

Chapter 6

USE OF STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

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

§ 6-100. Temporary closing of streets.

- A. Director of Public Works. The Director of Public Works is hereby authorized to temporarily close any street or sidewalk if, in the opinion of the Director of Public Works, public necessity, convenience or safety so requires. [Amended 10-24-2006 ATM, Art. 23]
- B. Police Chief. The Chief of Police is hereby authorized to temporarily close any street or sidewalk in an impending or existing emergency or for any lawful assemblage, demonstration or procession, provided that there is reasonable justification for the closing. [Amended 10-24-2006 ATM, Art. 23]

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

§ 6-101. Permit required to obstruct streets.

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

§ 6-102. Permit required to excavate streets. [Amended 10-24-2006 ATM, Art. 23]

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

§ 6-103. Use of streets by animals is restricted. [Amended 10-24-2006 ATM, Art. 23]

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

§ 6-104. Permit required to place objects over streets and sidewalks.

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

§ 6-105. Metal treads on vehicles prohibited. [Amended 10-24-2006 ATM, Art. 23]

No person shall operate a vehicle having metal treads in any public street, unless otherwise authorized in writing by the Director of the Department of Public Works.

§ 6-106. Discharges into streets and sewers restricted. [Amended 10-24-2006 ATM, Art. 23]

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

§ 6-107. Gates and doors not to open onto streets and sidewalks.

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

§ 6-108. Tampering with warning signals and lights.

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

§ 6-109. Authority of police to move property from streets.

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

§ 6-110. Authority to require indemnification.

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

§ 6-111. Entering closed streets or sidewalks prohibited.

No person shall enter upon the surface of any street or sidewalk or section thereof when, by reason of construction, surface treatment, maintenance or the like or because of some unprotected hazard, such surface is closed to travel and one or more signs, lights or signals have been erected to indicate that the street or sidewalk is not to be used or when so advised

by a police officer, watchman, public works employee or other representative of the Town, either audibly or by signals.

§ 6-112. Authority to order repair of private drains.

The Board of Health may require the owner or occupant of an estate which drains into a private drain in a public or private way to put such drain in good repair and condition. Such person must comply with said order within 10 days after notice thereof. This section is adopted under the authority of MGL c. 83, § 12, and enforcement shall be in conformity with such chapter.

§ 6-113. General street specifications. [Amended 10-24-2006 ATM, Art. 23]

All streets hereinafter laid out or proposed to be accepted by the Town as a public way shall be at least 40 feet in width and shall not be accepted unless a plan showing in detail the location and grade of such way is placed on file with the Town Clerk at least 14 days before the date of the Town Meeting at which layout or acceptance of such way as a public way is requested and unless the cross section of such way has been constructed at least to the same specifications as are required for street construction in the subdivision rules and regulations promulgated by the Planning Board.¹ This section applies when the Subdivision Control Law² is not applicable.

§ 6-114. Maintenance and repair of private ways.

A. Permitted maintenance and repairs.

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

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

1. Editor's Note: See Ch. 222, Subdivision Rules and Regulations.

2. Editor's Note: See MGL c. 41, 81K through 81GG.

- (1) The annual expenditure of Town funds on any individual private way for the above-listed maintenance and repairs shall not exceed \$500 per mile or portion thereof for labor and materials; provided, however, that the Town Meeting may vote to waive this requirement by voting a specific sum of money for a specific repair or repairs to a specifically named and described private way.
 - (2) A cash deposit shall not be required prior to undertaking these maintenance and repairs.
 - (3) Neither the Town nor its officers or employees shall be liable on account of any damages resulting from such maintenance and repairs.
- C. List of approved private ways. A complete list of all private ways to which this section applies shall be kept by the Town Clerk. The Director of Public Works shall, annually, submit a list of additions or deletions to said list to be approved by the Board of Selectmen at least 90 calendar days before the start of the fiscal year. All of the approved private ways shall be posted with an appropriate sign stating "Dangerous Private Way" at the points where they enter upon or unite with an existing public way.

§ 6-115. Traffic signs, signals and other devices.

- A. Authority to place and maintain signs and markings. The Board of Selectmen is hereby authorized to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All official traffic signs, signals, markings and other devices shall conform to the requirements of the latest edition of the Manual on Uniform Traffic Control Devices as maintained by the United States Department of Transportation. [**Amended 10-24-2006 ATM, Art. 23**]
- B. Authority to designate bus stops. The location of all bus stops shall be specified by the Board of Selectmen, and said Board shall designate who may use them as such.
- C. Signs and markings to conform to state standards. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Highway Department of the Commonwealth of Massachusetts.
- D. Unlawful signs; removal. It shall be unlawful for any person to place or maintain or display upon or in view of any street any unofficial sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic sign or signal. The police are hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed without notice.
- E. Tampering with signs. No person shall deface, injure, move, obstruct or interfere with any official traffic sign, signal or marking.

§ 6-116. Permit required to conduct parade.

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

§ 6-117. Snow and ice removal.

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

§ 6-118. Noncriminal penalties.

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

§ 6-200. SCENIC ROADS [Added 10-25-2005 ATM, Art. 12]**§ 6-201. Definitions.**

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

- A. Cutting or Removal of Trees -- Shall mean the removal of one or more trees and/or the removal of tree limbs having a diameter greater than four inches.
- B. Repair, Maintenance, Reconstruction, or Paving Work -- Shall mean any work done within the right-of-way of a road by any person, or public or private agency. This definition includes the construction of new driveways or alteration of existing driveways that takes place within the right-of-way.
- C. Road -- Shall mean any way used and maintained as a public way including the vehicular traveled way plus necessary appurtenances within the right-of-way such as bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks. When the boundary of the road is in question, the trees and stone walls shall be presumed to be within the way until the contrary is shown.
- D. Tearing Down or Destruction of Stone Walls -- Shall mean the destruction of more than 15 linear feet of stone wall involving more than one cubic foot of wall material per linear foot above existing grade. Tearing down or destruction of stone walls shall not be construed to include temporary removal and replacement of walls at the same location with the same materials. Reconstructed portions of stone walls shall match the existing wall.
- E. Trees -- Shall include any living tree whose trunk has a diameter of four inches or more as measured one foot above the ground level.

§ 6-202. Purpose.

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

§ 6-203. Scenic roads.

The following roads are designated as scenic roads in the Town of Northbridge: Castle Hill Road, a portion of Fletcher Street (from the point 1,000 feet easterly of the most easterly line at Elm Street and the westerly line of Keeler Road), Hill Street, Cooper Road, Kelly Road, and Old Quaker Street. The Town may from time-to-time designate additional roads as scenic roads.

§ 6-204. Control.

- A. Control by the Tree Warden. Within the public right-of-way of designated scenic roads, the Tree Warden or his designee may approve the cutting or removal of up to three trees per 200 contiguous linear feet of right-of-way. The Tree Warden shall not approve the cutting or removal of trees with diameters greater than 12 inches.
- B. Control by the Planning Board. Within the public right-of-way of designated scenic roads, the following activities shall require written approval of the Planning Board in accordance with the provisions of this bylaw:
 - a. The tearing down, painting or destruction of stone walls;
 - b. The cutting or removal of trees the scope of which is outside the responsibility of the Tree Warden, as defined above; and
 - c. Repair, maintenance, reconstruction or paving work, including the construction of new driveways or alteration of existing ones, insofar as they affect stone walls or trees within the public right-of-way.

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

- C. Hearings. The Planning Board shall hold a public hearing within 30 days of receipt of an application, with notice given in accordance with MGL, Chapter 40, Section 15C, and shall approve, conditionally approve or deny an application within 60 days of receipt. In making its decision, the Planning Board shall consider the following criteria and shall not grant approval if the proposed action will be in violation of one or more of them:
 - a. Preservation of historic values;
 - b. Preservation of scenic and aesthetic quality of the area;
 - c. Protection of natural resource and environmental systems; and
 - d. Public safety.
- D. Compensatory actions. The Planning Board may impose conditions on the approval of an application such as the planting of new trees or the reconstruction of stone walls. If the overall effect of the proposed alteration, including compensatory action, is to maintain or

improve the scenic quality and character of the road, the Board may grant approval even if the proposed action would be in violation of one or more of the criteria set forth above.

§ 6-205. Public Shade Tree Act.

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

§ 6-206. Enforcement.

The Building Inspector, Tree Warden, or others designated by the Town Manager may issue a citation for violation of this bylaw. A failure to respond to properly issued citations, or the issuance of three or more citations in a twelve-month period, or failure to take responsible compensatory action shall be construed as a major violation. Violations shall be subject to a penalty of \$100. Each day that a violation continues shall constitute a separate offense.

§ 6-207. Designations of scenic roads.

The Planning Board, Conservation Commission, and the Historical Commission may submit recommendations for additions or deletions to the list of scenic roads. Recommendation for "scenic road" designation must be accompanied by a written description of the characteristics of the road that require the protection afforded by this bylaw.

Chapter 7
REGULATIONS GOVERNING THE USE OF
PRIVATE PROPERTY

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- § 7-202. Pits to be registered.
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[HISTORY: Adopted by the Annual Town Meeting 10-28-1997, Art. 26. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 173.

Subdivision of land — See Ch. 222.

SECTION 7-100: NUMBERING OF BUILDINGS**§ 7-101. Establishment of street names.**

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

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

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

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§ 7-103. Numbers required.

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

§ 7-104. Construction; visibility of numbers.

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

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

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

§ 7-106. Display of numbers.

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

§ 7-107. Enforcement; fine.

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

SECTION 7-200: EARTH REMOVAL**§ 7-201. Definitions.**

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

BOARD – The Earth Removal Board consisting of one member of the Board of Selectmen, one member of the Planning Board, one member of the Conservation Commission, one member of the Board of Health and the Director of Public Works. The members from multiple-member bodies shall be designated annually by the body they represent.

EARTH – Includes soil, loam, sand and gravel.

§ 7-202. Pits to be registered.

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

- A. Their location.
- B. Lot number.
- C. Texture of earth.

§ 7-203. Permit required.

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

§ 7-204. Removal from Town restricted.

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

§ 7-205. Application to remove from Town.

Any person wishing to remove earth from property in the Town shall file a written application with the Board, which application shall include the following specific information and supporting documentation:

- A. The location of the proposed excavation.
- B. The legal name and address of the owner of the property involved.
- C. The legal name and address of the petitioner.
- D. Names and addresses of all abutting property owners, including those across any abutting streets, as appearing on the records of the Northbridge Assessors.
- E. A plan of the land showing general topography within 100 feet of the proposed excavation or to the property line.
- F. A plan of the land showing contours of the site as of the proposed completion of the excavation project.
- G. The proposed form of bond to be used.

§ 7-206. Annual record required.

- A. A record must be submitted annually to the Earth Removal Board as to:
 - (1) The amount of cubic yards removed that year.

