (Cont'd.)

SECTION 5. penalty imposed. Such expense may be recovered in contract by the Town or imposed as a municipal charges lien under the provisions of M.G.L. Chapter 40, Section 58.

ADOPTED
TCM
11/9/92

SECTION 6. Storage and Disposal: In order to implement a program of recycling, residents of every household are required to separate waste material in the following categories:

(I) Mandatory Recycling:

(a) There is hereby established a program for the mandatory separation of certain recyclable material from garbage or rubbish by the residents of the Town of Southbridge and the collection of these recyclables at the residents' curbside. The collection of separated recyclables shall be made periodically under the supervision of the Director of Public Works.

(b) For the purpose of this By-Law affected recyclables are defined as follows:

1. Glass: All unbroken jars or bottles, or similar products made from silica or sand, soda ash and limestone, the product being transparent or translucent and all other material commonly known as glass, but excluding blue and flat glass, window glass, dishes and crockery.

2. Metal Cans: All tin cans used as containers for food or non-food items, except containers which contained paint or petroleum based solvents and pressurized aerosol cans.

3. Newspaper: Clean and unsoiled newspaper, including newsprint, all newspaper advertisements, supplements, comics and enclosures.

Magazines, telephone books, periodicals and glossy inserts are not included.

4. Plastic: HDPE #2 - milk jugs, detergent, water bottles only. No other #2 allowed. No oil, antifreeze or poison containers.

5. Uncoated Corrugated Cardboard: Having at least 1 rib. Does not include chipboard, examples: cereal and tissue boxes.

(c) Separation of recyclables and placement for removal. Residents shall use the recycling receptacles provided to each household for the purpose of collecting the recyclables and placing them for disposal. These receptacles shall not be used for other rubbish or garbage. Recycling receptacles shall be placed on and removed from the curbside, according to the times established for rubbish removal. All the metal and glass recyclables as defined in this subsection shall be placed together in the designated recycling receptacle. These materials should be rinsed out and neck rings, corks and lids removed.

Recyclable newspapers and corrugated papers shall be placed on top of or next to the recycling receptacle in a manner to prevent the scattering of the paper. Newspapers shall either be packed in brown Kraft or paper shopping bags, placed in corrugated cartons or securely tied in flat bundles, none of which shall weigh more than fifty pounds. If not used for packing paper recyclables,

ARTICLE XX - Garbage and Rubbish Storage and Disposal (Cont'd.)

SECTION 6, Storage and Disposal: (Cont'd.)

5 Uncoated Corrugated Cardboard (Cont'd.)

(c) corrugated boxes shall be collapsed and tied in bundles not weighing more than fifty pounds and placed by the recycling receptacle.

Recyclables shall not be placed in plastic trash bags for collection, removal or disposal. Recyclables shall not be placed in the same refuse container or otherwise mixed with other forms of solid waste for collection, removal or disposal.

(d) Ownership of Recyclables, Offenses. Upon placement of recyclables for collection by the Town at the curbside, pursuant to this subsection, such materials shall become property of the Town. It shall be a violation of this subsection D. for any person, other than authorized agents of the Town acting in the course of their employment, to collect or pick up or cause to be collected or picked up any recyclable material so placed. Each and every such collection or pick up in violation hereof from one or more locations shall constitute a separate and distinct offense. The recyclables collected by the Town shall be transported and disposed of by the Town's designated contractor or agent. Violations of this By-Law shall be enforced by the Director of Inspections either criminally or by non-criminal disposition, 21D, and the fine schedule under 21D (\$25-first offense, \$50-second offense and \$100-third and subsequent offences - time one year.)

(e) This subsection and the various parts, sentences and clauses thereof are hereby declared to be severable. If any part, sentence or clause is adjudged invalid, it is hereby provided that the remainder of this subsection shall not be affected thereby.

(f) This subsection shall take effect upon exercise of the Recycling Option by the Town. Notice of the commencement date shall be published in a daily newspaper having circulation in the Town.