(2) To whom sold or delivered.

B. Records, if requested, must be available at all times.

§ 7-207. Hearing.

No permit for the removal of earth shall be issued by the Board until a public hearing has been held by the Board, notice of which shall have been given at least 10 days in advance in a paper commonly used for such notices in the community, the mailing of copies thereof to the abutters and a favorable finding has been rendered by said Board.

§ 7-208. Expiration of permit.

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

§ 7-209. Removals.

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

§ 7-210. Change of ownership.

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

§ 7-211. Exemptions.

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

- A. Where necessary in the construction of a building being built in accordance with a permit issued by the proper Town authority.
- B. Where necessary as part of the construction of a road within the Town, whether public or private.
- C. Where necessary as part of a landfill dump, farm, garden, landscaping activities or in the operation of a cemetery.

§ 7-212. Existing activities.

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

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

§ 7-213. Required cover of topsoil.

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

§ 7-214. Prohibited nuisances.

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

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

§ 7-215. Proximity to buildings and ways.

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

§ 7-216. Permit conditions.

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

- A. The finished leveling and grading. Leveling and grading must be done annually.
- B. The placing of topsoil and planting necessary to restore the area to usable condition. Seeding must be done annually no later than September 15 of the operating year.
- C. The duration of the removal operation.

- D. The construction of necessary fencing and other protections against nuisances.
- E. Method of removal.
- F. Temporary structures.
- G. Hours of operation.
- H. Routes of transportation of material.
- I. Control of temporary and permanent drainage. All existing brooks, ponds and waterways shall remain free and clear of pollution and obstructions.
- J. Disposition of boulders, tree stumps and felled trees.

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

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

§ 7-218. Required bond or security.

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

§ 7-219. Inspection of work.

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

§ 7-220. Reissuance or modification of permits.

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

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

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

§ 7-222. Inspection of pits.

The Board or duly authorized persons shall make periodic inspection of all active pits.

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

The Board, if it concludes that there has been a violation of this chapter, shall so notify the alleged offender, at the address stated on the initial application, and, if applicable, shall include a notice ordering cessation of the improper activities.

§ 7-224. Revocation of permit.

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

§ 7-225. Authority to establish fees.

The Board may establish fees for permits.

§ 7-226. Disposition of fees.

Any fees received hereunder shall be transmitted to the Town Treasurer.

SECTION 7-300: (RESERVED)¹**SECTION 7-400: (RESERVED)****SECTION 7-500: REGULATION OF SOLICITORS AND PEDDLERS****§ 7-501. Definitions.**

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

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

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

DEPARTMENT — Means the Police Department.

¹ Editor's Note: Former Section 7-300, Regulations Relative to Medical Research, was repealed 10-24-2006 ATM, Art. 23.

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

PEDDLING — Includes all activities ordinarily performed by a peddler as indicated under the definition of “peddler” in this section.

PERSON — Means a natural person or any firm, corporation, association, club, society or other organization.

POLICE CHIEF — Means the Chief of Police.

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

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

§ 7-502. Permit requirements and exemptions.

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

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

§ 7-503. Permit for sponsoring juvenile peddlers.

- A. No person under the age of 18 shall be permitted to engage in peddling except as provided in this section.

- B. A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one or more persons under 18 years of age.
- C. The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.
- D. The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification which identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such

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identification so that it is clearly visible at all times when the individuals are peddling or soliciting.

§ 7-504. Permit application.

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

§ 7-505. Fees.

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

§ 7-506. Application review and permit issuance.

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

§ 7-507. Denial of permit.

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

§ 7-508. Permit expiration.

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

§ 7-509. Identification badges.

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

§ 7-510. Permit exhibition.

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

§ 7-511. Transfer prohibited.

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

§ 7-512. Entry upon signed premises unlawful.

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

§ 7-513. Hours of solicitation.

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

§ 7-514. Permit revocation.

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

- A. Fraud, misrepresentation or false statement contained in the application for a permit;
- B. Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;
- C. Conducting peddling or solicitation activities contrary to the provisions contained in the permit;

- D. Conviction for any crime involving moral turpitude; or
- E. Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

§ 7-515. Notice and hearing.

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

§ 7-516. Appeals.

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

§ 7-517. Claims of exemption.

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

§ 7-518. Violations and penalty.

- A. Violation of any of the provisions of this bylaw shall be punishable as set forth in § 1-109A and B of this Code of Bylaws. In addition to any criminal enforcement, the town

or any individual may pursue any available civil remedies deemed appropriate and necessary.

- B. If a violation of any provision of § 7-500 is enforced through the procedures of MGL C. 40, § 21D, and § 1-109A of this Code of Bylaws, the penalty shall be \$25 for the first offense in any calendar year, \$50 for the second offense and \$100 for the third and each subsequent offense in the same calendar year.

§ 7-519. Severability. [Amended 10-24-2006 ATM, Art. 23]

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

SECTION 7-600: LICENSING OF JUNK DEALERS AND COLLECTORS

§ 7-601. Selectmen to license.

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

§ 7-602. Non-licensed operation prohibited.

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

§ 7-603. Records to be kept; records to be open; owner's name to be displayed.

- A. Every keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles, within the limits of the Town of Northbridge, shall keep a book in which shall be written at the time of every such purchase of any such article, a description thereof, the name, age and residence of the person from whom purchased, the day and hour when such purchase was made. Such book shall be open at all times to the inspection of the Board of Selectmen, any person specifically authorized to make such inspections or any police officer.
- B. Every keeper of such shop shall put in a suitable and conspicuous place in such shop a sign having his name and occupation legibly inscribed thereon in large letters. Such shop and all articles of merchandise therein may at all times be examined by the Selectmen, or any person authorized by them to make such examinations. No keeper of such shop or any dealer in such articles shall directly or indirectly either purchase or receive by way of

barter or exchange any of the articles aforesaid of a minor or apprentice, knowing or having reason to believe him to be such.

§ 7-604. Display of license.

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

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

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

§ 7-606. Use of true names.

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

§ 7-607. Severability.

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

§ 7-608. Penalty.

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

SECTION 7-700: WETLANDS PROTECTION BYLAW
[Amended 5-5-1998 ATM, Art. 21; 5-5-1998 ATM, Art. 22;
5-6-2008 ATM, Art. 21]

§ 7-701. Purpose.

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

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

§ 7-702. Jurisdiction.

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

§ 7-703. Exemptions and exceptions.

- A. The permit and application required by this chapter shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that the structure or

facility is not substantially changed or enlarged, provided that written notice has been given to the Commission prior to commencement of the work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

- B. The application and permit required by this chapter shall not apply for emergency projects necessary for the protection of the health and safety of the public; provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Conservation Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this chapter. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.
- C. The application and permit required by this chapter shall not be required for work performed for normal maintenance or improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations at 310 CMR 10.04.
- D. The application and permit required by this chapter shall not be required for single-family home lots in existence prior to the adoption of this chapter.
- E. Other than stated in this section, the exceptions provided in the Wetlands Protection Act (MGL c. 131 § 40) and Regulations (310 CMR 10.00) shall not apply under this chapter.

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

- A. Written application shall be filed with the Commission to perform activities affecting resource areas protected by this chapter. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this chapter. No activities shall commence without receiving and complying with a permit issued pursuant to this chapter.
- B. The Commission in an appropriate case may accept as the application and plans under this chapter the Notice of Intent any application and plans filed under the Wetlands Protection Act (MGL c. 131, § 40) and Regulations (310 CMR 10.00), but the Commission is not obliged to do so.
- C. Any person desiring to know whether or not a proposed activity or an area is subject to this chapter may, in writing, request a determination from the Commission. Such a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) filed under the Act shall include information and plans as are deemed necessary by the Commission.
- D. At the time of an application or request the applicant shall pay a filing fee specified in regulations of the Commission. This fee is in addition to that required by the Wetlands

Protection Act (MGL c. 131, § 40) and Regulations. The Commission may waive the filing fee and costs and expenses for an application or request filed by a government agency and shall waive them for a request for determination filed by a person having no financial connection with the property which is the subject of the request.

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

§ 7-705. Notice and hearings.

- A. Any person filing a permit or other application or a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) or other request with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivery to all abutters according to the most recent records of the Board of Assessors, including owners of land directly opposite on any public or private street or those across a traveled way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to

abutters shall enclose a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

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

§ 7-706. Coordination with other boards.

Any person filing a permit application, Request for Determination of Applicability or ANRAD with the Conservation Commission shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the Board of Selectmen, Planning Board, Board of Appeals, Board of Health, and Building Inspector. A copy shall be provided in the same manner to the Conservation Commission of the adjoining municipality, if the application or RDA pertains to property within 300 feet of that municipality. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until such boards and officials have had 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any such comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

§ 7-707. Permits, determinations and conditions.

- A. If the Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result therefrom are likely

to have a significant individual or cumulative effect on the resource area values protected by this chapter, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect. The Commission also shall take into account any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect said resource area values, and all activities shall be done in accordance with those conditions.

- B. Where no conditions are adequate to protect said resource area values, the Commission is empowered to deny a permit for failure to meet the requirements of this chapter. It may also deny a permit: for failure to submit necessary information and plans requested by the Commission; for failure to comply with the procedures, design specifications, performance standards, and other requirements in regulations of the Commission; or for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this chapter. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that: the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations; that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and that the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.
- C. In reviewing activities within the buffer zone, the Commission shall presume the buffer zone is important to the protection of other resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission may establish, in its regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such lands, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by this chapter.
- D. In reviewing activities within the riverfront area, the Commission shall presume the riverfront area is important to all the resource area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this

chapter. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

- E. To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication. The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless of the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or actual or possible presence of rare plant or animal species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act regulations (310 CMR 10.60).
- F. The Commission shall presume that all areas meeting the definition of "vernal pools" under §7-709 of this chapter, including the adjacent area, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations.
- G. A permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the Commission prior to expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.
- H. For good cause the Commission may revoke or modify any permit, Determination of Applicability (DOA), Order of Resource Area Delineation (ORAD) or any other order, determination or other decision issued under this chapter after notice to the holder, the public, abutters, and town boards, pursuant to § 7-705 and § 7-706, and after a public hearing.
- I. Amendments to permits, DOAs or ORADs shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.

- J. The Commission, in an appropriate case, may combine the decision issued under this chapter with the Order of Conditions, permit, DOA, ORAD or Certificate of Compliance (COC) issued under the Wetlands Protection Act and Regulations.
- K. No work proposed in any application shall be undertaken until the permit or ORAD issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the Land Court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded. If the applicant fails to perform such recording, the Commission may record the documents itself and require the applicant to furnish the recording fee therefor, either at the time of recording or as a condition precedent to the issuance of a COC.

§ 7-708. Promulgation of regulations.

- A. After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this chapter, effective when voted and filed with the Town Clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this chapter.
- B. At a minimum, these regulations shall reiterate the terms defined in this chapter, define additional terms not inconsistent with the chapter, and impose filing and consultant fees.

§ 7-709. Definitions.

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

The term "AGRICULTURE" shall refer to the definition provided by G.L. Ch. 128 § 1A.

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

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind.
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics.
- C. Drainage, or other disturbance of water level or water table.
- D. Dumping, discharging, or filling with any material which may degrade water quality.
- E. Placing of fill, or removal of material, which would alter elevation.
- F. Driving of piles or erection, expansion or repair of buildings, or structures of any kind.
- G. Placing of obstructions or objects in water.
- H. Destruction of plant life, including cutting or trimming of trees and shrubs.

- I. Changing temperature, biochemical oxygen demand or other physical, biological or chemical characteristics of any waters.
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater.
- K. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this chapter.

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

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

The term "POND" shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply.

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

The term "VERNAL POOL" shall include, in addition to scientific definitions found in the Regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.

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

§ 7-710. Security.

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

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

§ 7-711. Enforcement.

- A. No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this chapter, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this chapter.
- B. The Northbridge Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this chapter and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary subject to the constitutions and laws of the United States and the Commonwealth.
- C. The Commission shall have authority to enforce this chapter, its regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, noncriminal citations under MGL c. 40, § 21D, and civil and criminal court actions. Any person who violates the provisions of this chapter may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.
- D. Upon request of the Commission, the Board of Selectmen and Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law. Town of Northbridge boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.
- E. As an alternative to criminal prosecution in a specific case, the Commission may issue citations with specific penalties pursuant to the noncriminal disposition procedure set forth in MGL c. 40, § 21D, which has been adopted by the Town of Northbridge in § 1-109 of the general bylaws.
- F. Any person who violates any provision of this chapter, regulations thereunder or permits or administrative orders issued thereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the chapter, regulations, permits, or administrative orders violated shall constitute a separate offense.

§ 7-712. Burden of proof.

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

§ 7-713. Relation to Wetlands Protection Act.

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

§ 7-714. Severability.

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

§ 7-715. Appeal.

A decision of the Conservation Commission shall be reviewable in the Superior Court in accordance with MG. c. 249, § 4.

SECTION 7-800: STORMWATER MANAGEMENT BYLAW
[Adopted 5-6-2008 ATM, Art. 22]

§ 7-801. Purpose.

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

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of watersheds and preserve the health of water resources;
 - (2) Require that new development, redevelopment and all land conversion activities maintain the after-development runoff characteristics that are equal to or less than the pre-development runoff characteristics in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;
 - (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damage due to increases in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff; establish minimum design criteria for measures to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;
 - (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
 - (5) Encourage the use of nonstructural stormwater management practices, stormwater better site design practices or “low-impact development practices,” such as reducing impervious cover and the preservation of greenspace and other natural areas, to the maximum extent practicable;
 - (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
 - (7) Establish provisions to ensure there is an adequate funding mechanism, including financial security or surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this bylaw;
 - (8) Establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans, and for the inspection of approved active development projects, and long-term follow up; establish certain administrative procedures and fees for the submission, review, approval or disapproval of stormwater plans, and the inspection of approved projects.
- B. Nothing in this bylaw is intended to replace the requirements of either the Town of Northbridge Zoning Bylaw,¹ the Town of Northbridge General Wetlands Protection Bylaw,² or any other bylaw that may be adopted by the Town of Northbridge. Any activity subject to the provisions of the above-cited bylaws must comply with the specifications of each.

¹ Editor's Note: See Ch. 173, Zoning.

² Editor's Note: See Section 7-700 of this chapter.

§ 7-802. Definitions.

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

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

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

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

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

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

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

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

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources as opposed to discrete conveyances caused by water, rainfall or snowmelt moving over or through the

ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

PERSON: Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town bylaws, administrative agency, public or quasi-public corporation or body, the Town of Northbridge, and any other legal entity, its legal representatives, agents, or assigns.

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

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

RECHARGE: The replenishment of underground water reserves.

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

STORMWATER AUTHORITY: The Stormwater Authority is responsible for coordinating the review, approval and permit process as defined in this bylaw. The Stormwater Authority shall be the Planning Board or its authorized delegates or agents. The Planning Board shall have the authority to delegate to other Town boards and commissions, including, but not limited to, the Board of Health and the Conservation Commission, the duties and responsibilities of the Stormwater Authority for those matters, within the regulatory jurisdiction of such other boards and commissions, as may be set forth in the Stormwater Regulations adopted under § 7-804 of this bylaw. Other boards and/or departments of the Town may participate in the review process as described in such Stormwater Regulations.

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

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

§ 7-803. Authority.

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

§ 7-804. Administration.

- A. The Stormwater Authority shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Stormwater Authority may be delegated in writing by the Stormwater Authority to its employees or agents.
- B. Stormwater Regulations. The Stormwater Authority may adopt, and periodically amend, Stormwater Regulations to effectuate the purposes of this bylaw, including terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration, by majority vote, after conducting a public hearing to receive comments on the regulations or any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven days prior to the hearing date. Failure by the Stormwater Authority to promulgate such Stormwater Regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the provisions of this bylaw.
- C. Stormwater Management Manual. The Stormwater Authority will utilize the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy, or local equivalent, for execution of the provisions of this bylaw. This policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Stormwater Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
- D. General permit. The Stormwater Authority shall have the authority to develop a General Stormwater Management Permit (GSMP) for specific types of projects, such as, without limitation, construction of a deck, patio, retaining wall, existing driveway expansion, shed, swimming pool, tennis or basketball court. Any such General Stormwater Management Permit requirements shall be defined and included as part of any Stormwater Regulations promulgated pursuant to this bylaw.
- E. Actions by the Stormwater Authority. The Stormwater Authority may take any of the following actions on an application for a Stormwater Management Permit as may be more specifically described in the Stormwater Regulations promulgated pursuant to this bylaw: approval, approval with conditions, disapproval, or disapproval without prejudice.
- F. Appeals of action by the Stormwater Authority. A decision of the Stormwater Authority shall be final. Further relief from a decision by the Stormwater Authority made under this

bylaw shall be by petition to the Superior Court in an action filed in accordance with MGL c. 249, § 4.

- G. Stormwater Credit System. The Stormwater Authority may adopt, as part of the Stormwater Regulations, a Stormwater Credit System. This credit system will allow applicants the option, if approved by the Stormwater Authority, to take credit for the use of stormwater better site design practices to reduce some of the requirements specified in the Regulations. Failure by the Stormwater Authority to promulgate such a credit system through its Stormwater Regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the provisions of this bylaw.
- H. Stormwater facility charges. The Stormwater Authority may adopt, as part of the Stormwater Regulations, a system of stormwater facility charges, pursuant to MGL c. 83, § 16. The Stormwater Authority shall administer, implement and enforce the system of facility charges. Failure by the Stormwater Authority to adopt such a system of facility charges or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the provisions of this bylaw.

§ 7-805. Applicability.

- A. This bylaw shall be applicable to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, grading applications, land use conversion applications, any activity that will result in an increased amount of stormwater runoff or pollutants flowing from the a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to § 7-805B of this bylaw. No person shall alter land within the Town of Northbridge without having obtained a Stormwater Management Permit (SMP). All new development and redevelopment under the jurisdiction of this bylaw shall be subject to the requirement to obtain a Stormwater Management Permit.
- B. Exemptions. The following activities shall be exempt from the requirement of a Stormwater Management Permit:
- (1) Any activity that will disturb an area less than 5,000 square feet or less than 25% of a contiguous property, whichever is less.
 - (2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation, 310 CMR 10.04, and MGL c. 40A, § 3.
 - (3) Maintenance of existing landscaping, gardens or lawn areas, provided such maintenance does not include the alteration of drainage patterns or expansion of the disturbed area.
 - (4) Normal maintenance and repair of Town owned public land, ways and appurtenances.
 - (5) The construction of any fence that will not alter existing terrain or drainage patterns.
 - (6) Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns.

- (7) Repairs to any stormwater management facility or practice to address an emergency that poses a threat to public health or safety, or as deemed necessary by the Stormwater Authority.
 - (8) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw.
- C. Redevelopment projects are presumed to meet the stormwater management requirements specified in the Stormwater Regulations if the total impervious cover is reduced by 40% from existing conditions. Where site conditions prevent the reduction in impervious cover, stormwater management practices shall be implemented to provide stormwater controls for at least 40% of the site's impervious area. When a combination of impervious area reduction and stormwater management practice implementation is used for redevelopment projects, the combination of impervious area reduction and the area controlled by a stormwater management practice shall equal or exceed 40%.
- D. An alteration, redevelopment, or conversion of land use to a hotspot such as, without limitation: auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas, shall require a Stormwater Management Permit.

§ 7-806. Permit procedures.

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

§ 7-807. Enforcement.

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

§ 7-808. Severability.

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

Chapter 8

REGULATION OF ANIMALS

ARTICLE 8-100 DOGS

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| § 8-101. Definitions. | § 8-107. Muzzling. |
| § 8-102. Restraint; exceptions. | § 8-108. Quarantine orders. |
| § 8-103. Prima facie evidence of violation. | § 8-109. Storage fees. |
| § 8-104. Violations and penalties. | § 8-110. Estrous cycle. |
| § 8-105. Licensing requirements. | § 8-111. Appointment of Animal Control Officer and assistants. |
| § 8-106. Impoundment. | § 8-112. Kennels. |
| | § 8-113. Waste removal. |
| | § 8-114. Banned or removed dogs. |
| | § 8-115. Severability. |

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

ARTICLE 8-100 DOGS

§ 8-101. Definitions.

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

HUNTING OR SPORTING DOG — An animal under the control and direction of its owner or keeper while used in training or actual hunting. It also includes animals used in events or trials participating under sanctioned competitions.

KEEPER — Any person, other than the owner, harboring in his possession any animal. The keeper shall be held liable for the action of the animal.

KENNEL — One pack or collection of dogs on a single premises, whether maintained for breeding, boarding, day care, sale, training, hunting or other purposes, and including any shop where dogs are on sale, who are not covered by MGL c. 129, § 39A, and also including every pack or collection or more than three dogs, six months old or over, owned or kept by a person on a single premises, irrespective of the purpose for which they are maintained. Any and all kennels registered in the Town of Northbridge shall be subject to state and local business regulations. A veterinary hospital shall not be considered a kennel for the purposes of this bylaw. [Amended 10-25-2011 ATM, Art. 7]

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

WORKING DOG — An animal used in the performance of a particular set of tasks. The animal must be engaged in such tasks to be exempt from § 8-102. Examples include guard dogs, Seeing Eye dogs and dogs used to control a farmer's flock or herd.

§ 8-102. Restraint; exceptions.