REVISED BY-LAWS

ARTICLE XXI

SMOKING CONTROL BY-LAW

ADOPTED TOWN COUNCIL MEETING FEBRUARY 24, 1993

SECTION 1. Because the smoking of tobacco or any other weed or plant is a cause of material annoyance and discomfort to those who are present in confined places and is a danger to their health, the Town Council hereby declares that the purposes of this By-Law are: 1) to protect the public health and welfare by regulating smoking in town-owned buildings, and 2) to minimize the toxic effects of smoking in the workplace by adopting a policy that will accommodate, insofar as possible, the preferences of non-smokers and smokers.

This By-Law is not intended to create any right to smoke or to impair or alter the Town's prerogative to prohibit smoking in town buildings. Rather, it requires 1) accommodation for the preferences of non-smoking and smoking employees and members of the public and 2) if a satisfactory accommodation to all affected non-smokers cannot be reached, that smoking be prohibited.

SECTION 2. Definitions:

- (a) Enclosed facility: Closed in by a roof and four walls with appropriate opening for ingress and egress.
- (b) Office workplace: Any enclosed area of a structure or portion thereof intended to provide primarily clerical, writing, computer operation, professional or business services of the Town.
- (c) Smoke or smoking: The act of burning any tobacco product, weed, filler or plant of any kind in a cigarette, cigar, pipe or any other device.
- (d) Smoke-free: Free of visible smoke and not containing fumes and odors from smoking in sufficient concentrations to cause annoyance or distress to any non-smoker.
- (e) Designated smoking areas: Areas set-aside by the Town Manager or Department Head for smoking. There shall be ash trays or similar fireproof containers in each designated area for disposal of lighted tobacco products.

SECTION 3. Enclosed facilities and office workplaces owned by the Town shall be subject to the provisions of this By-Law. No person shall smoke in any enclosed area open to and customarily used by the public including chambers, meeting places and places of public assembly or within any office workplace area. Designated smoking areas will be established by "Smoking Permitted" signs of not less than one inch in height posted in the area. Such signs may have additional or different wording to explain the applicable rule in a particular room or area. The smoking policy established by this By-Law shall be posted conspicuously in all buildings under the Town's jurisdiction.

ARTICLE XXI, Smoking Control By-Law (Cont'd.)

SECTION 4. Enforcement and Penalties:

- (a) It is the right of any employee or citizen to inform persons violating this By-Law of the appropriate provisions thereof.
- (b) Any citizen who wishes to register a complaint hereunder may initiate enforcement at the Town Hall.
- (c) Enforcement shall be implemented by the Health Agent who shall have the authority to issue persuasive letters or citations based upon reasonable cause in a manner most suitable to the particular incident. Citations shall be issued by the Health Agent as enforcement agent under the 21D non-criminal disposition with the penalties as defined therein. Any violation of this By-Law is hereby declared to be a nuisance. In addition to any other relief provided by this By-Law, an injunction may be sought in a court of competent jurisdiction to prohibit the continuance of any violation of this By-Law.

SECTION 5. No Presumption: This By-Law shall not be interpreted to permit smoking where it is otherwise restricted.

SECTION 6. Severability: If any provision of the By-Law or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the By-Law and to this end, the provisions of the By-Law are severable.

REVISED BY-LAWS

ARTICLE XXII

ALARM SYSTEMS REGULATIONS

ADOPTED TOWN COUNCIL MEETING MARCH 28, 1994

A. DEFINITIONS: For the purpose of this By-Law, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent 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.

(1) 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. Fire alarm systems, alarm systems on motor vehicles and alarm systems which monitor temperature, smoke, humidity or 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 this By-Law.

(2) The term "Alarm User" or "User" means any person on whose premises an alarm system is maintained within the Town. Excluded from this definition are:

- (a) Municipal, county, state and federal agencies;
- (b) Central station personnel;
- (c) Persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. However, if such an alarm system employs an audible signal or a flashing light outside the premises, the user of such an alarm system shall be within the definition of "alarm user" and shall be subject to this By-Law.

(3) 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.

(4) The word "Town" means the Town of Southbridge.