No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash. The length of a leash shall not exceed six feet when off the property of the owner or keeper. An owner or keeper may use a leash of greater length to restrain a dog on the property of the owner or keeper, provided that the dog is securely confined to the premises of the owner or keeper. Exceptions are animals, which are classified as hunting or sporting dogs, as well as working dogs, while used in such capacity.

§ 8-103. Prima facie evidence of violation.

The unauthorized presence of any animal on public lands or on the land of any person other than the owner or keeper of such animal when such animal is not restrained as above-mentioned shall be prima facie evidence of a violation of the provisions of this section.

§ 8-104. Violations and penalties. [Amended 10-25-2011 ATM, Art. 7]

- A. This dog regulation bylaw may be enforced pursuant to the provisions of MGL c. 40, § 21D, and § 1-109A of this Code of Bylaws.
- B. Except as otherwise provided, the penalty for the first offense in a calendar year shall be \$10; the penalty for the second offense shall be \$25, and the penalty for the third and each subsequent offense in the same calendar year shall be \$50.

§ 8-105. Licensing requirements.

- A. Any owner or keeper of a dog six months of age or older in the Town of Northbridge shall cause that dog to be licensed as required by MGL c. 140 within the stipulated time.
- B. Fees.
 - (1) The annual fee for every dog license, except as otherwise provided for by law, shall be \$10, unless a certificate of a registered veterinarian who performed the operation that such dog has been altered and has thereby been deprived of the power of breeding or producing offspring has been shown to the Town Clerk, in which case the fee shall be \$6. If the Town Clerk is satisfied that the certification by the veterinarian who altered the dog cannot be obtained, he/she may accept in lieu thereof a statement, under the penalties of perjury, by a registered veterinarian describing the dog and stating that he has examined the dog and, in his opinion, the dog is not capable of breeding or producing offspring by reason of spaying or neutering. Until the veterinarian has examined the dog in question, the license fee for the licensing period shall be at the rate of \$10. When applying for a license, the applicant must also show proof by a veterinarian's certificate that the dog has been

Commonwealth of Massachusetts
Town of Northbridge
PROCEEDINGS OF FALL ANNUAL TOWN MEETING
TUESDAY, OCTOBER 22, 2013 – 7:00 P.M.
Northbridge High School
427 Linwood Avenue

The Fall Annual Town Meeting was called to order at 7:05 p.m. by the Moderator, Harold D. Gould, Jr., at the Northbridge High School Field House on Linwood Avenue, in Whitinsville, in said Northbridge, Massachusetts. The Moderator declared the Town Quorum of 50 present (attendance at 6:55 p.m. was 95). The invocation was given by the Rev. John D. Stubbs, Rector of Trinity Episcopal Church, in Whitinsville, and was followed by the pledge of allegiance to the American Flag.

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| ARTICLE 8: | Voted | <u>APPROVED</u> | Unanimous |
|-------------------|-------|------------------------|-----------|

Moved and seconded that the Town vote to amend the Code of the Town of Northbridge, Article 8-100, Dogs, as set forth below, in order to address amendments to the General Laws concerning regulation of dogs as follows:

Section 8-101: By deleting the current definition for “kennel” (language crossed out below) and substituting in place thereof the following new definition:

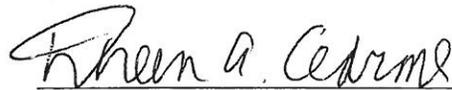
~~One pack or collection of dogs on a single premises, whether maintained for breeding, boarding, day care, sale, training, hunting or other purposes, and including any shop where dogs are on sale, who are not covered by MGL c. 129, § 39A, and also including every pack or collection of more than three dogs, six months old or over, owned or kept by a person on a single premises, irrespective of the purpose for which they are maintained. Any and all kennels registered in the Town of Northbridge shall be subject to state and local business regulations. A veterinary hospital shall not be considered a kennel for the purposes of this bylaw.~~

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

Section 8-105: By adding a new sentence (language underscored below) to paragraph A so that it reads as follows:

A. Any owner or keeper of a dog six months of age or older in the Town of Northbridge shall cause that dog to be licensed as required by MGL c. 140 within the stipulated time. An owner or keeper of less than four (4) dogs over three (3) months of age may elect to secure a kennel license in lieu of licensing the dogs individually as provided by MGL c. 140, § 137A.

A TRUE COPY ATTEST



Doreen A. Cedrone, CMC, CMMC
Town Clerk

vaccinated against rabies, as required by MGL c. 140. [Amended 10-24-2006 ATM, Art. 23; 10-25-2011 ATM, Art. 7]

- (2) No fee shall be charged for a license for a dog specifically trained to lead or serve a blind person or a deaf person, provided that the Division of the Blind or Deaf certified that such dog is so trained and actually in the services of a blind or deaf person.
- (3) Kennel fees shall be as follows:
 - (a) Four dogs or fewer: \$40. [Amended 10-24-2006 ATM, Art. 23]
 - (b) Ten dogs or fewer: \$75.
 - (c) Twenty-five dogs or fewer: \$100.
- C. No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the commonwealth or other disposal of the dog.
- D. Should any owner or keeper of a dog fail to license that dog before June 1, that owner or keeper shall pay a late fee of \$10 per household before obtaining said license, except a dog brought into the Town as provided in MGL c. 140, § 138. This late fee shall be applicable from the 61st day after the arrival of such dog. [Amended 10-24-2006 ATM, Art. 23; 10-25-2011 ATM, Art. 7]
- E. Any person maintaining a kennel in the Town of Northbridge who fails to license as prescribed by this section and the laws of the commonwealth shall pay a late fee of \$20. Such fees as are collected by the Animal Control Officer shall be accounted for and paid over to the Town Treasurer to be incorporated into the Animal Control Fund. [Amended 10-24-2006 ATM, Art. 23]

§ 8-106. Impoundment. [Amended 10-24-2006 ATM, Art. 23; 10-25-2011 ATM, Art. 7]

The Animal Control Officer can impound a dog and fine the owner or keeper of said dog pursuant to § 8-104 of this chapter for the following offenses:

- A. Being an unlicensed dog.
- B. Being found at large when the owner or keeper is not present.
- C. Injuring or menacing a person.
- D. Injuring a domestic animal or fowl.
- E. Chasing vehicles (autos, motorcycles or trucks).
- F. Chasing bicycles.
- G. Causing any disturbance (barking, howling or disturbing).
- H. Being unmuzzled off the owner's or keeper's property while a muzzling order is in effect.

- I. Being found at large at any school yard and/or recreational area.
- J. Violation of a quarantine.

§ 8-107. Muzzling. [Amended 10-24-2006 ATM, Art. 23]

- A. The Animal Control Officer can order a dog to be muzzled for the following:
 - (1) Biting or menacing a person.
 - (2) Injuring a domestic animal or fowl.
 - (3) Excessive barking.
- B. Exceptions. Only the Animal Control Officer has the power to remove a muzzle order if he so desires, i.e., an exception is feeding time.

§ 8-108. Quarantine orders.

For biting a person, the animal must be quarantined subject to MGL c. 129, § 21. Any and all violations of a quarantine order will be subject to general penalties under MGL c. 129, § 30.

§ 8-109. Storage fees.

- A. A storage fee of \$5 per day will be levied if said animal is impounded.
- B. Impounded, unlicensed dogs will be kept for 10 days. During such time, a description of the animal will be posted at the Town Hall. To obtain the release of an unlicensed animal, the owner must license the animal and pay all fines and storage fees. If the animal is not claimed, it will be sold to anyone paying the fines and storage of said animal. If not claimed or sold within the ten-day period, the animal shall be destroyed in a humane manner.
- C. The owner of an impounded licensed dog will be notified by registered mail of the animal's confinement. The animal shall be kept until the owner pays all fines and storage. If not claimed within 30 days, it will be destroyed in a humane manner.

§ 8-110. Estrous cycle.

- A. If found at large, dogs in the estrous cycle (heat) can be impounded. If complaints have been recorded, the Animal Control Officer may require the owner to remove the animal from the area of disturbance. If impounded, the owner shall be notified by registered mail of the animal's confinement. [Amended 10-24-2006 ATM, Art. 23]
- B. A fine of \$25 shall be levied against the owner or keeper of an unspayed female dog in heat running at large.
- C. Impounded, unlicensed dogs in heat shall be kept for 10 days. During such time a description of the animal will be posted in the Town Hall. If the animal is not claimed, it

shall be sold to anyone paying the fines and storage of said animal. If not claimed or sold within the ten-day period, the animal shall be destroyed in a humane manner.

§ 8-111. Appointment of Animal Control Officer and assistants. [Amended 10-24-2006 ATM, Art. 23]

Subject to approval of the Board of Selectmen, the Town Manager shall appoint an Animal Control Officer, who shall be the Dog Officer, and such assistants as are deemed necessary to administer and enforce this bylaw relating to dogs and the sections of MGL c. 140, as amended, relating to dogs.

§ 8-112. Kennels. [Amended 10-25-2011 ATM, Art. 7]

- A. Kennel license required. A kennel license shall be required for all kennels and shall be classified as a Grade One License for the keeping of four dogs, a Grade Two License for the keeping of five to 10 dogs, and a Grade Three License for the keeping of 11 to 25 dogs. A kennel in excess of 25 dogs shall not be permitted. The new kennel licensing requirements shall become effective on January 1, 2012.
- B. Application and issuance of license and fees. A kennel license shall be issued annually by the Town Clerk upon written application by an owner or keeper of dogs and after inspection and determination by the Animal Control Officer, or other agent as designated by the Town Manager, that the conditions set forth in Subsection D are met.
- (1) An application fee of \$100 shall be required for the initial application and for any applications to make changes to an existing kennel license.
 - (2) Exception: All existing kennels licensed before January 1, 2012, shall be exempt from the requirement of a new application and be subject only to the requirement of the annual inspection and renewal fee.
- C. Conditions that must be met for the issuance of a kennel license. The Animal Control Officer, or other agent as designated by the Town Manager, shall determine that:
- (1) The proposed licensed premises contains sufficient and suitable space for the keeping of the specific breed(s) and number(s) of dogs, including both indoor and outdoor areas.
 - (2) The proposed licensed premises for a Grade One License, a Grade Two License, and a Grade Three License shall provide suitable distances from nearby residential dwellings. Suitable distances from nearby residential dwellings shall be determined by the Animal Control Officer, or other agent as designated by the Town Manager, upon inspection of the proposed licensed premises.
 - (3) The proposed licensed premises contain a suitable shelter for the dogs, which for a Grade Three License includes adequate running water and an impervious floor suitable for sanitary maintenance.

D. Kennel license conditions. All kennel licenses shall be issued annually and be subject to the following conditions:

- (1) The licensee shall maintain a certificate of health signed by a licensed veterinarian for each dog in the kennel. The certificate of health shall be updated at least annually upon review of the kennel license and the payment of the annual kennel license fee.
- (2) The licensee shall maintain a certificate signed by a licensed veterinarian that each dog in the kennel six months of age or older has a current rabies vaccination.
- (3) The licensee shall comply with the Town of Northbridge Leash Bylaw, § 8-102.
- (4) The licensed premises shall be subject to unannounced, annual inspections by the Animal Control Officer, or other agent as designated by the Town Manager, regarding compliance with the conditions of the kennel license.

E. Penalties and enforcement. The operation of a kennel without a license shall be a violation of this bylaw. Any violation of the conditions of a kennel license shall be grounds for suspension, revocation, or nonrenewal of the kennel license. The provisions of this article shall be enforced by the Animal Control Officer, or other agent as designated by the Town Manager. The penalties for violating the kennel licensing provision set forth herein shall be \$50 for the first offense and \$75 for each subsequent offense, each day of the violation constituting a separate offense.

F. Appeal and waiver.

- (1) Should a kennel license be denied because of the applicant's inability to meet the requirements of sufficient and suitable space, suitable distance from nearby residential dwellings, and suitable shelter for the dogs, as determined upon inspection by the Animal Control Officer, or other agent as designated by the Town Manager, the applicant may appeal the Town Clerk's denial to the Board of Selectmen, or their designee, within 30 days of receiving the denial.
- (2) The Board of Selectmen, or their designee, shall hold a hearing on said appeal within 45 days of receipt of the written notice of appeal.
- (3) Notice of the hearing shall be given by postage-prepaid first-class mail to the abutters of the proposed licensed premises, both to the property owner and any tenants, as appearing in the Board of Assessors' most recent list, and also shall be published in a newspaper of general circulation in the Town, at least 14 days prior to the date of the Board of Selectmen's, or their designee's, hearing. The applicant shall pay the expenses of giving said notice.
- (4) After hearing, the Board of Selectmen, or their designee, may waive strict compliance with the provisions set forth in Subsection D and order the Town Clerk to issue the license if:
 - (a) The Animal Control Officer, or other agent as designated by the Town Manager, recommends a waiver.

- (b) The Board of Selectmen, or their designee, determines that there is sufficient area for the keeping of the dogs and that the health and the safety of the public is protected.
- (c) In granting a waiver under this section, the Board of Selectmen, or their designee, may impose conditions on the waiver such that the health and the safety of the public is protected.

§ 8-113. Waste removal. [Added 10-25-2011 ATM, Art. 7¹]

- A. Duty to dispose. It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street, park or other public area.
- B. Duty to possess means of removal. No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog.
- C. Method of removal and disposal. For the purpose of this regulation, the means of removal shall be any tool, implement or other device carried for the purpose of picking up and containing such feces unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of human feces, specifically reserved for the disposal of canine feces or as otherwise designated as appropriate by the Board of Health.
- D. Fines or violation. Violation of this regulation shall be punished by a fine of \$50 for each occurrence.
- E. Exemption. This regulation shall not apply to a dog accompanying a handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this regulation.

§ 8-114. Banned or removed dogs. [Added 10-25-2011 ATM, Art. 7]

Dogs "banned" or "removed" from another town or municipality may not be relocated to or be permitted to be kept within the Town of Northbridge.

§ 8-115. Severability.

In the event that any provision or section of this section is deemed invalid and unenforceable, all other provisions shall remain in force and in effect.²

1. Editor's Note: This Article also redesignated former § 8-113, Severability, as § 8-115.

2. Editor's Note: Former § 8-114, Penalties, which immediately followed this section, was repealed 10-25-2011 ATM, Art. 7.

Chapter 9

CERTAIN CONDUCT REGULATED

SECTION 9-100: ADVERTISING AND SIGNS

- § 9-101.: Authorization to post handbills required.
- § 9-102.: Political signs.
- § 9-103.: Yard sale signs.
- § 9-104.: Real estate signs.

SECTION 9-200: PUBLIC CONSUMPTION/POSSESSION OF ALCOHOLIC BEVERAGES

- § 9-201.: Prohibited conduct.
- § 9-202.: Police action upon witnessing a violation.
- § 9-203.: Seizure.

SECTION 9-300: (RESERVED)

- § 9-301.: through § 9-307. (Reserved)

SECTION 9-400: DISPOSAL OF WASTE MATERIAL

- § 9-401.: Transporting waste from out of Town prohibited.
- § 9-402.: Prohibited refuse.
- § 9-403.: Approval of dump sites.
- § 9-404.: (Reserved)
- § 9-405.: Definitions.
- § 9-406.: Certain waste disposal prohibited.
- § 9-407.: Permit required; conditions; reimbursement of charges.

SECTION 9-500: LOITERING

- § 9-501.: Prohibited behavior.

SECTION 9-600: HAWKERS AND PEDDLERS

- § 9-601.: License required.
- § 9-602.: License fee.

SECTION 9-700: TRAILERS

- § 9-701.: Temporary permit required for residential trailers.
- § 9-702.: Temporary permit required for commercial trailers.
- § 9-703.: Violations and penalties.

SECTION 9-800: WELLS

- § 9-801.: Covering required.

SECTION 9-900: YARD SALES

- § 9-901.: Yard sale limitations.
- § 9-902.: Yard sale signs.
- § 9-903.: Violations and penalties.
- § 9-904.: Enforcing authority.

SECTION 9-1000: CONSTRUCTION

- § 9-1001.: Construction hours.

§ 9-1002:. Contractors' insurance certification.

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

SECTION 9-100:
ADVERTISING AND SIGNS

§ 9-101:. Authorization to post handbills required.

No person shall post, attach or in any manner affix any poster, banner, handbill, advertisement of any kind or nature whatsoever to, on or in any public or private property unless authorized in writing by the owner of such property to do so. The signatures of a majority of the members of the Board of Selectmen shall be required in the case of Town owned property.

§ 9-102:. Political signs. [Added 10-24-2006 ATM, Art. 23]

Political signs may be placed only on private property and only with the permission of the property owner.

§ 9-103:. Yard sale signs. [Added 10-24-2006 ATM, Art. 23]

Yard sale signs shall only be placed on private property and only with the permission of the property owner. Yard sale signs shall be removed no later than two days following the date of the yard sale. Yard sale sign shall not be allowed on public property or utility poles.

§ 9-104:. Real estate signs. [Added 10-24-2006 ATM, Art. 23]

Real estate signs shall not be placed on public property or utility poles.

SECTION 9-200:
PUBLIC CONSUMPTION/POSSESSION OF ALCOHOLIC BEVERAGES

§ 9-201:. Prohibited conduct. [Amended 10-24-2006 ATM, Art. 23]

No person shall consume any alcoholic beverage or have within the person's possession or control any container of alcoholic beverages which is open or has seals which have been broken while the person is in or upon any public way or private way to which the public has a right of access as invitees or licensees, park, playground or other public or private place without the consent of the owner or person in control of such place.

§ 9-202:. Police action upon witnessing a violation.

Any police officer witnessing a violation of this chapter shall have the power to arrest the violator without a warrant and shall bring the violator before the next session of the District Court with jurisdiction of the violation.

§ 9-203:. Seizure.

All alcoholic beverages being consumed or in the possession or control of any person in violation of this chapter shall be seized and safely held until final adjudication of the charge against the person or persons charged with violating this chapter, at which time they shall be delivered to the person or persons entitled thereto.

SECTION 9-300:
(RESERVED)¹

§ 9-301:. through § 9-307. (Reserved)

SECTION 9-400:
DISPOSAL OF WASTE MATERIAL

§ 9-401:. Transporting waste from out of Town prohibited. [Amended 10-25-2011 ATM, Art. 7]

No person shall bring any trash, rubbish, refuse, discarded materials, including tires, tree roots, bottles, cans, crates and waste or materials from demolished buildings or any other material whatsoever from without the Town limits into the Town of Northbridge for the purpose of depositing it in any area used or set aside as a public or private dump. This provision shall not apply to material delivered to a properly permitted regional recycling facility.

§ 9-402:. Prohibited refuse.

- A. No person shall deposit in any dump, public or private, any animal carcasses or other material which shall become a breeding place for rodents, flies or vermin. Likewise, no person shall deposit in any dump, public or private, any material which, by odor, dust, putrefaction or otherwise, shall be deemed to be obnoxious material by the Board of Health, unless otherwise authorized to do so by the Board of Health.
- B. To the extent permitted by law, no new building or facility or part thereof shall be constructed or used, and no premises shall be used, and no building or facility or part thereof shall be altered, enlarged, expanded, reconstructed or used for the purpose of processing, storing, transferring, or staging, as principal uses, of infectious waste or physically dangerous medical or biological waste, as defined by the Commonwealth of

1. Editor's Note: Former Section 9-300, Hate-Based Offenses and Civil Rights Violations, was repealed 10-25-2011 ATM, Art. 7.

Massachusetts Department of Environmental Protection Regulation 310 CMR 16.00, 310 CMR 19.00 and the Department of Public Health, State Sanitary Code 105 CMR 480.000. [Added 1-21-2003 STM, Art. 13]

§ 9-403:. Approval of dump sites.

No person shall use a dumping area for the disposal of rubbish, trash or refuse, including discarded materials as set forth in § 9-401, unless the area is approved as a dumping site pursuant to provisions of MGL c. 111, § 150A.

§ 9-404:. (Reserved) ²

§ 9-405:. Definitions.

Words or phrases used in the foregoing sections shall be understood to carry the meanings set forth in any legal precedents defining the same and shall be subject to discretionary standards of interpretation.

§ 9-406:. Certain waste disposal prohibited.

The disposal of solid waste or hazardous waste by means of incineration, resource recovery or any other burning method shall be prohibited within the Town of Northbridge.

§ 9-407:. Permit required; conditions; reimbursement of charges.

- A. No person shall remove or transfer garbage, offal or other offensive substances without first obtaining a permit from the Board of Health in accordance with MGL c. 111, § 31A.³

SECTION 9-500:
LOITERING

§ 9-501:. Prohibited behavior.

No person shall loiter, saunter or continue to sit or stand in any street, public place, public building or any property not his own or under his control so as to obstruct or impede the free passage of or in any manner annoy or disturb any other person after having been directed by a police officer to move on.

2. Editor's Note: Former § 9-404, Deposit of refuse by nonresidents, was repealed 10-24-2006 ATM, Art. 23.

3. Editor's Note: Former Subsections B and C, which immediately followed and required transportation of garbage to the Wheelabrator Millbury Facility and the reimbursement of charges incurred in connection with disposal at said facility, were repealed 10-24-2006 ATM, Art. 23.

SECTION 9-600:
HAWKERS AND PEDDLERS

§ 9-601:. License required. ⁴

No person shall sell any goods, wares or merchandise by public auction or otherwise in a street or sidewalk in such manner as to assemble more than five persons together, without first obtaining a license from the Board of Selectmen.

§ 9-602:. License fee. [Amended 10-25-2011 ATM, Art. 7]

The fee for the license required by this chapter shall be \$50.