(5) The term "False Alarm" means a) 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; or b) any signal or oral communication 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 intrusion or attempted unauthorized intrusion into a premises or no attempted robbery or burglary at a premises. Excluded from this definition are activations of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes and similar conditions.

ARTICLE XXII, Alarm Systems Regulations (Cont'd.)

(6) The term "Police Chief" means the Chief of Police of the Town of Southbridge or his designated representative.

(7) The term "Police" or "Police Department" means the Town of Southbridge Police Department, or any authorized agent thereof.

(8) For the purposes of this By-Law, the term "Public Nuisance" means anything which annoys, injures or endangers the comfort, repose, health or safety of any person(s) or of any community or neighborhood.

B. ADMINISTRATIVE RULES: The Police Chief may promulgate such rules as may be necessary for the implementation of this By-Law.

C. CONTROL AND CURTAILMENT OF SIGNALS EMITTED BY ALARM SYSTEMS:

(1) Every alarm user shall submit to the Police Chief the names, addresses and telephone numbers of the user and 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 alarm system is installed. The list of names, addresses and telephone numbers of the responders must be kept current at all times by the alarm user and shall be submitted during the first month of each fiscal year (July 1st).

(2) All alarm systems which use an audible bell or horn shall be equipped with an automatic shut off device which will deactivate the alarm system within ten (10) minutes. All alarm users with an audible bell or horn must comply with this section within ninety (90) days of the adoption of this By-Law.

(3) Any alarm system which fails to comply with the above paragraph (2) and emits a continuous and uninterrupted signal for more than thirty (30) minutes 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 disturbs the peace, comfort or repose of a community, or a neighborhood of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor 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 this section in an effort to abate the nuisance. The Police Chief shall record the time each complaint was made.

In the event that the Police Chief 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 this section, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system, and if the Police Chief is otherwise unable to abate the nuisance, he may direct a police officer or a firefighter 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.

ARTICLE XXII, Alarm Systems Regulations (Cont'd.)

After an entry upon property has been made in accordance with this section and the nuisance abated, the Police Chief shall have the property secured, if necessary. The reasonable costs and expense of abating a nuisance in accordance with this section may be assessed to the alarm user, said assessment not to exceed \$50.00.

D. 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 Department Communications Section. 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.

E. PENALTIES: The following acts and omissions shall constitute violations of this By-Law punishable by the fines as herein provided:

(1) An alarm user whose alarm system transmits or otherwise causes three or more false alarms in a twelve (12) month period shall be assessed a fine of \$25.00 for the third false alarm in any twelve (12) month period, \$50.00 for the fourth false alarm in any twelve (12) month period, and \$100.00 for each subsequent false alarm in any twelve (12) month period.

(2) An alarm user who fails to comply with any of the requirements of Paragraph C of this By-Law relative to control and curtailment of signals emitted by alarm systems shall be punished by a fine of \$25.00

(3) An alarm user who fails to comply with any of the requirements of Paragraph D of this By-Law relative to the testing of equipment shall be punished by a fine of \$25.00.

F. SEPARABILITY: If any clause, sentence, paragraph, or part of this local by-law or the application thereof to any person or circumstances shall for any reason be adjudged by a Court to be invalid, such judgment shall not affect, impair or invalidate the remainder and the application thereof to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the intent of the Town of Southbridge that this enactment would have been adopted had such invalid provisions not been included therein.

ARTICLE XXIII

YOUTH PROTECTION CURFEW FOR MINORS

ADOPTED TOWN COUNCIL MEETING JUNE 10, 1996

Vote to amend the By-Laws of the Town of Southbridge by adding a new Article XXIII entitled "YOUTH PROTECTION CURFEW FOR MINORS".

Section 1. Purpose and Findings.

The Town Council has found that the incident of crimes, violence and juvenile gang activity committed by and against minors or juveniles is increasing and has determined that a youth protection curfew by-law is necessary and desirable in order to:

- (1) Protect minors from each other and other persons in public places and establishments during nocturnal hours.
- (2) Assist the police in crime prevention.
- (3) Promote parental supervision and authority over minors.
- (4) Promote the furtherance of family responsibility and for the public good, safety and welfare.

Section 2. Definitions.

(A) Definitions in this section:

- (1) Curfew Hours means:
11:00 P.M. until 5:00 A.M. on any and all seven (7) days of the week.
- (2) Emergency means: an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (3) Establishment means: any privately-owned place of business operated for a profit to which the public is invited, including but not limited, to any place of amusement or entertainment.
- (4) Guardian means:
 - (a) A person who, under court appointment; is the guardian of the person of a minor, or
 - (b) A public or private agency with whom a minor has been placed by the court.
- (5) Minor means: any person under 17 years of age.

- (6) Operator means: any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (7) Parent means a person who is:
- (a) A natural parent, adoptive parent, or step-parent of another person; or
- (b) At least 18 years of age and authorized, in writing, by a parent or guardian to have the care and custody of a minor.
- (8) Public Place means: any place to which the public or a substantial group of the public has access and includes, but not limited to, streets, highways, parks, playgrounds and the common areas of schools, hospitals, apartment houses, office buildings, commercial or industrial buildings, transport facilities, shops and businesses.
- (9) Remain means to:
- (a) Linger or stay; or
- (b) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Section 3. Offenses:

- (1) A minor commits an offense if he/she remains, either on foot or in a vehicle, in any public place or on the premises of any establishment within the Town of Southbridge during youth protection curfew hours.
- (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain, either on foot or in a vehicle, in any public place or on the premises of any establishment within the town during youth protection curfew hours.
- (3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during youth protection curfew hours.

Section 4. Defenses:

- (1) It is a defense to prosecution under Section 2 that the minor was:
- (a) Accompanied by the minor's parent or guardian.
- (b) On an errand at the direction of the minor's parent or guardian, without any detour or stop.
- (c) In a motor vehicle involved in interstate travel.

(d) Engaged in an employment activity, or going to or returning home from an employment activity, without detour or stop.

(e) Involved in an emergency.

(f) On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence.

(g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the Town of Southbridge, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the Town of Southbridge, a civic organization, or other similar entity that takes responsibility for the minor.

(h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(i) Married or had been married and in compliance with the provisions of Massachusetts General Laws Chapter 207, Sections 7 and 25, as amended.

- (2) It is a defense to prosecution under Section 3-(3) that the owner, operator, or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during youth protection curfew hours and refused to leave.

Section 5. Enforcement:

Enforcement for violation of this Article shall be by non-criminal disposition as hereinafter provided. Before taking any enforcement action under this section, a Police Officer shall ask the apparent offender's age and reason for being in the public place, or on the premises of an establishment. The Officer shall not issue a notice to appear under Section (6) for a violation of Article XXIII unless the Officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense under Section 4 is applicable.

Section 6. Penalty:

- (1) Non-Criminal Disposition:
Any person who violates any provision of this Article XXIII may be penalized by a non-criminal disposition as provided for under Massachusetts General Laws Chapter 40, Section 21D, as amended. This Article shall be enforced by a Police Officer of the Town of Southbridge who shall issue a "Notice to Appear" in Court. The penalty for each violation shall be under Fine Schedule A, B, C, for each day or part of a day during which the violation is committed, continued or permitted. A copy of the

"Notice to Appear" in Court which is given to a minor shall be forwarded to the parent(s) or Guardian(s) of said minor for informational purposes.

Section 7. Conclusion:

The Youth Protection Curfew By-Law is a tool established for the protection of children. Judgement and discretion should be used in fairly and equally enforcing this ordinance. Juveniles who are contacted in violation of the curfew ordinance can be warned, directed to go to their home, may be taken to their home, summonsed to Court, arrested and taken into custody, or issued a non-criminal violation notice to appear. The Officer should choose an appropriate enforcement option based upon all the circumstances encountered.