SECTION 9-700:
TRAILERS
[Amended 10-25-2011 ATM, Art. 7]

§ 9-701:. Temporary permit required for residential trailers.

All owners or persons in control of a house trailer must obtain a temporary permit from the Building Inspector prior to said trailer being occupied by any person.

§ 9-702:. Temporary permit required for commercial trailers.

All owners or persons in control of a commercial trailer being used for construction, food service, office or similar commercial purposes in Northbridge must obtain a temporary permit from the Building Inspector prior to said trailer being occupied by any person.

§ 9-703:. Violations and penalties.

The penalty for violation of §§ 9-701 and 9-702 shall be \$50, and each day a trailer is occupied without a temporary permit shall be a separate offense.

SECTION 9-800:
WELLS

§ 9-801:. Covering required.

Any owner of land whereon is located an abandoned well or a well in use shall either provide a covering for said well capable of sustaining a weight of 300 pounds or fill said well to the level of the ground. The penalty for violation of this section shall be not less than \$300 nor more than \$500.

4. Editor's Note: See Ch. 7, Regulations Governing the Use of Private Property, § 7-500, Regulation of Solicitors and Peddlers.

SECTION 9-900:
YARD SALES
[Added 10-24-2006 ATM, Art. 23]

§ 9-901:. Yard sale limitations.

No property owner shall conduct or allow a yard sale on his property on more than four days per calendar year.

§ 9-902:. Yard sale signs.

Yard sale signs shall only be placed on private property and only with the permission of the property owner. Yard sale signs shall be removed no later than two days following the date of the yard sale. Yard sale signs shall not be allowed on public property or utility poles.

§ 9-903:. Violations and penalties.

The penalty for the first violation is a written warning. The penalty for each other violation is \$50.

§ 9-904:. Enforcing authority.

The enforcing authority shall be the Northbridge Police Department.

SECTION 9-1000:
CONSTRUCTION
[Added 10-24-2006 ATM, Art. 23]

§ 9-1001:. Construction hours. [Amended 10-25-2011 ATM, Art. 7]

No construction, demolition, paving, alteration of buildings, excavation, loading or unloading of equipment or building materials, including idling trucks, shall be conducted between the hours of 6:00 p.m. and 7:00 a.m., unless approved by the Building Inspector in advance. There shall be no work conducted on Sundays and all holidays unless permission has been issued by the Building Inspector, and a one-day notification to the Building Inspector is required. Violation of this bylaw shall be subject to a fine of \$100 for each violation. This bylaw shall be enforced through noncriminal disposition by the Building Inspector or any police officer of the Town of Northbridge. This bylaw shall not apply to any public safety emergency activities or to homeowners doing work on their residences. A cease and desist order is not required for the first offense.

§ 9-1002:. Contractors' insurance certification.

All general contractors, design firms, and all subcontractors shall submit to the permit granting authority a copy of their updated insurance certification before any permit shall be granted. All insurance documentation shall be held on file at said office for the duration of their work or contract and for no less than 120 days past completion of any and all work.

Chapter 10

PUBLIC WORKS

SECTION 10-100: SEWERS

- § 10-101. Permission required to connect to sewers or storm drains.
- § 10-102. Sewer connections required when possible.
- § 10-103. Common sewers.

SECTION 10-200: TREE REPLACEMENT

- § 10-201. Tree replacement formula.
- § 10-202. Period for replacement.
- § 10-203. Replacement by private parties.
- § 10-204. Annual report.

SECTION 10-300: WATER USE RESTRICTIONS [Added 6-11-2002 ATM, Art. 9]

- § 10-301. Authority.
- § 10-302. Purpose.
- § 10-303. Definitions.
- § 10-304. Declaration of a state of water supply conservation.
- § 10-305. Restricted water uses.
- § 10-306. Public notification of a state of water supply conservation; notification of DEP.
- § 10-307. Termination of a state of water supply conservation; notice.
- § 10-308. State of water supply emergency; compliance with DEP orders.
- § 10-309. Penalties.
- § 10-310. Severability.

SECTION 10-400: ILLEGAL DISCHARGES AND STORMWATER CONNECTIONS [Added 10-25-2005 ATM, Art. 10]

- § 10-401. Purpose/intent.
- § 10-402. Definitions.
- § 10-403. Applicability.
- § 10-404. Responsibility for administration.
- § 10-405. Severability.
- § 10-406. Ultimate responsibility.
- § 10-407. Discharge prohibitions.
- § 10-408. Suspension of MS4 access.
- § 10-409. Industrial or construction activity discharges.
- § 10-410. Monitoring of discharges.
- § 10-411. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.
- § 10-412. Watercourse protection.
- § 10-413. Notification of spills.
- § 10-414. Enforcement.
- § 10-415. Appeal of notice of violation.
- § 10-416. Enforcement measures after appeal.
- § 10-417. Cost of abatement of the violation.
- § 10-418. Injunctive relief.
- § 10-419. Compensatory action.
- § 10-420. Violations deemed a public nuisance.
- § 10-421. Prosecution of violations.
- § 10-422. Remedies not exclusive.

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

SECTION 10-100: SEWERS

§ 10-101. Permission required to connect to sewers or storm drains.

No person shall allow his vault or house or stable drain to drain into any sewer or storm drain, until first obtaining from the proper authorities permission in writing to do so.

§ 10-102. Sewer connections required when possible.

The sewerage of every building shall be connected with the public sewer when such sewer is located in a street, way or other land adjacent to the lot on which the building is located, if the sewer is so located as to take the sewage therefrom. If the public sewer becomes available after a residence has been constructed and a private waste water treatment system installed the connection to the public sewer shall be made within two years, or at the time of any transfer of title to the property, if sooner. The time for connection shall be extended for up to five years in cases where a new on site septic system has been installed, provided a Title V certificate of compliance has been issued and the system remains in satisfactory condition. The Board of Health may, after a public hearing and for good cause shown, extend the time for compliance.

§ 10-103.¹ Common sewers. [Added 2-23-1999 STM, Art. 2]

Any sewer or drain laid in any land or way, public or private, opened or proposed to be opened for public travel, shall be a common sewer, and it shall not be laid or connected with any existing common sewer unless authorized by the Board of Selectmen or its designee. The penalty for violation of this section shall be as set forth in § 1-109 of the Northbridge Code of Bylaws.

SECTION 10-200: TREE REPLACEMENT

§ 10-201. Tree replacement formula.

All town-owned trees, those being all trees wholly or partially located on property owned by the Town of Northbridge or located wholly or partially within the layout of any public way, in the event of their permanent removal for any reason, shall be replaced according to the following formula: The replacement of town-owned trees shall occur at a ratio of one tree replacement for each tree removed.

¹ Editor's Note: Former § 10-103, Removal of septic tank and cesspool material, was repealed 10-24-2006 ATM, Art. 23. Said Article also renumbered former § 10-104 as § 10-103,

§ 10-202. Period for replacement.

Such replacement shall be accomplished by the Department of Public Works within a ninety-day period, weather permitting. Regardless of circumstances, replacement shall take no longer than 12 months.

§ 10-203. Replacement by private parties.

Private parties who remove town-owned trees shall replace them at their own expense according to the above formula and time frame. The Department of Public Works shall determine planting sites for the replacement trees.

§ 10-204. Annual report.

The Department of Public Works shall report to the Town annually on the number and size of the trees which were removed and the number and size of replacement trees planted.

SECTION 10-300: WATER USE RESTRICTIONS
[Added 6-11-2002 ATM, Art. 9]

§ 10-301. Authority.

This bylaw is adopted by the Town under its police powers to protect public health and welfare and its powers under M.G.L. c. 40, §§ 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, § 69B. This bylaw also implements the Town's authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

§ 10-302. Purpose.

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a state of water supply conservation or state of water supply emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

§ 10-303. Definitions.

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

PERSON — Any individual, corporation, trust, partnership or association, or other entity.

STATE OF WATER SUPPLY EMERGENCY — A state of water supply emergency declared by the Department of Environmental Protection under M.G.L. c. 21G, § 15-17.

STATE OF WATER SUPPLY CONSERVATION — A state of water supply conservation declared by the Town pursuant to § 10-304 of this bylaw.

WATER USERS or WATER CONSUMERS — All public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

§ 10-304. Declaration of a state of water supply conservation.

The Town, through its Board of Selectmen, may declare a state of water supply conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a state of water conservation shall be given under § 10-306 of this bylaw before it may be enforced.

§ 10-305. Restricted water uses.

A declaration of a state of water supply conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 10-306.

- A. Odd/even day outdoor watering. Outdoor watering by water users with odd-numbered addresses is restricted to odd-numbered days. Outdoor watering by water users with even-numbered addresses is restricted to even-numbered days.
- B. Outdoor watering ban. Outdoor watering is prohibited.
- C. Outdoor watering hours. Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a state of water supply conservation and public notice thereof.
- D. Filling swimming pools. Filling of swimming pools is prohibited.
- E. Automatic sprinkler use. The use of automatic sprinkler systems is prohibited.

§ 10-306. Public notification of a state of water supply conservation; notification of DEP.

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a state of water supply conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the state of water supply conservation. Any restriction imposed under § 10-305 shall not be effective until such notification is provided. Notification of the state of water supply conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

§ 10-307. Termination of a state of water supply conservation; notice.

A state of water supply conservation may be terminated by a majority vote of the Board of Selectmen, upon a determination that the water supply shortage no longer exists. Public

notification of the termination of a state of water supply conservation shall be given in the same manner required by § 10-306.

§ 10-308. State of water supply emergency; compliance with DEP orders.

Upon notification to the public that the Department of Environmental Protection has issued a declaration of a state of water supply emergency, no person shall violate any provision, restriction, requirement, or condition of any order approved or issued by the Department intended to bring about an end to the state of emergency.

§ 10-309. Penalties.

Any person violating this bylaw shall be liable to the Town in the amount of \$50 for the first violation and \$100 for each subsequent violation which shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by noncriminal disposition in accordance with Section 21 D of Chapter 40 of the General Laws and § 1-109 of the Code of the Town of Northbridge. Each day of violation shall constitute a separate offense.

§ 10-310. Severability.

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

SECTION 10-400: ILLEGAL DISCHARGES AND
STORMWATER CONNECTIONS
[Added 10-25-2005 ATM, Art. 10]

§ 10-401. Purpose/intent.

The purpose of this bylaw is to provide for the health, safety, and general welfare of the citizens of the Town of Northbridge through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This bylaw establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this bylaw are:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- B. To prohibit illicit connections and illegal discharges to the municipal separate storm sewer system.
- C. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this bylaw.

§ 10-402. Definitions.

For the purposes of this bylaw, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY — Means the Department of Public Works and its employees or agents designated by the Director of Public Works to enforce this bylaw.