Section 8. Construction and Severability:

Severability is intended throughout and within the provisions of this by-law. If any provision, including inter alia, any exception, part, phrase or term or the application to any person or circumstances is held to be invalid, other provisions or the application to other persons or circumstances shall not be affected thereby. It is intended that the by-law would not be applied where its application would be unconstitutional.

This by-law will be reviewed in its entirety by the Town Council six (6) months after passage with power to rescind or retain said by-law.

ARTICLE XXIV

"THE SAFE OPERATION AND REGISTRATION OF BICYCLES"

ADOPTED TOWN COUNCIL MEETING APRIL 28, 1997

Vote to amend the By-Laws of the Town of Southbridge by adding a new Article XXIV entitled "The Safe Operation and Registration of Bicycles".

1. No resident of the Town of Southbridge shall operate a bicycle on a public way in the Town of Southbridge without first having that bicycle safety inspected and numerically registered by the Police Department, and unless the registration plate or decal issued therefore is attached to such bicycle.
2. The safety inspection shall include checks or tests on the following bicycle equipment: frame, wheels, brakes, handlebars, reflectors and seat.
3. The application for registration shall contain the name, address and age of the owner, the make of the bicycle and serial number, if any, affixed by the maker, or any other identifying marks.
4. The certificate of registration will include a numeric adhesive label assigned to the owner and attached by the Police Department. This label will be recorded in a permanent log kept at the police department and will be in effect, unless suspended as hereinafter provided, so long as such registrants own said bicycles or five years from the original date of registration. The fee for this inspection will be one dollar (\$1).
5. Upon the sale or other transfer of a registered bicycle, the registrant shall remove the registration plate or decal and surrender the same to the Police Department, or may, upon application but without payment of an additional fee, have a new plate or decal assigned to another bicycle owned by the applicant.
6. A bicycle rental agency in the Town of Southbridge shall not rent or offer any bicycle for rent unless the bicycle is registered and a registration plate or decal is attached thereto as provided herein.
7. A bicycle operated by any resident under the age of eighteen in violation of this section may be impounded by the Police Department for a period not to exceed fifteen (15) days. In order to recover possession of the impounded bicycle, proof of ownership must be provided within this 15-day period, and the bicycle must be registered.
8. Violations of this by-law shall be under Clause 16B of Section 21 of Chapter 40, non-criminal disposition, with a fine of twenty dollars (\$20), enforcement by the Police Department.

ARTICLE XXV

"DISORDERLY ACTIONS"

ADOPTED TOWN COUNCIL MEETING OCTOBER 6, 1997

Vote to amend the By-Laws of the Town of Southbridge by adding a new Article XXV entitled, "DISORDERLY ACTIONS".

Section 1. A person is guilty of disorderly actions if:

I. A PERSON:

knowingly or purposely creates a condition which is hazardous to himself or another in a public place.

II. A PERSON:

a. Engages in fighting or violent, tumultuous or threatening behavior in a public place; or

b. Directs at another person in a public place obscene, derisive, or offensive words which are likely to provoke reaction on the part of any ordinary person; or

c. Obstructs vehicular or pedestrian traffic on any public street or sidewalk or the entrance to any public building; or

d. Engages in conduct in a public place which substantially interferes with a criminal investigation, a firefighting operation, the provision of emergency medical treatment, or the provision of other services when traffic or pedestrian management is required; or

e. Knowingly refuses to comply with a lawful order of a peace officer to move from any public place; or

III. A PERSON:

Purposely causes a breach of the peace, public inconvenience, annoyance or alarm, or recklessly creates a risk thereof, by:

a. Making loud or unreasonable noises in a public place, or making loud or unreasonable noises in a private place which can be heard in a public place or other private places, which noises would disturb a person of average sensibilities; or

b. Disrupting the orderly conduct of business in any public or governmental facility; or

c. Disrupting any lawful assembly or meeting of persons without lawful authority; or

d. Continuing, or causing or allowing to be made or continued any action under the foregoing sections (a), (b), (c).

IV. In this section:

a. **"Lawful Order" means:**

1. A command issued to any person for the purpose of preventing said person from committing any offense when the officer has reasonable grounds to believe that said person is about to commit any such offense, or when said person is engaged in a course of conduct which makes his commission of such an offense imminent; or
2. A command issued to any person to stop him from continuing to commit any offense when the officer has reasonable grounds to believe that said person is presently engaged in conduct which constitutes any such offense.

b. **"Public Place" means:**

Any place to which the public or a substantial group has access. The term includes, but is not limited to, public ways, sidewalks, schools, hospitals, government offices or facilities, and the lobbies or hallways of apartment buildings, dormitories, hotels or motels.

Violations of this By-law shall be enforced by the Police Department either criminally or by non-criminal disposition, 21D, and fine schedule A B C (\$50 first offense, \$75 second offense and \$100 third and subsequent offenses in one calendar year).

ARTICLE XXVI

" NOISE CONTROL "

ADOPTED TOWN COUNCIL MEETING SEPTEMBER 22, 1997

Vote to amend the By-Laws of the Town of Southbridge by adding a new Article XXVI entitled, "NOISE CONTROL".

Section I. UNLAWFUL NOISE: DECLARATION OF NUISANCE

It is hereby found and declared:

That the making, creation, or maintenance of excessive, unnecessary, unnatural or unusually loud noise, which is prolonged, unusual, and unnatural in its time, place and use, and constitutes an annoyance to a person of ordinary sensibility to sound, is hereby declared as unlawful noise:

Section II. GENERAL NOISE PROHIBITION

- a. No person within the Town shall make, continue, or cause to be made or continued any unlawful noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person, of normal sensitivity, residing in the area.
- b. The characteristics, standards, and conditions to be considered in determining whether a violation of the provisions of this section exists shall include, but shall not be limited to the following:
 1. The volume of the noise.
 2. The intensity of the noise.
 3. Whether the nature of the noise is usual or unusual.
 4. Whether the origin of the noise is natural or unnatural.
 5. The volume and intensity of the tile background noise, if any.
 6. The proximity of the noise to residential sleeping facilities.
 7. The nature and zoning of the area within which the noise emanates.
 8. The density of the inhabitation of the area within which the noise emanates.
 9. The time of the day or night the noise occurs.
 10. The duration of the noise.
 11. Whether the noise is recurrent, intermittent or constant.
 12. Whether the noise is produced by a commercial or non-commercial activity.
- c. The following acts, among others, are declared to be unlawful noises in violation of this by-law, but said enumeration shall not be deemed to be exclusive, namely:
 1. **Motor Noises:** Any noise made by the motor of any automobile, truck, tractor, motorcycle, not reasonably required in the operation thereof under the circumstances including but not limited to backfiring, motor racing, and screeching of tires because of rapid acceleration or excessive speed.

2. **Horns, Signaling Devices:** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the town, except as a danger warning: the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
3. **Exhausts:** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. No person while on a public or private highway, street or road shall operate a motor vehicle or motorcycle with the muffler or baffles cut out or removed.
4. **Defect in Vehicle or Load:** The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
5. **Rails, Pillars and Columns, Transportation Thereof:** The transportation of rails, pillars, or columns of iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
6. **Loading, Unloading, Opening Boxes:** The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.
7. **Power Tools and Equipment:** The use and operation between the hours of 10:00 p.m. and 7:00 a.m. of any power tool, saw, power planer, or other power tool or appliance, such as a lawn mower; as well as non-power tools, such as a saw or hammer, so as to disturb the quiet, comfort, or repose of persons in any dwelling, hotel, motel, apartment, or other type of residence, or of any person in the vicinity.
8. **Pile Drivers, Hammers:** The operation between the hours of ten (10) p.m. and seven (7) a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
9. **Blowers:** The operation of any noise-creating blower or power fan or any internal combustion engine, between the hours of 10 p.m. and 7 a.m., the operation of which causes noise due to the explosion of operating gases or fluids, unless the noises from such blower or fan is muffled and such engine equipped with a muffler device sufficient to deaden such noise.
10. **Construction or Repairing of Buildings:** The erection (including excavation) demolition, external alteration or repair of any building other than between the hours of seven (7) a.m. and ten (10) p.m. except in case of urgent necessity in the interest of public health and safety, and then only

with a permit from the Building Inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of ten (10) p.m. and seven (7) a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of ten (10) p.m. and seven (7) a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