BEST MANAGEMENT PRACTICES (BMPS) — Means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT — Means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Means activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DISCHARGE OF POLLUTANTS — Means the addition from any source of any pollutants or combination of pollutants into the municipal storm drainage system or into waters of the United States from any source.

GROUNDWATER — Means water beneath the surface of the ground.

HAZARDOUS MATERIALS — Means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL DISCHARGE — Means any direct or indirect non-stormwater discharge to the municipal storm drainage system, except as exempted in § 10-407 of this bylaw.

ILLICIT CONNECTIONS — An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the municipal storm drainage system and any connections to the municipal storm drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved before the effective date of this bylaw, or

Any drain or conveyance connected from a commercial or industrial land use to the municipal storm drainage system, which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY — Means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

MUNICIPAL AUTHORITY — Means the Northbridge Board of Selectmen.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAINAGE SYSTEM — Means any facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT — Means a permit issued by the United States Environmental Protection Agency (EPA) or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORMWATER DISCHARGE — Means any discharge to the storm drain system that is not composed entirely of stormwater.

PERSON — Means any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and any officer, employee or agent of such person.

POLLUTANT — Means anything, which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that the same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES — Means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

STORMWATER — Means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER POLLUTION PREVENTION PLAN — Means a document, which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

SURFACE WATER DISCHARGE PERMIT — Means a permit issued by the Massachusetts Department of Environmental Protection pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

WASTEWATER — Means any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning, or processing comes into direct contact

with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

WATERCOURSE — Means a natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

Other terms used in this bylaw and not specifically defined herein shall have the meaning set forth in the Clean Water Act.

§ 10-403. Applicability.

This bylaw shall apply to all water entering the municipal storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 10-404. Responsibility for administration.

The Town of Northbridge Department of Public Works shall administer, implement, and enforce the provisions of this bylaw. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of Public Works to persons or entities acting in the beneficial interest of or in the employ of the Department.

§ 10-405. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

§ 10-406. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this bylaw are minimum standards; therefore, this bylaw does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

§ 10-407. Discharge prohibitions.

Prohibition of illegal discharges.

No person shall discharge or cause to be discharged into the municipal storm drainage system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct, or continuance of any illegal discharge to the municipal storm drainage system is prohibited except as described as follows:

- A. The following discharges are exempt from discharge prohibitions established by this bylaw: water line flushing; flow from potable water sources; landscape irrigation or lawn watering; diverted stream flows; rising groundwater; uncontaminated groundwater infiltration to storm drains or uncontaminated pumped groundwater, water from foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation; springs; non-commercial washing of vehicles; natural riparian habitat or wetland flows, swimming pools (if dechlorinated: typically less than one PPM chlorine), fire-fighting activities, and any other water source not containing pollutants.
- B. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- C. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- D. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the municipal storm drainage system.

Prohibition of illicit connections.

- A. The construction, use, maintenance, or continued existence of illicit connections to the municipal storm drainage system is prohibited.
- B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C. A person is considered to be in violation of this bylaw if the person connects a line conveying sewage to the municipal storm drainage system, or allows such a connection to continue.

§ 10-408. Suspension of MS4 access.

Suspension due to illegal discharges in emergency situations.

The Department of Public Works may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If a person fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

Suspension due to the detection of illegal discharge.

Any person discharging to the MS4 in violation of this bylaw may have his MS4 access terminated if such termination would abate or reduce an illegal discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency.

§ 10-409. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Department of Public Works prior to the allowing of discharges to the MS4.

§ 10-410. Monitoring of discharges.

- A. Applicability. This subsection applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- B. Access to facilities.
 - (1) To the extent permitted by law, the Department of Public Works shall be permitted to enter and inspect facilities subject to regulation under this bylaw as often as may be necessary to determine compliance with this bylaw. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
 - (2) Facility operators shall allow the Department of Public Works ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
 - (3) The Department of Public Works shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The Department of Public Works has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or

oral request of the Department of Public Works and shall not be replaced. The costs of clearing such access shall be borne by the operator.

- (6) Unreasonable delays in allowing the Department of Public Works access to a permitted facility shall be a violation of a surface water discharge permit and of this bylaw. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this bylaw.
- (7) If the Department of Public Works has been refused access to any part of the premises from which stormwater is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this bylaw, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this bylaw or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

§ 10-411. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The Department of Public Works will adopt requirements identifying best management practices for any activity, operation, or facility, which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal storm drainage system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

§ 10-412. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

§ 10-413. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the municipal storm drainage system, or waters of the United States said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies (including the Northbridge Police and Fire Departments) of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Department of Public Works within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 10-414. Enforcement.**A. Notice of violation.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this bylaw. The Department of Public Works and its employees and agents designated by the Director of Public Works shall enforce this bylaw. Whenever the Department of Public Works finds that a person has violated a prohibition or failed to meet a requirement of this bylaw, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or restoration must be completed. Said notice shall further advise that, should the violator fail to abate or restore within the established deadline, the Town of Northbridge may, at its option, undertake the work and the expense thereof shall be charged to the violator.

§ 10-415. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency to the Northbridge Board of Selectmen. The notice of appeal must be received within 10 calendar days from the date of the notice of violation. A hearing on the appeal before the Board of Selectmen shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Northbridge Board of Selectmen shall be final.

§ 10-416. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 calendar days of the decision of the Northbridge Board of Selectmen upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency may, to the extent permitted by law, enter upon the subject property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

§ 10-417. Cost of abatement of the violation.

Within 15 calendar days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs, which cost shall be assessed to the owner. The property owner may file with the Board of Selectmen, a written protest objecting to the amount of the assessment within 10 calendar days. If the amount due is not paid by the expiration of the time in which to file a protest or, if a protest is filed, within 10 calendar days after the decision of the Board of Selectmen upholding, in whole or in part, the amount of the cost, the cost shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. The cost shall be paid in not more than 12 equal payments. Interest at the statutory rate provided in MGL c. 59, § 57 shall be assessed on the balance beginning on the 31st day after the cost first becomes due.

§ 10-418. Injunctive relief.

If a person has violated or continues to violate the provisions of this bylaw, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities, which would create further violations, or compelling the person to perform abatement or remediation of the violation.

§ 10-419. Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this bylaw, the authorized enforcement agency may impose upon violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

§ 10-420. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this bylaw is deemed to be a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and a civil action to abate, enjoin, or otherwise compel the cessation of, such nuisance may be taken by the authorized enforcement agency.

§ 10-421. Prosecution of violations.

Any person that has violated or continues to violate this bylaw shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a penalty of \$500 per violation per day. The authorized enforcement agency may recover all attorney's fees, court costs and other expenses associated with enforcement of this bylaw, including sampling and monitoring expenses. Notwithstanding the foregoing, the Town may choose to employ the "noncriminal" remedies detailed on § 1-109 of this Code of Bylaws.

§ 10-422. Remedies not exclusive.

The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Chapter A232

EFFECT ON PREEXISTING ACTIONS

Section 1. The provisions of the 1997 Code of Bylaws, so far as they are the same as those of existing bylaws, shall be construed as a continuation of such bylaws and not as new enactments, and references in such bylaws not repealed to provisions of law which are revised and reenacted herein shall be construed as applying to such provisions as so incorporated in the 1997 Code of Bylaws.

Section 2. The repeal by adoption of this vote shall not revive any bylaw heretofore repealed or superseded, nor any office heretofore abolished.

Section 3. The repeal by adoption of this vote shall not affect any act done, or any right accrued or established, or any proceedings, doings or acts ratified or confirmed, or any suit or proceeding had or commenced in a civil case, before the repeal takes effect, but the proceedings therein shall when necessary conform with the 1997 Code of Bylaws.

Section 4. The repeal by adoption of this vote shall not affect any penalty or forfeiture incurred before it takes effect, under any of the bylaws repealed, except that where a punishment, penalty or forfeiture is mitigated by the 1997 Code of Bylaws, such provision may be extended and applied to any judgment pronounced after said repeal.

Section 5. The repeal by adoption of this vote shall not affect any suit or prosecution pending at the time of the repeal for an offense committed, or for the recovery of a penalty or forfeiture incurred, under any of the bylaws repealed, except that the proceedings therein shall when necessary conform to the provisions of the 1997 Code of Bylaws.

Section 6. Every person who, at the time when said repeal takes effect, holds an office under any of the bylaws repealed, shall continue to hold such office according to the tenure thereof, unless such office is abolished, or unless a different provision relative thereto is made in the 1997 Code of Bylaws.

Section 7. When a limitation or period of time prescribed in any of the bylaws repealed, for acquiring a right, or barring a remedy, or any other purpose, has begun to run, and the same or a similar limitation is prescribed in the 1997 Code of Bylaws, the time of limitation shall continue to run and shall have like effect as if the whole period had begun and ended under the operation of the 1997 Code of Bylaws.

Section 8. The bylaws and parts of bylaws specified in the annexed schedule shall be expressly repealed from and after the thirty-first day following the date on which the Attorney General of the Commonwealth acts upon this 1997 Code of Bylaws as required by Section 32 of chapter

NORTHBRIDGE CODE

40 of the General Laws, subject to all of the provision of section seven, above; but no implication shall be drawn from such repeal that said bylaws and parts of bylaws repealed were in force until so repealed.

EXISTING BYLAWS TO BE RESCINDED IN THE CODE OF BYLAWS TOWN OF NORTHBRIDGE

| Chapter and Section | Title of Chapter and Section |
|----------------------------|---|
| C.8, § 4 | Printing and Distribution of Town Report |
| C.13, § 1 | Water Study Committee |
| C.13, § 2 | School Building Committee |
| C.13, §§ 9-10 | Master Plan Update Committee |
| C.13, § 13 | Charter implementation Committee |
| C.41, § 8 | Limit on Amendments to a Motion |
| C.18 | Elsa Mason Trust Fund |
| C.51 | Adult Entertainment |
| C.144, §§ 7-8 | Annual Establishment of User Charge Rates |
| C.147 | Smoking |
| C.151, § 1 | Board of Road Commissioners |
| C.151, § 9 | Playing Games and Throwing Objects Prohibited |
| C.151, § 14 | Transporting of Certain Substances Restricted |
| C.151, § 15 | Spilling or Blowing of Substances from Vehicles |
| C.163, § 6 | General Speed Limit Restriction |
| C.167, § 4 | Corner Lots |

Chapter A233

GENERAL LAWS AND SPECIAL ACTS

§ A233-1. List of General Laws and Special Acts.