11. **Hawkers and Peddlers:** The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
12. **Yelling and Shouting:** Yelling, shouting, hooting, or singing on the public streets, particularly between the hours of ten (10) p.m. and seven (7) a.m. or at any time or public or private place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity. Noise that disturbs two or more residents who are in general agreement as to the times and durations of the noise, and who reside in the immediate vicinity of the property from which the noise emanates, shall be prima facie evidence of a violation of this section.
13. **Animals and Birds:** The keeping, or the permitting to be kept, of any animal or bird, which by any frequent or long continued noise shall cause annoyance or discomfort to a reasonable person of normal sensitivity. The noise of any such animal or bird that disturbs two or more residents who are in general agreement as to the times and durations of the noise, and who reside in the immediate vicinity of property on which the subject animal or bird is kept, shall be prima facie evidence of a violation of this section.
14. **Radios and Other Such Devices:** The use, operation or permitting to be played, used, or operated, any sound production or reproduction device, radio receiving set, musical instrument, drums, stereo, television set, loudspeakers, sound amplifiers or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of any reasonable person of normal sensitivity in any dwelling, hotel, hospital or other type of residence, or of any person in the vicinity thereof. The operation of any such sound producing device between the hours of ten (10) p.m. and seven (7) a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle from which the sound emanates shall be prima facie evidence of a violation of this section.
15. **Loud Speakers, Amplifiers for Advertising:** The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure unless permitted.

Section III. Exemptions

The following uses and activities shall be exempt from the noise prohibitions described in Sections I and II of this By-law:

- a. Noises of safety signals, warning devices, and emergency pressure relief valves;
- b. Warning devices. Any alarm, siren, bell, or whistle required by OSHA or other state or federal safety regulations.
- c. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency, or in connection with official police or fire business.
- d. Noises resulting from emergency work as necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from imminent exposure to danger, such as the removal of snow or debris after a storm.
- e. Ambient traffic noise generated by vehicles travelling on federal interstate highways or state defined primary or major secondary highways.
- f. Any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations, Moreover, any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations.
- g. All noises, resulting from normal operations or railroad trains are exempt, provided, however, that excessive use of railroad train signaling devices are declared to be loud, disturbing and unnecessary noises.
- h. Any sound, such as tire screeching, resulting from emergency braking.
- i. Highway and utility maintenance and construction of, or repairs to bridges, streets or highways or any public utility installation by or on behalf of the Town or any public utility, or any agency of the state.
- j. Construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by an agency of the government, provided such equipment is operated with the manufacturing mufflers and noise reducing equipment in use and in proper operating condition.
- k. Farming equipment or farming activity.
- l. The reasonable use of amplifiers or loudspeakers for public addresses which are noncommercial in nature.
- m. Any non-amplified crowd noises resulting from legal activities, such as scheduled sporting events at publicly-owned arenas, stadiums or similar facilities, as well as public concerts, parades, fairs, shows and celebrations which have been properly permitted and licensed.

- n. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the Town.

Section IV. **Enforcement:**

The Police Department shall be responsible for the administration and enforcement of this by-law including but not limited to the following duties and responsibilities:

- a. Investigation of complaints of unlawful noise.
- b. Documentation of violations of this article.
- c. Issuance of written warnings for violation of this article.
- d. Violations of this by-law shall be enforced by the Police Department either criminally or by non-criminal disposition, 21D, and fine schedule A B C (\$50 first offense, \$75 second offense and \$100 third and subsequent offenses in one calendar year).

Section V. **Responsible Party:** If the person or persons responsible for any activity which violates this by-law cannot be determined, the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee or occupant of the property on which the activity is located, shall be deemed responsible for the violation. The responsible person may be prosecuted under this Article and shall be subjected to the penalties outlined in Section IV.