The following is a listing of General Laws and Special Acts accepted by the Town of Northbridge:

§ A233-1. List of General Laws and Special Acts.

| Date Accepted | Statutory Reference | Subject |
|---------------|--|--|
| 2-9-1937 | MGL C. 40, §§ 42A-42f | Water purchases |
| 6-7-1948 | MGL C. 121, § 26K, as amended by Ch. 574 of the Acts of 1946 | Housing Authority established |
| 2-14-1956 | MGL C. 41, § 81A | Planning Board established |
| 2-5-1957 | MGL C. 32B, § 10 | Contributory group general or blanket insurance |
| 2-5-1957 | MGL C. 85, § 11A | Registration of bicycles |
| 2-3-1959 | MGL C. 41, § 38A | Collector of Taxes |
| 2-10-1959 | MGL C. 40, § 8A | Industrial Development Commission established |
| 3-7-1961 | Ch. 647 of the Acts of 1960 | Pensions and retirement allowances increased |
| 3-12-1963 | Ch. 782 of the Acts of 1962 | Authorizing Road Commissioners to reconstruct Benson Road |
| 3-12-1963 | MGL C. 40, §§ 42G — 42I | Water Department established |
| 3-10-1964 | Ch. 478, Acts of 1963 | Pensions and retirement allowances raised |
| 3-2-1965 | MGL C. 40, § 6C | Appropriations for ice and snow removal |
| 3-8-1966 | MGL C. 40, § 8C | Conservation Commission established |
| 3-8-1966 | MGL C. 40, § 8D | Historical Commission established |
| 3-8-1966 | MGL C. 40B | Membership in Central Massachusetts Regional Planning District |
| 3-8-1966 | MGL C. 48, § 57F | Police Chief holiday pay |
| 3-12-1968 | MGL C. 40, § 8C | Increase in Conservation Commission membership |
| 3-12-1968 | MGL C. 90, § 18a | Pedestrian traffic control |
| 4-9-1974 | MGL C. 90, § 20C | Parking violations |
| 9-3-1974 | MGL C. 40, § 8E | Youth Commission established |

| Date Accepted | Statutory Reference | Subject |
|----------------------|--|--|
| 5-13-1975 | MGL C. 40, § 8G | Mutual aid agreements for police services |
| 5-8-1979 | MGL C. 152, §§ 68 — 75 | Inclusion of members of Fire and Police Departments as laborers, workmen and mechanics |
| 5-13-1980 | MGL C. 53, § 9A | Nomination papers |
| 5-20-1980 | Laws of 1980, Ch. 492 | Recall and removal elections |
| 7-31-1980 | MGL C. 32B, § 7A | Town to pay over 50% of employee life and health insurance |
| 5-12-1981 | MGL C. 71, § 71E | School Committee revolving account |
| 10-20-1981 | MGL C. 90, §§ 20A, 20C, 20D and 20E | Local enforcement of parking regulations |
| 10-20-1981 | MGL C. 83, §§ 16A — 16F | Sewer liens |
| 5-11-1982 | Ch. 743, Acts of 1981 | Real estate tax exemptions |
| 9-21-1982 | MGL C. 71, § 71F | Account established for money received from nonresident students |
| 10-25-1983 | MGL C. 60A, § 1, Paragraph 5 | Motor vehicle excise tax exemption for prisoners of war |
| 5-13-1986 | MGL C. 71, § 40, as amended by Ch. 188 of the Acts of 1985 | Teacher salaries increased |
| 1-26-1988 | MGL C. 40, § 4G | Bid requirements raised |
| 5-3-1988 | Ch. 236, Acts of 1987 | Expenditure of subdivision bonds or deposits without further appropriation by town |
| 9-27-1988 | MGL C. 59, § 5, Clause 17D | Real property tax exemption for surviving spouse, aged person or minor |
| 9-27-1988 | MGL C. 59, § 5, Clause 41B | Tax exemption for elderly |
| 3-21-1989 | MGL C. 140, § 147A | Authorization to retain fees collected from sale of dog licenses or received as fines |
| 1-23-1990 | MGL C. 262, § 34, Clauses 1-79 | Town Clerk's fees |
| 5-1-1990 | MGL C. 40, § 15A | Transfer of land; procedure |
| 11-27-1990 | MGL C. 32, § 22D | Establishment of certain options for governmental units in the pension area |
| 4-2-1991 | Ch. 291, Acts of 1990 | Enhanced 911 service |
| 4-2-1991 | MGL C. 70A, § 5, as inserted by Ch. 188, Acts of 1985 | Northbridge School Committee to apply for and accept the Equal Education Opportunity Grant funding |
| 4-2-1991 | Ch. 39, Acts of 1991 | Tax Collector and Town Treasurer to be appointed positions |

| Date Accepted | Statutory Reference | Subject |
|----------------------|---|---|
| 4-2-1991 | Ch. 22, Acts of 1991 | Question to appear on ballot at next annual town election to accept Charter, 1989 report of Charter Commission declared optional Charter |
| 5-7-1991 | MGL C. 70A, § 5, as inserted by Ch. 188, Acts of 1985 | Northbridge School Committee to apply for and accept the Equal Education Opportunity Grant funding |
| 5-7-1991 | MGL C. 44, § 53E1/2 | Revolving account for the Northbridge Recycling Committee |
| 5-7-1991 | Ch. 653, § 41, Acts of 1989 | Assess quarterly bills for real estate and personal property taxes |
| 5-7-1991 | Ch. 653, § 40, Acts of 1989 | Board of Assessors authorized to tax new construction up to June 30 instead of January 1 to become effective no later than January 1, 1992 (fiscal year 1993) |
| 5-7-1991 | Ch. 583, § 4, Acts of 1973 | Withdrawal from the Central Massachusetts Mosquito Control Project |
| 12-10-1991 | MGL C. 70A, § 5, as inserted by Ch. 188, Acts of 1985 | Blackstone Valley Vocational Regional School District Committee to accept Equal Educational Grant for fiscal year 1992 |
| 1-25-1992 | MGL C. 59, § 5, Clause 41C | Board of Assessors to grant property tax exemption for property owners 70 years or older who meet certain income and asset criteria |
| 5-5-1992 | MGL C. 44, § 53F 1/2 | Authorizing sanitary sewer enterprise fund for fiscal year 1993 — 1994 |
| 5-5-1992 | MGL C. 70A, § 5, inserted by Ch. 188, Acts of 1985 | Blackstone Valley Vocational Regional School District Committee to accept Equal Educational Opportunity Grant for fiscal year 1993 |
| 5-5-1992 | MGL C. 40, § 22F, as inserted by Ch. 138, § 123, Acts of 1991 | Allows any town board or officer empowered to issue a license, permit, certificate or render a service or perform work for a person or class of persons to, from time to time, fix reasonable fees for such items or services |
| 5-5-1992 | MGL C. 44, § 53E | Permitting of appropriation for the annual ordinary costs to be offset by estimated receipts from fees |
| 10-13-1992 | MGL C. 270, § 16 | Disposal of rubbish and other materials in unlawful places, with the Board of Health to be the enforcing officer |

| Date Accepted | Statutory Reference | Subject |
|----------------------|---|--|
| 10-26-1993 | MGL C. 32B, § 18 | All retirees, their spouses and dependents enrolled in Medicare Part A to be covered at no cost by Medicare Health Benefits Supplement Plan |
| 10-26-1993 | MGL C. 32, § 90G 3/4, as inserted by Ch. 254, § 3 | Members of the retirement system have the option of having salary and years of service after age 70 count toward their pension by continuing retirement deductions from their post-age-70 salary |
| 5-3-1994 | Ch. 481 of the Acts of 1993 | Allowing a licensed victualler to also sell liquors and cordials pursuant to said license |
| 10-18-1994 | MGL C. 83, §§ 16A — 16F | Collection of sanitary sewer charges |
| 5-2-1995 | MGL C. 32B, § 9E | Allowing town to pay hospital, surgical, medical, dental and other health insurance for employees retired from service of the town |
| 5-5-1998 | MGL C. 44, § 53F 1/2 | Authorizing a Water Enterprise Fund effective FY 2000 |
| 5-5-1998 | MGL C. 32, § 103 | Authority to grant cost-of-living adjustment to public pension retirees in Northbridge retirement system |
| 11-10-1998 | Ch. 194, § 288, of the Acts of 1998 | Authorizes the town to pay increased retirement benefits to certain retirees retired prior to 1-12-1988 |
| 5-4-1999 | MGL C. 32, § 103(h) | Relative to the authority to grant cost-of-living adjustments to noncontributory retirees |
| 5-4-1999 | MGL c. 32B, § 9D 1/2 | Authorizing the town to contribute more than 50% of the premiums payable by the surviving spouse of an employee or retired employee for group general or blanket hospital, surgical, medical, dental or other health insurance |
| 5-2-2000 | MGL c. 32, § 103(i) | Cost-of-living increases in retirement allowances |
| 6-8-2004 | MGL c. 71, § 71E | Appropriations for and expenditure of receipts from adult education and continuing education programs |
| 5-2-2006 | MGL c. 32, § 7(e) | Disability retirement benefits for veterans |

| Date Accepted | Statutory Reference | Subject |
|----------------------|---|--|
| 6-12-2007 | Ch. 260, § 12, of the Acts of 2006 | Deferment of taxes for National Guard members or reservists while on active service outside the commonwealth and for 180 days after said service with no interest or penalties assessed for any period before the expiration of those 180 days |
| 10-23-2007 | MGL c. 59, § 5K | Allows Selectmen to establish a program whereby property owners over the age of 60 on July 1 of any year may provide volunteer service to the Town, at the state minimum wage, in exchange for a reduction in their real estate tax bills of up to \$750 per fiscal year |
| 5-6-2008 | MGL c. 43D | Approve filing of application with Interagency Permitting Board for designation of priority development site |
| 10-27-2009 | MGL c. 60, § 15 | Authorizing Town to charge for each written demand issued by the Collector a fee of \$25, to be added to and collected as part of the tax. |
| 5-4-2010 | Ch. 137, Acts of 2003, as amended by Ch. 77, Acts of 2005, and by Ch. 182, § 77, Acts of 2008 | Payment of regular base salary of eligible public employees granted a military leave of absence (effective 7-1-2010) |
| 10-26-2010 | MGL c. 32B, § 20 | Other Post-Employment Benefits Liability Trust Fund |
| 5-3-2011 | MGL c. 138, § 33B | Licensing authority may authorize licensees to sell alcoholic beverages between 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and Christmas |
| 10-23-2012 | MGL c. 59, § 5, Clause 54 | Allowing the Town to establish a minimum fair cash value required for personal property accounts to be taxed, and to establish the minimum amount of \$3,000, effective as of FY 2014 |
| 1-9-2013 | Ch. 438 of the Acts of 2012 | Establishing a Building Maintenance Fund in the Town of Northbridge |

| Date Accepted | Statutory Reference | Subject |
|----------------------|----------------------------|---|
| 5-7-2013 | MGL c. 59, § 5N | Authorizing the Board of Selectmen to establish a program to allow veterans to volunteer services to the Town in exchange for a reduction in real property tax obligations, and allowing an approved representative for persons physically unable to provide such services, and allowing the maximum reduction in the tax bill to be based on 125 volunteer hours in a given year |

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